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ARTICLE I

TITLE, PURPOSE, ADOPTION AND APPLICATION

101 TITLE

This Resolution shall be known as and shall be cited and referred to as the "Zoning Resolution of Walnut Township, Fairfield County, Ohio".

102 PURPOSE

This Resolution is enacted in accordance with the Ohio Revised Code, Section 519.01 et seq.*

*519.01 Township Trustees may regulate building and land use in unincorporated territory for public purposes. For the purpose of promoting the public health, safety, and morals, the Board of Township Trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer, coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the Board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in any district or zone may differ from those in other districts or zones.

103 ADOPTION AND EFFECTIVE DATE

This Resolution shall become effective upon approval by the Walnut Township Zoning Commission and the Walnut Township Board of Trustees as set forth in Section 519.12 of the Ohio Revised Code. Upon adoption of this Resolution all previous zoning resolutions now in effect shall be deemed to be repealed.

104 INTERPRETATION AND APPLICATION

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed by other provisions of law, or by other rules or regulations or resolutions, the provisions of this Resolution shall control.

It is not intended by this Resolution to interfere with, abrogate, or annul any easements, covenants or other agreements between parties which do not violate this Resolution.

Where any specific provisions of this Resolution conflict, or conflicts with any other lawfully adopted rules, regulations, or resolutions, the most restrictive or those imposing a higher standard shall apply.

105 SEPARABILITY CLAUSE

The invalidation of any clause, sentence, paragraph or section of this Resolution by a court of competent jurisdiction shall not effect the validity of the remainder of this Resolution either in whole or in part.

ARTICLE II EXEMPTIONS AND LIMITATIONS

201 AGRICULTURE EXEMPTED

- A. Except as otherwise provided in division (B) of this section, Sections 519.02 to 519.25 of the Ohio Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vending and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.
- B. A township zoning resolution, or an amendment to such resolution, may, for any platted subdivision approved under Sections 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 (711.13.1) of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:
1. Agriculture on lots of one acre or less.
 2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines, height, and size.
 3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvements that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Revised Code.

Division (B) of this section confers no power on any township zoning commission, board of township trustees or board of zoning appeals to regulate agriculture, buildings

or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

- C. Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in Section 519.02 of the Ohio Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, setback building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

202 PUBLIC UTILITIES AND RAILROADS

Such sections confer no power on any board of township trustees or board of zoning appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business

203 RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES

Such sections confer no power on any board of county commissioners, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

204 OIL AND GAS DRILLING

Such sections do not confer any power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

205 OUTDOOR ADVERTISING

Outdoor advertising classified as business use-For the purpose of Sections 519.02 through 519.25, inclusive, of the Ohio Revised Code, outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes.

206 SUBMISSION TO THE DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three hundred feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the director of the Ohio Department of Transportation or any land within a radius of five hundred feet from the point of intersection of said centerline with any public road or highway, the zoning inspector shall give notice, by registered mail, to the director, and he shall not issue a

zoning permit for one hundred and twenty days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, than a zoning permit shall not be Issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred and twenty day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this Resolution (O.R.C. 5511.01).

207 LICENSED FAMILY HOMES AND LICENSED GROUP HOMES FOR DEVELOPMENTALLY DISABLED PERSONS

Such facilities are limited from zoning control under Section 5123.19, Ohio Revised Code. However, zoning permits shall be required and such facilities will be regulated by this Resolution in addition to other laws of the state of Ohio.

**ARTICLE III
DEFINITIONS**

- Interpretation of terms or words: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:
 - A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 - B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
 - D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied, constructed, altered, or converted".
 - E. The word "lot" includes the words "plot" or "parcel".
- **ACREAGE:** Any tract, or parcel of land which has not been subdivided and/or platted.
- **ACCESSORY USE OR STRUCTURE:** "Accessory use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure; is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "accessory use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise regulated in this Resolution, an "accessory use" shall be a permitted use.
- **AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal husbandry, poultry husbandry, and the produce; provided, however, that the operation of any such accessory use shall be secondary and

incidental to the normal agricultural activities and provided that further, the above uses shall not include the commercial feeding of garbage or offal to swine.

- **AIRPORT:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings, and open spaces.
- **ALLEY:** A public or private right-of-way affording secondary means of access to abutting property.
- **ALTERATIONS, STRUCTURAL:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- **APARTMENT:** Two or more rooms, designed for, arranged for, intended for, or occupied, as a residence by, one family with facilities for cooking therein.
- **APARTMENT BUILDING:** Any building housing three or more dwelling units provided said units are the principal use of the building.
- **AUTOMOTIVE REPAIR:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.
- **AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, AND FARM IMPLEMENT SALES:** The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold, on the premises.
- **AUTOMOTIVE WRECKING:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles of their parts.
- **AUTOMOBILE SERVICE STATION:** A place where gasoline, kerosene, or any other motor vehicle fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into the motor vehicles, including greasing and oiling on the premises.
- **BASEMENT:** A story all or partly underground but having at least one self of its height below the average level of the adjoining ground. (See STORY)
- **BILLBOARD OR SIGN:** Any structure or portion thereof, on which lettered, figured, or pictorial matter is displayed for advertising purposes.. (See OUTDOOR ADVERTISING)
- **BOARDING, LODGING OR ROOMING HOUSE:** A building or part thereof, other than a hotel, motel, or restaurant, where for compensation by the day, week, or month, meals and lodging are provided for at least three but not more than twenty persons, and where no cooking and dining facilities are provided in individual rooms. This definition shall also apply to a "tourist home", "bed and breakfast" or similar establishment.

- **BUILDABLE AREA:** The building area of a lot is the space remaining after the minimum open space requirements have been complied, with.
- **BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.
- **BUILDING, HEIGHT OF:** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
- **BUILDING LINE (SETBACK):** A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure may be located above ground, except as may be provided by said resolution.
- **BUILDING PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.
- **BUSINESS, CONVENIENCE:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but shall not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-today need in the neighborhood.
- **BUSINESS, GENERAL:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-today needs of the community, to also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.
- **BUSINESS, HIGHWAY:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels, and commercial recreation.
- **BUSINESS, OFFICE TYPE:** Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.
- **BUSINESS SERVICES:** Any profit-making activity that renders services primarily to other commercial or industrial enterprises, or that services and repairs appliances and machines used in homes and businesses.
- **BUSINESS, WHOLESALE:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing

establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

- **CELLAR:** Cellar means that portion of a building, the ceiling of which is entirely below or less than four and one-half feet above ground.
- **CARPORT:** A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all provisions in these regulations for a private garage or accessory building.
- **CEMETERY:** Land used for or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.
- **CENTRAL SEWER SYSTEM:** A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.
- **CERTIFICATE OF OCCUPANCY:** A document issued by the zoning inspector which indicates that buildings, structures, or uses are consistent with this Resolution.
- **CHILD DAY-CARE;** Administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:
 - A. **CHILD DAY-CARE CENTER:** Any place in which child day-care is provided, with or without compensation, for thirteen or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 123 children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
 - B. **TYPE A FAMILY DAY-CARE HOME:** A permanent residence of the administrator in which child day-care is provided for four to twelve children at any one time, if four or more children are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which all such children are siblings of the same immediate family and the residence is their home.
 - C. **TYPE B FAMILY DAY-CARE HOME:** A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of

children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

- **CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.
- **CLUB:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.
- **COMMERCIAL ENTERTAINMENT FACILITIES:** Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.
- **COMPREHENSIVE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the appropriate authority, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.
- **CONDITIONAL USE:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.
- **CONDITIONAL USE PERMIT:** A permit issued by the zoning administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.
- **CONDOMINIUM:** A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.
- **EASEMENTS:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- **ELDERLY HOUSING FACILITY:** A building or buildings containing twelve or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.
- **ELDERLY PERSON:** Any person who is sixty-two years of age or older, or any person under sixty-two years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

- **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas electrical, steam, or water transmission or distribution systems, collection, communications, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such agencies for the public health, safety, or general welfare.
- **FACTORY-BUILT HOUSING:** "Factory-built housing" means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory-built housing" shall include the following:
 - A. **MANUFACTURED HOME.** Any nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is 11 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 1300 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
 - B. **MODULAR HOME.** Factory-built housing certified as meeting the State Building Code as applicable to modular housing once certified by the state, modular homes shall be subject to the same standards as site-built homes.
 - C. **MOBILE HOME.** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. The mobile home designed, as a dwelling unit shall be placed on a permanent foundation
- **FAMILY:** A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.
- **FLOOD PLAIN:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.
- **FLOOD, REGIONAL:** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred year recurrence interval flood.
- **FLOODWAY:** That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

- **FLOODWAY FRINGE:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.
- **FLOOR AREA OF A RESIDENTIAL BUILDING:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area, of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.
- **FLOOR AREA OF A NONRESIDENTIAL BUILDING (To be Used in Calculating Parking Requirements):** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.
- **FLOOR AREA, USABLE:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- **FOOD PROCESSING:** The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.
- **FOUNDATION:** A permanent foundation must be erected on a concrete footer which is below the frost line.
- **GARAGES, PRIVATE:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:
 - A. Not more than one space is rented for parking to persons not resident on the premises.
 - B. No more than one commercial vehicle per dwelling unit is parked or stored.
- **GARAGE, PUBLIC:** A principal or accessory building other than a, private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.
- **GARAGE, SERVICE STATION:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:
 - A. Sales and service of spark plugs, batteries, and distributors parts.
 - B. Tire servicing and repair, but not recapping or regrooving.
 - C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings mirrors, and the like.
 - D. Radiator cleaning and flushing.

- E. Radiator welding and repair.
 - F. Greasing and lubrication.
 - G. Providing and repairing fuel pumps, oil pumps, and lines.
 - H. Minor servicing and repair of carburetors.
 - I. Adjusting and repairing brakes.
 - J. Minor motor adjustment not involving remove of the head or crankcase or racing the motor.
 - K. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for, service station customers, and accessory and incidental to principal operations.
 - L. Provisions of road maps and other informational material to customers, provision of restroom facilities.
 - M. Warranty maintenance and safety inspections.
- Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.
 - **GROUP RESIDENTIAL FACILITY:** A "group residential facility" is a community residential facility, licensed and/or approved and regulated by the state of Ohio, which provides rehabilitative or habilitation services. There are two classes of group residential facilities:
 - A. **CLASS 1:** Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.
 - B. **CLASS II:** Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. Class II Type A group residential facility contains six or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.
 - **HISTORIC AREA:** A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale,

including materials proportion, form and architectural detail, or because of their being a part of or related to a square, park or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

- **HOME OCCUPATION:** "Home occupation" means an accessory use that is an activity, professional occupation, service, craft, or revenue-enhancing hobby that is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, without any significant adverse effect upon the surrounding neighborhood. A "home occupation" may be conducted only by the inhabitants thereof.
- **HOTEL:** A building occupied as primarily the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twenty sleeping rooms or apartments.
- **JUNK YARD:** The use of any land, building, or structure, whether private or commercial, where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, including auto wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- **LOADING SPACE, OFFSTREET:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required offstreet parking spaces are filled. Required offstreet loading space is not to be included as offstreet parking space in computation of required offstreet parking space. All offstreet loading spaces shall be located totally outside of any street or alley right-of-way.
- **LOT:** For the purposes of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street. Legal nonconforming lots shall meet all provision of Article V, and shall be subject to all requirements thereof.
- **LOT AREA:** The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established right-of-way shall not be included as part of the lot area for the purpose of these regulations.
- **LOT COVERAGE:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- **LOT, DOUBLE FRONTAGE:** A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

- **LOT FRONTAGE:** That portion of a lot which directly abuts the street or street right-of-way. Lot frontage shall be measured only from the front (address side) for the purpose of determining road frontage. All sides of a lot abutting a street shall be considered frontage for the purpose of determining yard requirements only on corner lots and double frontage lots. Lake front properties: on all lake front-properties, the lake side of the dwelling will be considered the front of the dwelling.
- **LOT LINES:** The property lines defining the limits of a lot.
- **LOT LINE, FRONT:** The line separating a lot from the street on which it fronts and/or to which it is addressed.
- **LOT LINE, REAR:** The line opposite and most distant from the front lot line.
- **LOT LINE, SIDE.:** Any lot line other than the front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.
- **LOT, MAINTENANCE:** Residential lots shall be kept free of trash, noxious weeds, and other health hazards.
- **LOT, MINIMUM AREA OF:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
- **LOT MEASUREMENTS:** A lot shall be measured as follows:
 - A. **DEPTH:** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - B. **WIDTH:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
- **LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the deed of which has been so recorded.
- **LOT TYPES:** Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:
 - A. **CORNER LOT:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
 - B. **INTERIOR LOT:** A lot with only one frontage on a street.
 - C. **THROUGH LOT:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

- D. REVERSED FRONTAGE LOT:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- **MAINTENANCE AND STORAGE FACILITIES:** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.
 - **MANUFACTURE:** The process of making something from raw or semi-finished materials whether by hand or by mechanized process. Making in these regulations also includes producing, assembling, fabricating, alloying, metal and chrome plating.
 - **MANUFACTURED HOME:** Factory-built housing certified as meeting the Federal Manufactured Housing construction and Safety Standards shall be subject to the same standards as site-built homes, provided that said manufactured housing must have any wheels, tongues, or springs removed, and must be permanently affixed to a solid foundation.
 - **MANUFACTURING, HEAVY:** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large site; open storage and service area; extensive services and facilities; ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.
 - **MANUFACTURING, LIGHT:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.
 - **MANUFACTURING, EXTRACTIVE:** Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.
 - **MANUFACTURED HOME PARK:** (See MOBILE HOME (TRAILER) PARK)
 - **MANUFACTURED HOUSING:** (See FACTORY-BUILT HOUSING)
 - **MINI-WAREHOUSE OR STORAGE FACILITY:** A building or group or buildings in a controlled access and/or fenced compound containing individual storage compartments, stall, or lockers for the dead storage of customers' goods or wares.
 - **MINIMUM BUILDING SETBACK LINE:** (See BUILDING LINE)
 - **MOBILE HOME:** A factory built home built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 shall be subject to the same standards as site-built homes, provided that said mobile homes must have any wheels, tongues, or springs removed and must be permanently affixed to a solid foundation.
 - **MOBILE HOME (TRAILER) PARK:** Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as

a part of the facilities of such park. Only mobile homes or trailers with the HUD Certification shall be located therein.

- **MODULAR HOME:** Modular home means a residence comprised of one or more self-sufficient sections, except site preparations transported on a vehicle from the place of manufacture to a site where it is to be occupied as a dwelling. This term shall not include a mobile home or a manufactured home.
- **MOTEL:** Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed and originally constructed primarily as overnight sleeping quarters for tourists or transients, with garage attached or parking spaces located to each unit, including auto courts, motor lodges, and tourists courts.
- **NONCONFORMING USE (LEGAL):** Any building or parcel of land lawfully occupied by a use on the effective date of these regulations or any amendment thereto, which does not conform to the use regulations of the district in which it is situated.
- **NONCONFORMITIES:** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated.
- **NURSERY, NURSING HOMES:** A home or facility for the care and treatment of babies, children, pensioners or elderly people.
- **NURSERY, PLANT MATERIALS:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premise including products used for gardening or landscaping.
- **OPEN SPACES:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, and other recreational facilities. Streets, parking areas, structures for habitation, and the like shall not be included.
- **OUTDOOR ADVERTISING SIGN (BILLBOARD) (See SIGN):** A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected upon the ground, wall, or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, pictures, or other pictorial or reading matter for the benefit of a person, organization, business, or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said appliance, structure, or surface is, or is to be located. An outdoor advertising sign shall include: any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term placed shall include as used in this definition, erecting, constructing, posting, painting, fixing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.
- **OWNER:** Owner of a parcel or lot of record according to records contained in the county offices.

- **PARKING AREA:** An open area, other than a street or other public way, used for the parking of motor vehicles.
- **PARKING LOT:** An offstreet parking area where the principal use of the tract or lot is for vehicular parking.
- **PARKING SPACE:** An offstreet space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.
- **PATIO:** An uncovered area, other than a parking space, surfaced or constructed, the use of which is customarily incidental to that of the main use or structure.
- **PERSONAL SERVICES:** Any enterprise conducted for gain in which services are offered to the general public, such as shoe repair, watch repair, barber and beauty shops, and similar activities
- **PLANNED UNIT DEVELOPMENT (PUD):** A development which is planned to integrate residential use with collateral nonresidential uses, integrate dwelling types, or to achieve particular design objectives, make provision for open space and common areas, promote greater efficiency in the provisions of utilities, provide for innovative development techniques. Within a planned unit residential development district, the township zoning regulations need not be uniform.
- **PRINCIPAL BUILDING:** The principal building on a lot used to accommodate the primary use to which the premises are devoted.
- **PROFESSIONAL ACTIVITIES:** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.
- **PUBLIC SERVICE FACILITY:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
- **PUBLIC USES:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
- **RECREATION FACILITIES:** Public or private facilities that may be classified as either "extensive" or "Intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

- **RESEARCH ACTIVITIES:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.
- **RECYCLING TRANSFER FACILITY:** A facility for the collection of waste products, such as paper, glass, and metals.
- **RIGHT-OF-WAY:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- **ROADSIDE STAND (FARM MARKET):** A structure without foundation used for the sale of agricultural produce where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21.
- **SATELLITE SIGNAL RECEIVER:** "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground station", whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system.
- **SEWERS, CENTRAL:** An approved sewage disposal system that provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.
- **SEWERS, ON-SITE:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- **SIGN:** Any visual communication display, object, device, graphic, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.
 - A. **SIGN, ON-PREMISES:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
 - B. **SIGN, OFF-PREMISES:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.
 - C. **SIGN, ILLUMINATED:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
 - D. **SIGN, LIGHTING DEVICE:** Any light, string of light, or group of lights located or arranged so as to cast illumination on a sign.

E. SIGN, PROJECTING: Any sign which projects from the exterior of a building.

- **STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- **STORY, HALF:** A space under a sloping or pitched roof (i.e. gable, hip, gambrel) which has the line of intersection of the roof and wall face not more than four feet above the top floor level.
- **STORY, FIRST:** The lowest story or the ground story of any building the floor of which is not more than two feet below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker, shall be deemed the first story.
- **STREET; COLLECTOR:** A street providing traffic movement between the major arterials and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.
- **STREET, MAJOR OR ARTERIAL:** A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic usually on a continuous route: for through traffic movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic. A major street shall be any street so designated on the approved Fairfield County Highway Thoroughfare Plan.
- **STREET, PRIVATE:** A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public or subject to public easements thereof.
- **STREET, PUBLIC:** A public or private dedicated thoroughfare or thoroughfare subject to public easements thereof, and which affords the principal means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any similar term.
- **STREET RIGHT-OF-WAY LINES:** A dividing line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.
- **STRIP MINING:** Removal of overburden for extraction of soils and/or minerals.
- **STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.
- **SUBDIVISION:** The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

- **SUPPLY YARDS:** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.
- **SWIMMING POOL:** A pool, pond, lake, or open tank capable of containing at least three feet of water at any point and maintained by the owner or manager.
 - A. **PRIVATE:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
 - B. **COMMUNITY:** Operated with a charge for admission; a primary use.
- **TOURIST DWELLING:** A dwelling where overnight accommodations are provided for tourists, other than a hotel boarding house, or motel; where lodging is provided by a resident family for compensation, primarily for transients, including "bed and breakfast" establishments.
- **TRAILER OR MOBILE HOME:** Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conducting of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- **USE:** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
- **USE, TRANSITIONAL:** A use of land or building located or permitted to be located on certain lots abutting a zoning boundary line in the more restricted of two different zoning districts in accordance with provisions of this Resolution.
- **VARIANCE:** A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions of the property and not the result of actions by the owner, a strict enforcement of the regulations would result in an unnecessary and undue hardship.
- **VETERINARY HOSPITAL:** A place used for care, grooming, diagnosis, and treatment of sick, ailing, or injured animals, including overnight accommodations and boarding if incidental to the primary activity.
- **YARD:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
 - A. **YARD, FRONT:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principle building.

- B. **YARD, REAR:** A yard extending between side lot lines across the rear of a lot and from the front lot line to the front of the principle building. yard extending between lot and from the front building.
- C. **YARD, SIDE:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
- **ZONING INSPECTOR:** The zoning inspector or his authorized representative, appointed by the township trustees.
- **ZONING MAP:** The zoning maps of Walnut Township, Fairfield County, Ohio, dated as of the adoption of this Resolution, together with all amendments subsequently adopted.
- **ZONING CERTIFICATE OR PERMIT:** A document issued by the zoning inspector, authorizing the construction or alteration of buildings, structures, or uses consistent with the terms of this Resolution.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS, CONFORMANCE, PERMITS, AND ENFORCEMENT

401 PURPOSE

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in section 101 of this Resolution, and to classify, regulate, and restrict the use and location of buildings; to regulate and determine the area of lots, yards, and open spaces surrounding buildings; to limit and regulate the height and balk of buildings; to provide for the orderly growth and development of the township; to protect the rights of all individuals by assuring the compatibility of uses; and to establish certain standards and criteria related thereto.

402 ESTABLISHMENT OF DISTRICTS

The unincorporated territory of Walnut Township, Fairfield County, Ohio, is hereby divided into zoning districts as provided in section 403. All such regulations are uniform for each building, structure, or use within each zoning district.

403 DISTRICTS

- **F-P** Flood Plain District (overlay)
- **R-R** Rural Residential District
- **R-1** Suburban Single Family Residential District
- **R-2** One-and Two-Family Residential District

- **R-3** Multi-family Suburban Residential District
- **R-1-LF** Lakefront, Suburban, Single Family Disdtrict
- **R-2-LF** Lakefront, Suburban, Single and Two-Family District
- **P-D** Planned Unit Development (PUD) District
- **R-MH** Manufactured Home Park Residential District
- **B-1** Limited Business and Suburban Office District
- **B-2** Commercial Business District
- **B-3** Intensive and Highway Service Business District
- **I-1** Light Industrial District
- **I-2** Heavy Industrial District

404 ZONING DISTRICT MAP

The districts and the boundaries thereof are indicated on a map entitled "Zoning Map of Walnut Township, Fairfield County, Ohio," which map is made a part of this Resolution.

405 CONFORMANCE

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the provisions established by these regulations for the district in which the building or land is located, except as said requirements may be modified , pursuant to a variance of the Board of Zoning Appeals.

406 INTERPRETATION OF DISTRICT BOUNDARIES

- A.** The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official Zoning Map:
 - 1.** Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be constructed to be said boundaries.
 3. Where district boundaries are so indicated that they are approximately parallel to the center line or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official Zoning Map.
 4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
 5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be construed to be said physical feature unless otherwise noted.
 6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
 7. Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within the vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.
- B.** All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

407 ZONING MAP AMENDMENTS

Within fifteen days of the effective date of any change of a zoning district classification or boundary, the zoning inspector shall amend the official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change.

408 FLOOD PLAIN DISTRICT

This district shall be an overlay district and any area located within said district shall be subject to the regulations of the flood plain district as well as the regulations of the district which, it overlays. Flood plain district boundaries shall be established on the basis of most current, reliable and technically accurate data as provided by the Federal Emergency Management Agency. Such boundaries are, therefore, subject to revision or alteration without formal district amendment.

409 ENFORCEMENT

It shall be the duty of the zoning inspector, as provided under Section 518.02 et seq of the Ohio Revised Code, to enforce this Resolution in accordance with the administrative and other provisions of this Resolution. All officials and public employees of Walnut Township shall conform to the provisions of this Resolution and shall issue no permit or authorization for any use, building, or purpose in conflict with the provisions of this Resolution. Any permit or authorization issued in conflict with the provisions of this Resolution shall be null and void.

410 ZONING PERMITS REQUIRED

No building or other structure, excepting buildings or structures utilized exclusively for agricultural purposes shall be erected, moved, added to, structurally altered nor shall any building, structure, or land be established or changed in use without a permit issued by the zoning inspector for such use. The zoning inspector shall not issue a permit for any use or structure that does not conform with the provisions of this Resolution unless receiving a written order from the Board of Zoning Appeals deciding an appeal, conditional use, variance, planned unit development, or mobile home park as provided by this Resolution.

411 APPLICATION FOR ZONING PERMIT

Five copies of an application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed with 2 1/2 years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of the property.
- C. Existing use.
- D. Proposed Use.
- E. Zoning district.
- F. Plans in duplicate showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot; If any, and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths.
- I. Number of dwelling units.

- J. Such other documents or materials as may be necessary to determine conformance with this Resolution.

412 APPROVAL OF ZONING PERMIT

Within thirty days from receipt of an application, the zoning inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall be conditioned upon the commencement of work or use for which application was issued within one year. A copy of the plans signed by the zoning inspector shall be returned to the applicant indicating approval or disapproval. Upon approval, the zoning inspector shall issue a permit to be posted in a conspicuous place on the property.

413

414 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; the zoning inspector shall revoke it; and written notice thereof shall be given to the person affected. If the work described in any zoning permit has not been completed within 1 1/2 years of the date of issuance thereof, said permit shall expire and be revoked by the zoning inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

415 CERTIFICATE OF OCCUPANCY

- A. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its structure until a certificate of occupancy shall have been Issued by the zoning inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.
- B. Certificates of occupancy shall be applied for with the application of a zoning permit, and shall be issued within ten days after notice by the applicant that the exterior erection or structural alteration of such building has been completed, if in conformity with the provisions of these regulations.
- C. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the zoning inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.
- D. Record of Certification of Occupancy. The zoning inspector shall maintain a record of all certificates of occupancy and a copy of any individual certificate shall be furnished upon request to any occupant or his legally authorized representative.

416 VIOLATION

- A. Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Resolution.
- B. Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the zoning inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and any other use, arrangement, or construction, use, arrangement, or construction at variance with that be deemed a violation of this Resolution.
- C. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the zoning inspector. He shall record properly such complaint, immediately investigate, and take such appropriate action thereof as may be necessary and as provided by this Resolution.
- D. Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, contractor, agents, or other person who commits, participates in, assists in, or maintains such, violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the township officials from taking such other lawful action as is necessary to prevent or remedy any violations.

417 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificate of occupancy, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the zoning inspector, and may be altered or amended only by the Board. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**ARTICLE V
NONCONFORMITIES**

501 PURPOSE

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest

of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as ground for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

502 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

503 INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

504 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Resolution and upon the actual building construction has commenced. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

505 CERTIFICATES FOR NONCONFORMING USES

The zoning inspector upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure, or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are

nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the zoning inspector, who shall maintain as a public record a file of all such certificates.

506 SUBSTITUTION OF NONCONFORMING USES

So long as no structural alterations are made, except as required by enforcement of other codes, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, if the Board finds that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such shall not thereafter be changed to a more intensive use.

507 SINGLE NONCONFORMING LOT OF RECORD

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record as of the effective date of these regulations, when by reason of its lot area, width or depth it does not meet minimum requirements for a lot under these regulations; provided, however, that said lot has a minimum of 40 feet of frontage on a public or private street; and further provided that the following conditions are complied with:

- A.** If the owner of such lot does not own adjoining property and that the lot of record in question was not owned by any person who also owned adjoining property to said lot at the time this resolution became effective.
- B.** The sum of the side yard widths on any such lot shall be at least 25 percent of the width of the lot.
- C.** The width of any side yard shall not be less than 5 feet, except that on a corner lot, the width of side yard adjoining the side street lot line shall be not less than fifteen feet.
- D.** The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but in no case shall it be less than twenty feet, subject to the exceptions permitted under section 507(F).
- E.** Any nonconforming lot not served by central sewer shall have a minimum square feet of area as required by the Fairfield County District Board of Health.
- F.** The front and rear yard setback of nonconforming lots shall be consistent with the existing properties, but in no case shall be less than 10 feet on lake front properties

where the property line is at the lake shore; in all other cases, a minimum setback of 10 feet shall apply inclusive of any public owned land or easement.

- G. The front yard setback shall be no less than 25 feet from the road right-of-way.

508 NONCONFORMING LOTS OF RECORD IN COMBINATION

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot, with a width or area below the requirements stated in this Resolution.

509 NONCONFORMING VACANT LOTS IN OTHER DISTRICTS.

In any district, other than a residential district, a building designed for any permitted use in such district may be erected on any lot of official record as of the effective date of this Resolution, provided that:

- A. Such building shall comply with all regulations applicable in the district in which the lot in question is located; provided, however, the width of any required side yard need not be a greater than that derived by applying the following equation, where “X” = the required side yard width:

$$\frac{x}{\text{actual lot width}} = \frac{\text{minimum side yard required by district regulations}}{\text{minimum lot width required by district regulations}}$$

- However, in no case will the required side yard width be less than as required in section **507 B and C.**

510 NONCONFORMING USES OF LAND

Where at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution, except as provided In section 510 (E).

- B.** No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of is Resolution.
- C.** If any such nonconforming uses of land are discontinued or abandoned for more than two years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- D.** No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.
- E.** The Board of Zoning Appeals may permit a building containing a nonconforming use to be enlarged to an extent not exceeding 25 percent of the ground floor area of the existing building or buildings devoted to a nonconforming use at the time of enactment of this Resolution or at the time of its amendment making a use nonconforming. The Board shall not authorize any enlargement that would result in a violation of the provisions of this Resolution with respect to any adjoining premises, or that would occupy ground space required for meeting the yard or other requirements of this Resolution.

511 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption of amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** No such nonconforming structure may be enlarged or altered In a way that Increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B.** Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it may be reconstructed on the lines of the existing foundation.
- C.** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

512 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted-by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, -moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located; except as provided in section 510.(C).
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals be changed to another manufacturing use provided that the Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two years (except when government action Impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used. except In conformity with the regulations of the district in which it Is located.
- F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land..

513 TERMINATION OF USE THROUGH DISCONTINUANCE

When any nonconforming use is discontinued or abandoned for more than two years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

514 REPAIRS AND MAINTENANCE

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls,. fixtures, wiring, or plumbing, provided that the cubic content existing when It became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or

part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

- B.** Nonconforming residential buildings in a business or industrial district may be maintained, repaired, improved, modernized or enlarged; provided, however, that no increase in the number of dwelling units shall be permitted.

ARTICLE VI ZONING DISTRICT REGULATIONS

601 GENERAL USE CLASSIFICATION SYSTEM

- For the purpose of this Resolution general use classifications are established to classify uses that will be permitted, conditionally permitted, regulated, or prohibited, and in determining that a specific use not listed is substantially similar.
- Residential uses entail places where persons live or reside and are associated with dwelling units as defined in this Resolution. No dwelling shall have less than 1300 sq. ft. of living area. No dwelling shall be erected or placed except on a permanent foundation.
- Public uses are owned or operated by governmental agencies for administrative, educational, cultural, recreational, and similar activities that benefit or provide services to the public.
- Quasi-public uses are activities of a religious, educational, charitable, social, philanthropic, and health nature, and nonprofit membership organizations that have more limited public purposes than public uses, but which are not organized for profit.
- Administrative and business office uses are primarily engaged in general administration, management, supervision, purchasing, and accounting. They involve no retail sales and stock no goods for distribution or sale.
- Professional' office uses deliver professional tangible and intangible services to the general public and are associated professions most of which are "with normally recognized regulated, licensed or certified by the state of Ohio.
- Retail uses primarily involve the sale of merchandise for personal and household consumption and rendering services clearly incidental to the sale of such goods.
- Personal service uses generally are concerned with the care and maintenance of tangible property or the provision of intangible services.
- Consumer service uses generally involve the care and maintenance of tangible property or the provision of intangible property or the provision of intangible services for personal consumption.

- Trade service uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.
- Automobile uses include sales and services directly associated with motor vehicles and other types of transportation.
- Food, lodging, and beverage service uses include commercial establishments and non-profit institutions engaged in furnishing food, beverages, or lodging for a fee or on a membership fee basis.
- Research and development uses involve research related to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations.
- Wholesaling and storage uses are associated with transporting, storing, handling or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations.
- Recreation uses include activities used by persons during leisure time for entertainment for a fee or on a membership fee basis.
- Manufacturing uses include all uses involving processing, fabrication, packaging, assembly and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related items.
 - No spot zoning unless it is declared as a conditional use.

601.1 MANUFACTURED HOMES

A manufactured home will only be permitted in Walnut Township within the R-MH District, except as may be authorized by the Board of Zoning Appeals as a conditional use in the R-R Rural Residential District.

602 F-P FLOOD PLAIN DISTRICT.

602.1 Purpose

This district is established in recognition that certain areas are subject to periodic inundation along natural water courses in which development, if unregulated, may result in health and safety hazards, property loss and damage, disruption of commerce and essential services, and extraordinary public expenditures for flood protection and relief. It is the purpose of this district to alleviate the risks and damage potential within such areas.

602.2 Establishment of District Boundaries

The boundaries of this district shall include those areas identified as special flood hazard areas having a 1 percent or greater chance of flooding in any given year. Such areas will include those designated by the federal Emergency Management Agency as supplemented by any other appropriate and technically qualified information, including the U.S. Army Corps of Engineers, Soil Conservation Service, and the Ohio Department of Natural Resources.

602.3 Permitted Uses

The following uses shall be permitted within the F-P Flood Plain district to the extent that they are not prohibited by any other section of this Resolution and provided they do not involve structures, fill, or storage of materials and equipment.

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture truck farming, forestry, sod farming, and crop harvesting.
- B. Accessory industrial and commercial uses such as loading areas, parking areas, airport landing strips.
- C. Residential uses such as lawns, gardens, parking areas, and play areas.

602.4 Conditionally Permitted Uses

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to the general requirements of Article VIII and the specific requirements of section **806 (A)** and the subsections indicated.

- A Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf driving ranges, rifle ranges, skeet shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to subsections **(1), (2), (3), (4), (5), (17), (30), (34), (35)**.
- B. Offstreet parking as permitted and regulated in **Article IX**, and subject to section 806 **(A) (3)** and **(5)**.
- C. Radio and television transmission facilities subject to subsections **(17), (18), and (34)**.
- D. Transient amusement activities such as circuses, side shows, carnivals and festivals, provided all other appropriate permits have been issued and subject to subsections **(1), (2), (3), (5), (7), and (17)**.
- E. Strip mining, including sand and gravel extraction, soil and peat moss removal, subject to subsections **(5), (12), (13), (15), (16), and (17)**.

- F. Structures not designed for human habitation incidental or accessory to a permitted or conditionally permitted use.
- G. Dwelling units as permitted in the underlying zoning districts.

602.5 Fill

No filling shall be made within the **F-P** Flood Plain district without a conditional use permit from the Board Of Zoning Appeals. Such permit may be granted upon finding by the Board of Zoning Appeals that:

- A. Such fill will not significantly raise the level of flooding of other properties along the water course in question.
- B. Such fill does not constrict a normal water course.
- C. Any fill proposed to be deposited in the flood plain must be shown to have some beneficial purpose and the amount of fill shall not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- D. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or other quotable materials.
- E. The fill is in compliance with the Fairfield County Flood Damage Prevention Regulations and a Flood Hazard Building permit has been issued in accordance with said regulations.

603 R-R RURAL RESIDENTIAL DISTRICT

603.1 Purpose

It is the intent of this district to provide for single family dwellings on large tracts within areas suitable for agricultural production, and to control indiscriminate urban development in such areas. Areas within this district will not normally be served by public sewer and water.

603.2 Permitted Uses

The uses listed in this section are the principal permitted uses within the R-R Rural Residential district. A building or lot within the R-R Rural Residential district shall only be used for such purposes, except as provided for in section **603.3**.

- A. Agricultural and the usual agricultural buildings and structures. The use of any trailer or other structure or building not normally intended to be used for an agricultural use, however, shall not be permitted.

- B. One single family detached dwelling per lot. The lot is to have not less than **200** continuous feet of frontage on a public road. Each single family dwelling shall have not less than **1300** square feet of living area. Living area is considered to be all space within the dwelling unit except any area that has less than six (6) feet of ceiling height, areas not heated by the dwelling's primary heating system, basement area, and attached garage area. All dwelling units shall be placed upon a permanent foundation.
- C. Public buildings and facilities owned or operated by a general purpose unit of local government.
- D. Roadside stands and farm markets, subject to the provisions of **Ohio Revised Code 519.21 (c)**.
- E. Accessory uses, subject to the provisions of section **808** of this Resolution.
- F. Home occupations as permitted and regulated in section **809** of this Resolution.
- G. Signs as permitted and regulated in **Article X**.
- H. Offstreet parking as permitted and regulated in **Article IX**.
- I. Group residential facilities as permitted and regulated in Section **810** of this Resolution.

603.3 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses listed herein subject to the general requirements of Article VIII and the specific requirements of section 806 (A) and the subsections referenced.

- A. Strip mining, quarrels, and commercial mining, mineral and water extraction, subject to subsections **(5), (12), (13), (15), (16), and (17)**.
- B. Institutions for human medical care, including hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the elderly, and philanthropic institutions, private clubs, lodges, and fraternal organizations, subject to subsections **(1), (2), (3), (5), (7), (9), and (11)**.
- C. Churches and other places of worship, including related buildings and parish houses, public and private schools; provided that such uses shall be not less than fifty feet from any other lot, subject to subsections **(1), (2), (3), (5), (6), and (7)**.
- D. Kennels and animal hospitals provided that all buildings and outside runs shall be not less than two hundred feet from any other lot, subject to subsections **(5), (10), (11), and (17)**.

- E. Private or governmentally owned or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar outdoor recreational facilities or subject to subsections (1), (2), (3), (4), (5), (17), (29), (30), (34), and (35).
- F. Private or governmentally owned or operated parks, recreational areas, and campground where camping in tents, trailers, or other structures or vehicles is permitted for overnight prolonged periods of time; and day camps, summer camps, and other types of outdoor and/or recreationally oriented uses which involve facilities for group activities and accommodations, subject to subsections (1), (2), (3), (4), (5), (17), (29), (31), (34), and (35).
- G. Parking lots accessory to a use permitted in an adjacent zoning district, subject to subsections (3) and (5).
- H. Airports and related facilities subject to subsections (1), (4), (5), and (24).
- I. Cemeteries, including mausoleums and crematories, subject to subsections (3), (7), and (27).
- J. Public libraries, museums, and similar public or quasipublic cultural facilities, provided no building is located less than thirty feet from any lot in the R-R Rural Residential district, subject to subsections (5), and (7).
- K. Group residential facilities subject to the provisions of section **810.3**.
- L. Radio, television, or other transmission tower or mast, and the usual accessory buildings, subject to approval by any appropriate governmental permitting agency, a provided that such tower is setback from any property line a distance not less than the height of said tower blowover length plus 20 feet.
- M. Boarding homes, tourist homes, and bed-and-breakfast establishments.
- N. Professional offices, trade services, and personal service business uses, including the following and substantially similar uses subject to subsections (5), (19), (25), (30), and (34).
 - 1. Antique shop/restoration.
 - 2. Automotive repair.
 - 3. Barber/beauty shop.
 - 4. Craft shop.
 - 5. Day-care facility.

- 6. Data processing/computer services.
 - 7. Drafting/graphic arts.
 - 8. Electrical and appliance repair service.
 - 9. Insurance, financial, investment services.
 - 10. Landscaping service.
 - 11. Photography/art studio.
 - 12. Professional offices including accounting, architecture, bookkeeping, consulting services, engineering, legal, medical offices, real estate, and veterinary.
 - 13. Trade services including carpentry, electrical, plumbing, heating and cooling, well drilling and servicing.
- O.** Two family residential structure.
- P.** Manufactured Homes may be permitted as a conditional use within the R-R district only. No trailers or mobile homes may be permitted as a conditional use under this section. For the purposes of the conditional use the following standards shall apply in addition to all other requirements for conditional uses:
- (A) Manufactured Home shall mean as follows:

MANUFACTURED HOME: Factory built housing certified as meeting the Federal Manufacturing Housing Construction and Safety Standards shall be subject to the same standards as site-built homes, provided that said manufactured housing must have any wheels, tongues, or springs removed, and must be permanently affixed to a solid foundation.
 - (B) The Board of Zoning Appeals shall consider in granting a conditional use under this section whether the Proposed use is compatible with the existing construction.

603.4 Minimum Lot Area and Yard Requirements

Lot area, road frontage, yard requirements, and height limits shall be as provided in **section 701.1** of this Resolution.

604 R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT

604.1 Purpose

This district is established to accommodate single family residential dwellings in areas within or adjacent to urbanizing areas of the community or in areas of existing similar, development, thereby providing for an orderly and efficient extension of public utilities.

Areas within this will be served by central sewer or water services or both.

604.2 Permitted Uses

A building or lot in the **R-1** Suburban Single Family Residential district shall only be used for the following purposes:

- A. One single family detached dwelling per lot, subject to the provisions of section **603.2 (B)** except the lot must have not less than 120 continuous feet of frontage on a public road.
- B. Agriculture, subject to section **603.2 (A)**, and the provisions of Section **519.21 (B)** and (C) of Section 20 of the Ohio Revised Code (see Article II, of these regulations).
- C. Public buildings and facilities owned or operated by a general purpose unit of local government.
- D. Accessory uses, subject to the provisions of section **808**.
- E. Home occupations, subject to the provisions of section **809**.
- F. Signs as permitted and regulated in **Article X**.
- G. Offstreet parking subject to **Article IX**.
- H. Group residential facilities as permitted and regulated in section **810**.

604.3 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses listed herein, subject to the general requirements of **Article VIII** and the sections referenced.

- A. Any uses listed and as regulated in section **603.3 (B), (C), (E), (F), (G), (I), (K), (L), (M), (O), and (P)**.

604.4 Minimum Lot Area and Yard Requirements

Lot area, road frontage, yard requirements, and height limits shall be as provided in section **701.1** of this Resolution.

605 R-2 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT

605.1 Purpose

The purpose of this district is to permit single- and two-family dwellings on smaller lots in areas within or adjacent to urbanizing areas of the community or in areas of existing or anticipated development of a similar density where central sewer and/or water are provided.

605.2 Permitted Uses

The uses listed in this section are the principal permitted uses within the **R-2** district. A building or lot within the **R-2** district shall only be used for such purposes, except as provided for in section **605.3**

- A.** One single- or two-family dwelling may be located on any lot of not less than **10,000** square feet of area, exclusive of road right-of-way, and have not less than **100** continuous feet of frontage on a public road. The living area of any single family dwelling within the **R-2 district** shall be not less than **1,300** square feet living area . The living area of a two family structure within the **R-2** district shall have not less than **650** square feet of living area per dwelling unit. Living area is considered to be all space within the dwelling unit except any area that has less than six (6) feet of ceiling height, areas not heated by the dwelling's primary heating system, basement area and attached garage area.
- B.** Agriculture, subject to **section 603.2 (A)**, and the provisions of **Ohio Revised Code, Section 519.21 (c)**.
- C.** Public buildings and facilities owned or operated by a general purpose unit of local government.
- D.** Accessory uses, subject to the provisions of **section 808**.
- E.** Home occupations, subject to the provisions of **section 809**.
- F.** Signs as permitted and regulated in **Article X**.
- G.** Offstreet parking, subject to **Article IX**.
- H.** Group residential facilities as permitted and regulated in section **810**.

605.3 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses listed herein, subject to the general requirements of **Article VIII** and the specific requirements of the subsections referenced.

- A.** Any use listed and as regulated in section **603.3 (B), (C), (E), (F), (G), (I), (J), (K), (L), and (M)**.

605.4 Minimum Lot, Yard, and Health Requirements

Lot area, road frontage, yard requirements, and height limits shall be as provided in section **701.1** of this Resolution.

606 R-3 MULTI-FAMILY SUBURBAN RESIDENTIAL DISTRICT

606.1 Purpose

The purpose of this district is to permit apartment development of densities not to exceed twelve dwelling units per gross acre. Development is to consist primarily of townhouses and garden-type apartments and in groupings that will provide for the efficient development and utilization of community services and facilities.

606.2 Permitted Uses

The uses listed in this section are the principal permitted uses within the **R-3** district. A building or lot within the **R-3** district shall only be used for such purposes, except as provided for in section **606.3**.

- A.** One single- or two-family dwelling may be located on any lot of not less than ten thousand square feet of area, exclusive of road right-of-way, having at least eighty feet of road frontage. The first floor living area of any one- or two-family dwelling unit within the R-3 district shall be as required in section **605.2 (A)**.
- B.** Multi-family dwellings, subject to the site plan requirements of **section 606.5**.
- C.** Public buildings and facilities owned or operated by a general purpose unit of local government.
- D.** Accessory uses, subject to the provisions of **section 808**.
- E.** Home occupations, subject to the provisions of **section 809**.
- F.** Signs as permitted and regulated in **Article X**.
- G.** Offstreet parking, subject to **Article IX**.
- H.** Group residential facilities as permitted and regulated in section 810.

606.3 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses listed herein, a subject to the general requirements of Article VIII and the specific requirements of the section and subsections referenced.

- A. Any uses listed and as regulated in section **603.3 (B), (C), (E), (F), (G), (I), (J), (K), (L), and (M)**.
- B. Offices and clinics of physicians, dentists, architects, attorneys, or similar professional offices.

606.4 Minimum Lot, Yard, and Height Requirements

Lot area, road frontage, yard requirements, and height limits shall be as provided in section **701.1** of this Resolution.

606.5 Site Plan Requirements

All multi-family uses under section **606.2 (B)** shall be permitted only after the review and approval of the site plans by the zoning commission and upon finding that:

- A. All the development features, including the principal buildings, open spaces, service roads, driveways, and parking areas, are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- B. Site plans, storm drainage, and grading plans as may be subject to review by other agencies, shall receive all necessary approvals. Said approval shall be obtained prior to issuance of a zoning certificate.
- C. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas, and the installation of landscaping, fences, and walls shall conform to the approved site plan. A copy of the approved site plan shall be filed with the zoning permit and shall be a matter of public record.

606.6 Minimum Square Footage

Minimum square footage per dwelling unit for multi-family dwellings shall be **575** square feet for a one bedroom unit, **720** square feet for a two bedroom unit, and 850 square feet for a three bedroom unit. Single- and two-family dwellings shall conform to the requirements of section **605.2 (A)**.

606.7 Open Space

Multifamily dwellings shall require that not less than 25 percent of the gross lot area be devoted to open space or common yard area exclusive of driveways and parking areas.

607 R-1-LF LAKEFRONT, SUBURBAN, SINGLE FAMILY DISTRICT

607.1 Purpose

This district is established to accommodate lakefront, suburban, single family dwellings in areas adjacent to the earthen dam impounding Buckeye Lake, and lots encompassing the area from the Licking/Fairfield County line south and west to Lieb's Island Road.

607.2 Permitted Uses

A building or lot in the **R-1-LF** district shall only be used for the following purposes except as provided for in Section **604.3** - Conditionally Permitted Use.

- A.** One single family detached dwelling per lot. The dwelling must have a minimum of **1300** square feet living area and comply with the setbacks as identified in **701.1**. Living area is considered to be all space within the dwelling unit except any area that has less than six (6) feet of ceiling height, areas not heated by the dwelling's primary heating system, basement area and attached garage area.
- B.** Agriculture, subject to **Section 603.2 (A)**, and the provisions of **Section 519.21 (B) and (C)** of Section 20 of the **Ohio Revised Code** (see **Article II, of these regulations**).
 - 1. Public buildings and facilities** owned or operated by a general purpose unit of local government.
 - 2. Storage Building:** Subject to the provisions of **Section 808**, in addition to the following:
 - 1)** One detached structure with the floor space not to exceed **1600** square feet.
 - 2)** One storage building with the floor space not to exceed **160** square feet.
 - 3)** Fences, hedges, and shrubbery not to exceed 48 inches in height. The ten foot limitation in **808.3.D.2** does not apply to fences, hedges, and shrubbery in this district.
 - 4)** Decks to the elevation of the top of the earthen dam. The ten foot limitation in **808.3.D.2** does not apply to decks in this district.
 - 3. Home Occupation as a Permitted Use:** Subject to provisions in Section 809.

607.3 Conditionally Permitted Use

The Board of Zoning Appeals may issue a conditional zoning certificate for the use listed below, subject to the general requirements of Section 614.2.D.4-Home Occupation.

Boarding Homes, Tourists Homes, and Bed-And-Breakfast establishments.

607.4 Lot, Yard, and Height requirements

Lot area, road frontage, yard requirements, and height requirements shall be provided in Section **701.1**.

608 R-2-LF LAKEFRONT, SUBURBAN, SINGLE AND 2-FAMILY DISTRICT

608.1 Purpose

The purpose of this district is to permit lakefront, suburban, single and 2-family dwellings on smaller lots adjacent to Buckeye Lake. Included in this district are lots on Lieb’s Island, Bright Street and North Street to Summerland Beach Road, South Bank Road, and the platted lots between Lake Road and County Line Road.

608.2 Permitted Uses

The uses listed in this section are the principal permitted uses within the R-2-LF district. A building or lot within this district shall only be used for the following purposes except as provided for in Section 605.3 - Conditionally Permitted Use.

A One single- or two-family dwelling per lot that complies with the setbacks as identified in Section 701.1. The living area of any single family dwelling shall be not less than 1300 square feet. The living area of a any two-family structure shall be not less than 650 square feet per dwelling unit. Living area is considered to be all space within the dwelling unit except any area that has less than six (6) feet of ceiling height, areas not heated by the dwelling’s primary heating system, basement area, and attached garage area.

B Agriculture, subject to Section 603.2 (A), and the provisions of Section 519.21 (B) and (C) of Section 20 of the Ohio Revised Code (see Article II of these regulations).

C Public buildings and facilities owned or operated by a general purpose unit of local government.

D Storage Building: Subject to provisions of Section 808 in addition to the following:

1 One detached structure with the floor space not to exceed 1600 square feet.

2 One storage building with the floor space not to exceed 160 square feet.

3 Fences, hedges, and shrubbery not to exceed 48 inches in height. The ten foot limitation in 803.D.2 does not apply to fences, hedges, and shrubbery in this district.

4 Any private swimming pool with a diameter of more than twelve feet or with an area of more than 100 square feet shall be allowed as an accessory use and shall comply with the following requirements:

a The pool is intended to be used solely for the enjoyment of the residents and guests.

b The pool may be located anywhere on the premises provided it shall not be located closer than twelve (12) feet to any property line or easement.

c The pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and adjacent properties. No such wall or fence shall be less than 48 inches in heights, shall have a gate and lock, and be maintained in good condition.

5 Home Occupations: Subject to the provisions of Section 809.

608.3 Conditionally Permitted Use

The Board of Zoning Appeals may issue a conditional zoning certificate for the use listed below, subject to the general requirements of Section 614.2.D.4 - Home Occupations.

A Boarding Homes, Tourist Homes, and Bed-and-Breakfast establishments.

608.4 LOT, YARD, AND HEIGHT REQUIREMENTS

Lot area, road frontage, yard requirements, and height requirements shall be provided in Section 701.1.

609 P-D PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

609.1 Purpose

The purpose of the P-D Planned Unit Development district (PUD) is to provide the opportunity for orderly, progressive, and innovative large-scale developments which offer greater benefit to the community by achieving one or more of the following objectives:

- A. A wide choice of living environments by permitting a variety of housing and building types and a flexibility of their placement on the land.
- B. A more efficient use of the land through clustering of buildings, thereby requiring a reduction in street and utility extensions, resulting in substantial savings both now and for future maintenance.
- C. Encouragement of the preservation of natural topography and geologic features, scenic areas, trees and other vegetation, thereby creating a lesser amount of disruption to natural drainage patterns and other features.
- D. The establishment of usable open space and recreation areas for use of the residents of the development.
- E. A complimentary blending of land uses providing a mixture of land use types in accordance with a unified development plan.

- F. An overall increase of density in conformance with a development plan in harmony with surrounding land uses, transportation facilities, and community facilities.

609.2 Definition

“Planned Unit Development” or PUD shall mean an area of land in which a variety of housing types and/or commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

The standards and procedures for approval of a PUD may involve requirements in addition to typical subdivision or commercial development standards, such as building design standards, innovative land use and planning principles, and landscaping plans. For the purpose of these regulations, the definition of a PUD shall be consistent with **Ohio Revised Code, Section 519.021, as amended 7-29-89.**

609.3 PUD District Designation

Subsequent to the approval of the Zoning Commission and the Board of Township Trustees, the designation "Planned Unit Development District" may be applied to any residential, commercial, and/or industrial district. Upon approval of the final development plan, the zoning map shall be so annotated for the land area affected. The effect of said designation shall be to permit development in conformance therewith. PUD designation does not, however, preclude development in compliance with the underlying zoning districts.

609.4 Uses Permitted in a PUD District

Residential, commercial, manufacturing, public, and quasi-basis uses may be combined in PUD districts, provided that the proposed location of the commercial or manufacturing uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the location of such uses are specified in the final development plan. Lot area and other yard requirements of the residential district shall apply except as modified in section 607.7.

The amount of land devoted to commercial and/or manufacturing use in a residential-commercial-manufacturing or residential commercial development shall be determined by the Zoning Commission and approved by the township trustees.

609.5 Minimum Project Area Requirements

The gross area of a tract of land proposed to be developed in a planned unit development district shall be a minimum of twenty acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations. In any case wherein the planned unit development proposed contains a mixture of residential uses with commercial and/or manufacturing uses, the Commission may limit the development of not more than 15 percent of the tract to commercial and/or manufacturing uses.

A minimum of 20 percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in section 607.6 of this Resolution.

609.6 Disposition of Open Space

The required amount of common space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses. The legal articles relating the organization of the homeowners' association is subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless sun land or right-of-way is useable as a trail or similar purpose and has been approved by the Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

609.7 Special PUD Lot Requirements

The lot requirements for planned unit development approved by the Zoning Commission may vary from requirements prevailing for the district as follows;

- A. Lot width and setback and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types.
- B. Lot area per dwelling unit requirements may be reduced as determined by the Zoning Commission.

609.8 Arrangement of Commercial Uses

When planned unit development districts include commercial and/or manufacturing uses, commercial buildings and establishments shall be planned as groups having common parking areas are common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial and/or manufacturing areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

609.9 Procedure for Approval of Planned Unit Development Districts

Planned unit development districts shall be approved in accordance with the procedure in sections 607.10 to 607.23. It is the intent of these sections to incorporate the review and approval of development plans with the amendment process.

609.10 Preliminary Development Plan Application Requirements

An application for preliminary planned unit development approval shall be filed with the zoning inspector by at least one owner of the property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate.

- A.** Name, address, and phone number of applicant.
- B.** Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in preparation of the preliminary development plan.
- C.** Legal description of property.
- D.** Present use(s).
- E.** Present and proposed zoning district.
- F.** A vicinity map showing the property lines, streets, existing and the proposed zoning.
- G.** A preliminary development plan drawn to scale showing topography at ten foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets; right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas.
- H.** Proposed schedule for the development of the site.
- I.** Evidence that the applicant, has sufficient control over the land in question to initiate the proposed development plan within two years.
- J.** A fee as established.
- K.** A list containing the names and mailing addresses of all owners of property within five hundred feet of the property in question.
- L.** Verification by at least one owner of property that all information in the application is true and correct to the best of his knowledge.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned, unit development would be in the public interest and would be consistent with the statement intent of these planned, unit developments requirements.

609.11 Zoning Commission Public Hearing

The Zoning Commission shall schedule a public hearing on the application for approval of the preliminary development plan not less than twenty or more than forty days from the date of filing such an application.

609.12 Notice of Public Hearing

Before holding the public hearing, notice of such commission hearing shall be given in one or more newspapers of general circulation at least fifteen days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the planned unit development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Board of Trustees for further determination.

Also before holding the public hearing, written notice of such hearing shall be sent by the Zoning Commission by first class mail, at least twenty days before the hearing, to all owners of property within five hundred feet of the property in question and to such others as the commission determines should receive notice. Notices to individual property owner shall contain the same information as required of notices in the newspaper.

609.13 Notice to Fairfield County Regional Planning Commission

The Zoning Commission shall follow the notification and review procedures established by the Fairfield County Regional Planning Commission for zoning amendments under provisions of this Resolution.

609.14 Approval in Principle of Preliminary Development Plan

Within sixty days after the public hearing, the Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Resolution; whether the proposed development advances the general welfare of the township and neighborhood; and whittler the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding justify the deviation from standard district regulations. The Zoning Commission's approval in principle of the preliminary development plan shall be necessary an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

609.15 Submission of Final Development Plan

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the zoning inspector. The final development plan to the zoning inspector. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purposes of this resolution, the submission of the final development plan is a formal request for rezoning of the property in question. Five copies of the final development plan shall be submitted.

609.16 Final Development Plan Application Contents

An application for approval of the final development plan shall be filed with the zoning inspector by at least one owner of property for which the planned unit development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for, the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two years from the date of issuance of the application shall contain the following information.

- A.** A survey of the proposed development site showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses,
- B.** All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; nonresidential building intensity; and land uses considered suitable for adjacent properties.
- C.** A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population by type of housing; tuning for each unit; and standards for height, open space, building density, parking areas, population,,. density, and public improvements, whenever the applicant process any exception from standard zoning district requirements or (other relevant Resolutions governing development).
- D.** Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development.
- E.** Site plan, showing building(s), various functional use areas, circulation, and their relationship.
- F.** Preliminary building plans.
- G.** Landscaping plans.

- H. Deed restrictions, protective covenants, and other legal statements devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
- I. A fee as established by the Board of Trustees.

609.17 Public Hearing by Zoning Commission

Within thirty-five days after submission of the final development plan, the Zoning Commission shall hold a public hearing. Notice of the application shall be as specified in section 607.12 of this Resolution.

609.18 Recommendation by Zoning Commission

Within sixty days after receipt of the final development plan, the Zoning Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to Board of Trustees.

609.19 Criteria for Zoning Commission Recommendation

Before making its recommendation, the Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- A. The proposed development can be initiated within two years of the date of approval.
- B. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- C. Any proposed commercial or industrial development can be justified at the location proposed.
- D. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and need to provide a variety of housing opportunities with regard to type and price.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

609.20 Public Hearing By the Board of Trustees

After receiving the recommendation from the Zoning Commission the Board of Trustees shall hold a public hearing on the PUD final development plan within a reasonable time.

609.21 Notice of Public Hearing

- A. Before holding its public hearing, notice of such hearing shall be given by at least one publication in one or more newspapers of general circulation at least fifteen days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the planned unit development, and a statement that all papers relating to the planned unit development are on file with the clerk and open for public inspection.
- B. Written notice of the hearing on the planned unit development shall be mailed by the clerk by first class mail, at least twenty days before the date of the public hearing, to all owners of property within five hundred feet of the proposed planned unit development, and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

609.22 Action by Board Trustees

After the public hearing, the Board of Trustees shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Board of Trustees shall direct the zoning inspector to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment, and no charge from or substantive of these alteration in such planned unit development shall be permitted without repetition procedures in these sections.

In the event that the Board of Trustees deny or substantively modify the final development plan as recommended by the Zoning Commission, any resulting final development plan for said planned unit development shall not be effective unless passed or approved unanimously by the Board of Trustees.

609.23 Supplementary Conditions and Safeguards

In approving any planned unit development application, both the Zoning Commission and the Board of Trustees may prescribe appropriate conditions and safeguards in conformity with this Resolution. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Resolution and be punishable as such.

609.24 Expiration and Extension of Approval Period

The approval of a final development plan for a planned unit development district shall be for a period not to exceed five years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two years after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Board of Zoning Appeals finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

610 R-MH MANUFACTURED HOME PARK DISTRICT

610.1 Purpose

The intent of the R-MH district is to provide for the location and regulation of manufactured home parks to ensure their development and maintenance as an integral and stable part of the community and to provide for logical and well-planned locations for the placement of manufactured housing.

610.2 Definition

"Manufactured Home Park" means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes.

610.3 Approval of Manufactured Home Parks and Districts

Manufactured and mobile home parks shall only be located in the R-MH Manufactured Home Park District, except as permitted by the Board of Zoning Appeals as a conditional use in accordance with section **603.3(P)**. Manufactured and mobile home parks shall be developed according to the standards and regulations of sections **608.4** through **608.7**, inclusive. The procedure for designating an R-MH district shall be as established for zoning amendments.

610.4 Permitted Uses

The uses listed in this section are the principal permitted uses within the R-MH district. A building or lot within the R-MH district shall only be used for such purposes, except as provided in **section 608**:

- A. Manufactured home.

- B. Manufactured home park.
- C. Agriculture, subject to section 603.2 (A), and the provisions of Section **519.21 (B) and (C) of the Ohio Revised Code**.
- D. One single family dwelling may be located on a lot within the R-MH district as the principal use.
- E. Public buildings and facilities owned or operated by a general purpose unit of local government.
- F. Accessory uses, subject to the provisions of **section 808**.
- G. Home occupations, subject to **section 809**.
- H. Signs as permitted and regulated in **Article X**.
- I. Offstreet parking subject to **Article IX**.

610.5 Conditionally permitted uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses listed herein, subject to the general requirements of Article VIII, and the specific requirements of the subsections referenced.

- A. Any uses listed and as regulated in **section 603.3 (B), (C), (E), (F), (G), (I), (J), (K), (L), and (M)**.

610.6 Lot Requirements

- A. Minimum area and frontage for:
 - 1. Manufactured home park - 20 acres/200 feet.
 - 2. Manufactured home lot in park - 4,000 square feet/50 feet.
 - 3. Any lot not located within an approved manufactured home park shall meet the minimum lot size, frontage, and yard requirements of the existing zoning district prior to establishment of the R-MH district.

610.7 Standards and Requirements for Manufactured Home Parks

The Zoning Commission and the Board of Trustees shall review a proposed manufactured home park development in terms of the following standards and requirements. Review and approval procedures shall be the same as those established for zoning amendments:

- A.** The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
- B.** The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.
- C.** The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
- D.** The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.
- E.** A manufactured or mobile home park shall consist of a minimum of three units or more.
- F.** Each mobile or manufactured home shall have a **minimum of 650** square feet of floor area. For the purpose of this section, floor area is defined as the outside dimensions of the mobile home unit.
- G.** The applicant shall have permission in writing from the state and county health departments approving the site and plans for the proposed mobile home manufactured home park.
- H.** Approval by the Fairfield County Regional Planning Commission will be submitted indicating compliance with the Fairfield County Subdivision Regulations, as may be applicable.
- I.** All mobile/manufactured home lots shall abut upon a public or private street having a pavement width of at least twenty-five feet.
- J.** Each mobile/manufactured home lot shall provide underground services and utilities for each manufactured home and service center.
- K.** Each mobile/manufactured home park operator shall provide parking spaces equal to two spaces per mobile home plus one space for every two mobile homes. All parking spaces shall be suitably paved.
- L.** A usable recreation area shall be located in every park with its size being not less than 10 percent of the total area of the trailer park.
- M.** All mobile/manufactured homes must be enclosed from the ground to the floor level of the mobile/manufactured home with a solid or lattice type enclosure.

- N. All manufactured home parks shall comply with the requirements of **Ohio Administrative Code Chapter 3733 of the Ohio Revised Code.**

610.8 Expiration and Extension of Approval Period

The approval of a final development plan for a manufactured home park shall be for a period not to exceed five years to allow for development of the project. If no construction has begun within two years after approval is granted, the approved final development plan shall be void. An extension of the time limit or modification of the approved final development plan may be approved if the Board of Zoning Appeals finds that such extension is not in conflict with the public interest.

611 B-1 LIMITED BUSINESS AND SUBURBAN OFFICE.

611.1 Purpose

This district is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchases for daily or weekly needs; and to create an environment conducive to well-located and designed office building sites to accommodate professional offices, nonprofit organizations and limited business service activities.

611.2 Permitted Uses

The uses listed in this section are the principal permitted uses within the **B-1 district**. A building or lot within the B-1 district shall only be used for such purposes, except as provided in **section 609.3**.

- A. Barber and beauty shop.
- B. Drug store.
- C. Dry cleaning and laundry agency.
- D. Florist and gift shop.
- E. Food sales including supermarket.
- F. Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain.
- G. Shoe repair shop.
- H. Tailor and dressmaker.
- I. Administrative, business, or finance office and organization.

- J.** Offices of organizations primarily engaged in accounting, architecture, advertising, art, correspondence, design, editing, engineering, insurance, photography, realty, research, and other similar uses.
- K.** Professional office and clinic.
- L.** Radio and television broadcasting station, not including transmission towers.
- M.** Public buildings and facilities owned or operated by a general purpose unit of local government.
- N.** Other uses similar in character to those listed in this section.
- O.** Accessory uses clearly incidental to the uses permitted on the same premises, subject to **section 808**.
- P.** Signs, subject to **Article X**.
- Q.** Offstreet parking, subject to **Article IX**.
- R.** Agriculture, subject to Ohio **Revised Code 519.21 (B)**.

611.3 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses listed herein, subject to the general requirements of **Article VIII**, and the specific requirements of the subsections referenced.

- A.** Any uses listed and as regulated in **section 603.3 (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (L), and (M)**.
- B.** Planned integrated commercial developments subject to **section 806 (A) (28) and (36)**.
- C.** Clubs, lodges, fraternal, charitable, or social agencies.
- D.** Banking facilities.

611.4 Lot Requirements

- A.** Minimum lot area - twenty thousand square feet.
- B.** Minimum lot frontage - one hundred feet.

611.5 Yard Requirements

- A. Minimum Front yard depth - fifty feet.
- B. Minimum side yard width - fifty feet when adjacent to a residential district and on, the side adjacent to the residential district only; otherwise the minimum side yard width shall be twenty-five feet.
- C. Minimum rear yard depth-fifty feet.

611.6 Maximum Building Height

- A. No structure shall exceed thirty-five feet in height.

611.7 Parking and Loading Requirements

- A. As regulated by Article IX.

612 B-2 COMMERCIAL BUSINESS DISTRICT

612.1 Purpose

The purpose of this district is to provide for a variety of retail and service establishments and provide personal and professional services that serve a community sized- and larger-trading area population. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood business district.

612.2 Permitted Uses

The uses listed in this section are the principal permitted uses within the **B-2 district**. A building or lot within the **B-2 district** shall only be used for such purposes, except as provided in **section 610.3**.

- A. All uses permitted in the B-1 district.
- B. Department store.
- C. Off-street public parking lot.
- D. Establishments engaged in retail trade of:
 - 1. Drugs.
 - 2. Book, stationery, toy, notion, art, antique, music and gift sales.
 - 3. Clothing apparel, shoe and variety store.
 - 4. Florist shop.

5. Sporting goods store.
 6. Jewelry store.
 7. Optical goods store.
 8. Furniture, home furnishing, appliances and other major household goods.
 9. Office equipment and office supplies store.
 10. Eating and drinking establishments, but excluding drive-in restaurants.
 11. Hardware, paint, floor coverings, wallpaper, materials and objects for interior decorating, auto accessories, and repair of household appliances and bicycles.
- E.** Establishment engaged primarily in the fields of finance, insurance, and real estate:
1. Bank.
 2. Credit agency other than a bank.
 3. Investment firm.
 4. Insurance carrier.
 5. Real estate and insurance company.
 6. Investment company.
- F.** Establishments engaged in providing a variety of services to individuals and business establishments, such as:
1. Personal services such as barber and beauty shops, shoe repair shops, laundries, and dry cleaning.
 2. Miscellaneous business services such as advertising news syndicate and employment agencies.
 3. Medical and other health services.
 4. Engineering and architectural services.
 5. Legal services.
 6. Accounting, auditing, and bookkeeping services.
 7. Nonprofit, professional, charitable, and labor organizations.

- 8. Dance studio and school.
- 9. Bowling alley.
- 10. Motion picture and theatrical playhouse, but excluding drive-in theaters.
- 11. Cultural, educational, or religious facilities.
- 12. Mini-storage or mini-warehouse facilities.
- G. Other uses similar in character to those listed in this section.
- H. Public buildings and facilities owned or operated by a general purpose unit of local government.
- I. Accessory uses clearly incidental to the uses permitted on the premises, subject to **section 808**.
- J. Signs, subject to **Article X**.
- K. Offstreet parking, subject to **Article IX**.

612.3 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses listed herein, subject to the general requirements of **Article VIII**, and the specific requirements of the subsections referenced.

- A. Any uses listed and as regulated in **section 603.3 (A), (B), and (C)**.
- B. Drive-in banking facilities subject to **section 806 (A) (3)**.
- C. Gasoline service stations subject to **section 806 (A) (5), (7), (22), (25), and (37)**.
- D. Planned, integrated commercial developments subject to **section 806 (A) (28) and (36)**.

612.4 Lot Requirements

- A. Minimum lot area - twenty thousand square feet.
- B. Minimum lot frontage - one hundred feet.

612.5 Yard Requirements

- A. Minimum front yard depth - twenty-five feet; except when adjacent to an "R" district, it shall be the same as the minimum front yard depth for the "RR" district.
- B. Minimum side yard width - twenty-five feet when adjacent to a residential district and on the side adjacent to the residential district only.
- C. Minimum rear yard depth - forty feet except that no rear yard shall be required when the business use abuts on a public parking area intended to serve the particular business use.

612.6 Maximum Building Height

- A. No structure shall exceed forty-five feet in height.

612.7 Parking and Loading Requirements

As required in **Article IX**.

613 B-3 INTENSIVE AND MOTORIST SERVICES BUSINESS DISTRICT

613.1 Purpose

This district is established to provide for uses in addition to those specified for the limited and commercial business districts and thereby provide service and sales in support of the primary business activities in the community. This district includes activities which because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems, or certain other inherent dangers create special problems and are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the --community.

613.2 Permitted Uses

- A. All uses permitted in a **B-2 Commercial- Business District**
- B. Gasoline service station.
- C. Car wash subject to off-street parking requirements of **Article IX**.
- D. Garden supply sales.
- E. Amusement and recreation including drive-in theaters.
- F. Display or show room where merchandise sold is stored elsewhere
- G. Hotel, motel, tourist home.

- H.** Mortuary.
- I.** Off-street public parking lot and garage.
- J.** Passenger-transportation agency and terminal.
- K.** Printing, blueprinting, newspaper printing, telegraphic service.
- L.** Club, lodge, and fraternal organizations.
- M.** Automobile, truck, trailer, and farm implement sales and services, and storage both new and use.
- N.** Drive-in establishments including restaurants and theaters.
- O.** Wholesale establishments.
- P.** The following uses, conducted within an enclosed building when conducted not closer than within fifty feet of any R-district:
 - 1.** Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments.
 - 2.** Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales, and service including vulcanizing.
 - 3.** Truck or transfer terminal.
- Q.** Other uses similar in character to those listed in this section.
- R.** Public buildings and facilities owned or operated by a general purpose unit of government.
- S.** Accessory uses clearly incidental to the uses permitted on the premises, subject to section 808.
- T.** Signs subject to Article X.
- U.** Agriculture.
- V.** Clay Target and Skeet Shooting.

613.3 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses herein listed., subject to the general requirements of Article VIII, and the specific requirements of the subsections referenced.

- A. Any uses listed and as regulated in **section 603.3 (A), (B),(C),(D),(E),(F),(G)(H),(I), (J),(L), (M) and (N).**
- B. Planned, integrated commercial development subject to **section 806 (A) (28) and (36).**
- C. Sexually oriented business will only be considered as a conditionally permitted use with-in **B-3 district, subject to the requirements of section 811.**

613.4 Lot Requirements

- A. Minimum lot area - fifteen thousand square feet.
- B. Minimum lot frontage - sixty feet.

613.5 Yard Requirements

- A. Minimum front yard depth - twenty-five feet; except when adjacent to an "R" district, it shall be the same as the minimum front yard depth for the adjacent "R".
- B. Minimum side yard width - twenty-five feet when adjacent to a residential district and on the side adjacent to the residential district only.
- C. Minimum rear yard depth - twenty-five feet; except that no rear yard shall be required when the business use abuts on a parking area intended to serve the particular business use.

613.6 Maximum Building Height

- A. No structure shall exceed forty-five feet in height.

613.7 Parking and Loading Requirements

- A. As required by Article IX.

613.8 Outdoor Display Areas

Merchandise which is to be sold at retail on the premises may be displayed out of doors, except that no such display area shall be within fifty feet of any residential (R) district. Display areas shall be screened from abutting residential uses by landscaping sufficient to minimize undesirable visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion.

614 I-1 LIGHT INDUSTRIAL DISTRICT

614.1 Purpose

The purpose of the I-1 district is to provide an environment conducive to the development of research facilities, wholesale outlets, warehousing and distribution facilities, and limited manufacturing concerns.

614.2 Permitted Uses

- A. Experimental testing and research facilities, providing such testing or experimentation creates no hazard or nuisance beyond the confines of the building.
- B. Motor freight garage, truck or, transfer terminal, warehousing and storage.
- C. Distributors' warehouse and wholesale outlet, including such operations as bottling and/or packaging.
- D. The manufacture, compounding, processing, assembling, and packaging of such products as:
 - 1. Bakery and dairy goods, candy, cosmetics, pharmaceuticals, toiletries, and other food products, except when such operation would create a hazard or nuisance beyond the confines of the building.
 - 2. Electrical and electric appliances, instruments and devices, television sets, radios, electronic equipment, household appliances.
 - 3. Precision instruments, toys, novelties, and other similar small rubber, plastic, or metal products.
 - 4. Products from previously and elsewhere prepared materials such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, or wood; all equipment and operations shall be within a completely enclosed building, and no operation shall create a hazard or nuisance beyond the confines of the building.
 - 5. Professional, scientific and controlling instruments; clerical and office equipment, and similar products.
- E. Printing, publishing and allied industries.
- F. Accessory buildings and uses incidental to the principal uses and which do not include any activity conducted as a separate business.
- G. All uses permitted in a **B-3** Intensive and Motorists Services and Business District.

- H. Other uses similar in character to those listed in this section.
- I. Public buildings and facilities owned or operated by a general purpose unit of government.
- J. Accessory uses clearly incidental to the uses permitted on the premises, subject to **section 808**.
- K. Signs subject to **Article X**.
- L. Agriculture.

614.3 Determination of Permitted Industrial Use

In the interests of the community and other industries within the district, the zoning inspector shall in regard to an industrial operation whose effects on adjacent premises are not readily known, refrain from issuing a zoning certificate and shall refer the request to the Board of Zoning Appeals for an interpretation of whether or not the industrial use is a permitted use under the requirements of this section. The Board may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

614.4 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses herein listed subject to the general requirements of **Article VIII** and the specific requirements of section **806 (A)** and the subsections referenced.

- A. Strip mining and resource extraction operations subject to **subsections (5), (12), (13), (15), (16) and (17)**.

614.5 Residential Uses Prohibited

All residential uses within the I-1 district are prohibited.

614.6 Lot Requirements

- A. Minimum lot area - thirty thousand square feet.
- B. Minimum lot frontage - one hundred twenty-five feet.

614.7 Yard Requirements

- A. Minimum front yard depth - one hundred feet.

- B. Minimum rear yard depth - twenty-five feet except where the rear yard is- adjacent to an "R" district or backs onto a major thoroughfare, in which case a minimum of seventy-five feet shall be required.
- C. Minimum side yard width - twenty-five feet except where the side yard is adjacent to an "R" district or a major thoroughfare, in which case a minimum of seventy-five feet shall be required.
- D. Screening - The area abutting the residential boundary, to a depth of thirty-five feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

614.8 Maximum Building Height

- A. Forty-five feet.

614.9 Parking and Loading Requirements

- A. As regulated in Article IX hereof.

615 I-2 GENERAL INDUSTRIAL DISTRICT

615.1 Purpose

This district is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from the encroachment of residential, retail, and institutional uses.

615.2 Permitted Uses

- A. All types of warehousing and wholesales distribution facilities.
- B. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities which will not be materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat, or electromagnetic disturbances:
 1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; except fish or meat products, sauerkraut, yeast, and rendering or refining of fats or oils.
 2. Products from any previously prepared materials.
 3. Pottery.

- C. Building materials, sales yard, and lumber yard including mill work when within a completely enclosed building.
- D. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
- E. Fuel, food, and goods distribution station, warehouse, and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located more than three hundred feet from any "R" district.
- F. Foundry.
- G. Welding or other metal working and fabricating facilities, including machine shop operations.
- H. Ice and cold storage plant.
- I. Heavy machinery and equipment repair and storage yards.
- J. Stone and monument works.
- K. Other uses similar in character to those listed in this section.
- L. Public buildings and facilities owned or operated by a general purpose unit of government.'
- M. Accessory uses clearly incidental to the uses permitted on the premises, subject to section 808.
- N. Signs subject to Article X.
- O. Agriculture.

615.3 Determination of Permitted Industrial Uses

In the interests of the community and other industries within the district, the zoning inspector shall in regard to an industrial operation whose effects on adjacent premises are not readily known, refrain from issuing a zoning certificate and shall refer the request to the Board of Zoning Appeals for an interpretation of whether or not the industrial use is a permitted use under the requirements . of this section. The Board may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

615.4 Conditionally Permitted Uses

The Board of Zoning Appeals may issue a conditional zoning certificate for uses herein listed, subject to the general requirements of **Article VIII** and the specific requirements of the **section 806 (A)** and the subsections reference ed.

- A. Strip mining and resource extraction operations, subject to subsections **(5), (12), (13), (15), (16), (17)**.
- B. Any manufacturing, processing, cleaning, servicing, testing, or repairs of materials, goods, or products, provided said operations will not be materially injurious or offensive to the occupants of adjacent premises or community by reason of the emission or creation of noise, vibration, electrical, or other types of interference, materials, odors, fire or explosive hazards, or glare or heat, subject to **subsections (25) and (41)**.
- C. Sanitary landfill site, subject to subsections **(1),(3), (4), (16), (17), (30), and (42)**.
- D. Junk yards, scrap yards, and automobile e wrecking yards, subject to subsections **(40), (10), (11), (16), (18), (30), and (40)**.

615.5 Residential Uses Prohibited

All residential uses within the I-1 district are prohibited.

615.6 Lot Requirements

- A. Minimum lot area - thirty thousand square feet.
- B. Minimum lot frontage - one hundred twenty-five feet.

615.7 Yard Requirements

- A. Minimum front yard depth - one hundred feet.
- B. Minimum rear yard depth - twenty-five feet except where the rear yard is adjacent to an "R" district or backs onto a major thoroughfare, in which case a minimum of seventy-five feet shall be required.
- C. Minimum side yard width - twenty-five feet except where the side yard is adjacent to an "R" district or a major thoroughfare, in which case a minimum of seventy-five feet shall be required.
- D. Screening - The area abutting the residential boundary, to a depth of thirty-five feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

615.8 Maximum Building Height

The maximum building height - forty-five feet.

615.9 Parking and Loading Requirements

As regulated in Article IX hereof.

**ARTICLE VII
LOT, YARD, AND HEIGHT REQUIREMENTS - EXCEPTIONS AND MEASUREMENTS**

701 LOT, YARD, AND HEIGHT REQUIREMENTS

701.1 Schedule of Requirements

See Schedule of Requirements to include districts R1LF and R2LF page 91.

701.2 Front Yard Depth

The front yard depth shall be measured from the right-of-way line of the existing street on which the lot fronts provided there is a minimum right-of-way of sixty feet. In the case where the right-of-way is less than sixty feet the front yard depth shall be measured from a point twenty feet from the centerline of the street.

701.3 Side Yard Width

The side yard width shall be measured from the nearest side lot line and, in the case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street, provided there is a minimum right-of-way of sixty feet. In the case where the right-of-way is less than sixty feet the side yard width shall be measured from a point twenty feet from the centerline of the street.

702 EXCEPTIONS

702.1 Side Yard Exceptions

The only side yard modifications and exceptions shall be:

- A. Along the side line of a corner lot in a residence district, the width of a street side yard shall not be less than twenty feet.

- B.** Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width provided, however, that such side yard shall not be narrower at any point than 75 percent of the otherwise required least width.

703 PROJECTIONS INTO YARDS

A wall or fence not over six feet high may be erected in any yard or court, except a front yard or side street side yard in which case the height of the wall or the fence shall not be over four feet, and further excepting that fence required in section 807.11. If the wall is a retaining wall, the height shall be measured on the highest (fill) side. No fence, trees, or foliage shall be maintained on a lot that will materially obstruct the view of a driver of a vehicle..

704 HEIGHT LIMIT EXCEPTIONS

- A.** The height limitations of this Resolution shall not apply to churches, schools, hospitals, and such public buildings as a library, museum, art gallery, fire battalion, or a public building of a cultural, recreational, or administrative nature; provided, that for each two feet by which the height of such, building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased by one-half foot over the side and rear yards otherwise required in the district.
- B.** Church spires, belfries, cupolas, and domes, monuments, fire and house towers, observation towers, transmission towers, chimneys, smokestacks, flag poles, radio, and television towers, masts and aerials, may exceed the height limitations.
- C.** In the I-1 district, the height limitations shall not apply to bulkheads, water tanks, monitors, towers, monuments, fire towers, hose towers, cooling towers, grain elevators and gas holders.

ARTICLE VIII
PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS,
SUBSTANTIALLY SIMILAR USES, ACCESSORY USES, HOME OCCUPATIONS,
AND GROUP HOME RESIDENTIAL FACILITIES

801 REGULATION OF CONDITIONAL USES

The provisions of sections 604 to 811.1 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses, accessory uses, and home occupations.

802 PURPOSE

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation, of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic, generation. Accordingly, conditional use permits shall conform to the procedures and requirements of sections 802 to 806 inclusive of this Resolution.

803 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the zoning inspector, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of the property.
- C. Zoning district.
- D. Description of existing use.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utility, signs, yards, landscaping features, and such other information as the Board may require.
- G. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the Comprehensive Plan, to include an

evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration.

- H.** A list containing the names and mailing addresses of all owners of property within five hundred feet of the property in question.
- I.** A fee as established by resolution of the Board of Township Trustees.
- J.** A narrative addressing each of the applicable criteria, contained in section 804.

804 GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 805, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate, evidence showing that such use at the proposed location:

- A.** Is in fact a conditional use as established under the district regulations adopted for the zoning district involved or has been determined to be substantially similar thereto.
- B.** Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C.** Will not be hazardous or disturbing to existing or future neighboring uses.
- D.** Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- E.** Will not create excessive additional requirements at public cost for public facilities and service and will not be detrimental to the economic welfare of the community..
- F.** Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors.
- G.** Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- H.** Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

805 SPECIFIC CRITERIA FOR CONDITIONAL USES

The following are specific conditional use criteria and requirements for those uses specifically permitted in this Resolution. Nothing in this section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements.

The specific requirements of the following subsections shall be applicable to those conditionally permitted uses as referenced in **sections 602.3, 603.3, 604.3, 605.3, 606.3, 608.5, 609.3, 610.3, 611.3, 612.4, and 613.4.**

806 SPECIFIC REGULATIONS AND REQUIREMENTS FOR CONDITIONALLY PERMITTED USES

- A. The specific regulations and requirements for conditionally permitted uses are as follows:
1. All structures and activity areas should be located at least one hundred feet from any adjoining residential structures.
 2. Loud speakers which cause a hazard or annoyance shall not be permitted.
 3. All points of vehicular entrance or exit should be located no closer than two hundred feet from the intersection of two major thoroughfares; or no closer than one hundred feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
 4. There shall be no more than one advertisement oriented to each abutting road identifying the activity.
 5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
 6. Elementary school structures should be locate on a collector thoroughfare.
 7. Such developments should be locate on a major thoroughfare or at intersections of a major and/or collector thoroughfares.
 8. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial or commercial districts.
 9. Such uses shall not require uneconomic extensions of utility services at the expense of the community.
 10. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.

- 11.** Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- 12.** No sand, gravel, minerals, or water shall be removed or stored or overburden stored within one hundred feet of any lot line not owned or controlled by the developer or operator of said business or his agent nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent hereto do not have adequate lateral support.
- 13.** No rehabilitated slope shall exceed an angle with the horizontal of forty-five degrees.
- 14.** Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- 15.** All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or, any other potential deterioration. Such operations shall be conducted so as not to leave or cause to exist spoil banks.
- 16.** Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- 17.** All permitted installation shall be maintained in a neat, orderly condition to as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to insure that this provision will be met.
- 18.** The area of use shall be completely enclosed by a six foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
- 19.** Such uses shall be permitted subject to the following conditions:
 - A.** Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - B.** Shall not employ more than one nonresident employee.
 - C.** There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.

- 23.** Any temporary structures must be indicated as such on site plans submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structure. The period of continuance shall be set by the Board of Zoning Appeals.
- 24.** Such uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- 25.** Such uses shall be conducted not closer than one hundred feet from any "R" district. Where the "I" district abuts upon but is separated from any "R" district by a street, the width of the street may be considered as part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious, or offensive due to the emission of odor dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters, or water-carried wastes.
- 26.** Truck parking areas, maneuvering lanes, and accessways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four hours.
- 27.** The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:

 - A.** Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - B.** Minimum area required for a cemetery site to be ten acres.
 - C.** A building of brick and/or stone solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
 - D.** Pavement width of driveways shall be at least twenty feet (ten feet per moving lane).
 - E.,** Drives shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
 - F.** Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Board of Zoning Appeals.

- G.** Adequate screening with shrubs, trees, or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees, and hedges shall not be less than two feet in height and must be maintained in good condition.
 - H.** Provisions shall be made for landscaping throughout the cemetery.
 - I.** Location of cemetery buildings and all structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
 - J.** No grave sites shall be located within one hundred feet of the right-of-way lines of any publicly dedicated thoroughfare.
 - K.** A grave site shall not be within one hundred feet of an existing residence.
- 28.** An integrated planned commercial development which is a grouping of two or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- A.** Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
 - B.** The minimum setback building, shall be one hundred feet measured from the street right-of-way line.
 - C.** Side yards and rear yards shall be required only on the perimeter of the planned development and shall be fifty feet except that where the business development is adjacent to a residential zone the side and/or rear yard shall be seventy-five feet on the side(s) abutting the residential zone only.
 - D.** All points of entrance and/or exit shall be located no closer than two hundred feet from the intersection of intersecting highways.
 - E.** The minimum site size to be considered for an integrated planned shopping development shall be two acres.
 - F.** Approval of the site development plan by the Fairfield County Regional Planning Commission.
- 29.** Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.

30. A conditional zoning certificate for a use permitted under these regulations shall be issued for a one year period only and are to be renewed annually. The fee shall be as determined by the Township Trustees. A new conditional zoning certificate shall be required and be issued provided the Zoning Board of Appeals and the zoning inspector determine the said use has been and is operated to the specifications of the zoning Resolution and the previous conditional zoning certificate. Such re-application shall be accompanied by a fee as determined by the Township Trustees. If necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite for the reissuance of the conditional zoning certificate.
31. Campsite, cabins, lodges, rooms or other accommodations shall be used on a seasonal basis only. No permanent or year-round occupancy shall be permitted.
32. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands,, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.
33. A minimum area of fifty acres shall be required for a use proposed under these regulations.
34. All facilities and structures shall meet all county and/or state of Ohio health, building, electrical and other applicable codes.
35. All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
36. A performance bond or other financial guarantee acceptable to the Board of Trustees shall be placed with the Board to insure that the landscaping be installed that the hard surfacing of the access drives and parking and service areas be installed, and that adequate storm water drainage be installed in accordance with the approved plans.
37. All activities except those required to be performed at fuel, pumps, shall be carried on inside a building; if work is performed on a vehicle said vehicle shall be entirely within a building.
38. In the interests of the health, safety, general welfare, and the protection of property values of the community, the area and adjoining, land uses, and the other industries within the I-2 district, the Board of Zoning Appeals may require any conditions deemed necessary; and in regard to an industrial operation whose effects on adjacent premises, the area, or the community are

not readily known, the Board may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

- 39.** All sanitary landfill sites shall be subject to approval by the appropriate county and state agencies with authority and subject to their requirements governing landfills.
- 40.** The scrap or junk yard use shall only be permitted under the following conditions:
- A.** All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies; no conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
 - B.** The site, shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
 - C.** Suitable control measure shall be taken whenever dust is a problem or potential problem.
 - D.** There shall be no burning of refuse, garbage, or other waste materials.
 - E.** Scrap yards or junk yards shall be located no closer than two hundred feet to any "R" district and/or public street right-of-way line, and shall otherwise have front, side, and rear setbacks of at least one hundred fifty feet. At least a fifty foot wide strip in the two hundred foot setback shall be, planted for camouflaging purposes according to the following specifications:
 - 1.** The fifty foot-wide strip shall be planted with pine, Norway spruce or other plants of similar screening value.
 - 2.** Said trees shall be planted on a staggered pattern with no more than 16 feet between trees.
 - 3.** The fifty foot-wide planting strip shall be so located as to achieve the greatest screening or camouflaging effect and no visual openings shall exist.
 - 4.** Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.

- F. A minimum area of twenty acres shall be required for a use proposed under this category.
 - 41. Sufficient parking and "drop off and pick up" areas shall be provided off the public roadway.
 - 42. The architectural design and site layout of a group home licensed under **Ohio Revised Code section 5123.19** and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
- Minimum, lot and yard requirements for a group home shall be the same as required for multifamily dwelling as listed in **section 406.3 and 406.4 for R-4 Multifamily Urban Residential District.**
- 43. No such family or group home shall be located within a one thousand foot radius of another residential facility for the developmentally disabled under **Ohio Revised Code Section 5123.19.**

807 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR

Where a specific use is proposed that is not listed or provided for in this Resolution, the Board of Zoning Appeals may make a determination, upon Appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Resolution. If the Board of Zoning Appeals finds that a use is substantially similar to a specific use listed in this Resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals. And variances as specified in this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township trustees of its decision. Unless the decision is rejected within thirty days of its receipt by the Township trustee, such substantially similar use determination by the Board shall become effective. Any rejection of said determination shall be by unanimous vote of the Trustees.

807.1 Remedy by Application for Amendment

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in this Resolution.

807.2 Standards for Consideration of Substantially Similar Uses

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- A. The compatibility of the proposed use with the general use classification system as specified in this Resolution.
- B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

807.3 Effect of Determination that a Use Is substantially Similar

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use in permitted to which it has been found to be substantially similar.

807.4 Record of Substantially Similar Uses

The zoning administrator shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use, the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Township Trustees. This record shall also contain the same information for all uses which have been determined to be not substantially similar. The zoning inspector shall consult this record in the process of issuing future permits.

808 REGULATION OF ACCESSORY USES

The provisions of **sections 808.1 to 808.12** inclusive of this Resolution shall apply to the location and maintenance of accessory uses as herein defined.

808.1 Purpose

It is the purpose, of **Sections 808.1 to 808.12** inclusive of this Resolution to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

808.2 Definitions

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure,

and which is subordinate to or services the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use", includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards except as otherwise regulated in this resolution, an accessory use shall be a permitted use.

808.3 General Requirements

Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

- A. One detached structure shall not exceed 1600 square feet** of floor space. However, in the **RR** District, a detached structure shall not **exceed 3200 square feet** of floor space. **On 2-5 acres you can build one detached structure not to exceed 3200 square feet** of floor space on greater than **5 acres** you can build two detached structures not to exceed 3200 sq. ft. floor space independently and have a minimum of 100 feet between the two structures.
- B.** It shall not contain or be used as a dwelling unit.
- C.** It shall not exceed eighteen (22) feet in height, except in the RR district where the height shall not exceed twenty-two (26) feet.
- D.** Accessory buildings, and structures, may be built within five (5) feet of the rear lot line as long as they conform to the front yard building setback line, and the side yard width.
 - 1.** An accessory building attached to the principal building on a lot shall be made structurally a part thereof, and shall comply in all respects with requirements of these regulations applicable to the principal building.
 - 2.** Accessory buildings, structures, and uses which are not a part of the main building shall not be located closer than ten feet from the main building, may be built within five feet of the rear lot line, and must conform to the front yard building setback line and side yard width.
- E.** Satellite dishes are permitted in any district and shall meet the same setback and height requirements as other accessory uses. However, in a residential district only one satellite dish shall be permitted as an accessory use, which shall only be located in the rear yard area and shall not be located on a roof.
- F.** Lake front properties shall be considered on an individual basis concerning accessory uses, which covers satellite dishes and antennas, and that any accessory use shall not obstruct the view of neighboring properties.
- G.** One storage building with the floor space not to exceed 160 square feet in RR, R2 districts.

808.4 Dwellings is Accessory Uses

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment, only if uses as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses.

808.5 Retail Sales and Services as Accessory Uses

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, and cafeterias. In institutional settings, office buildings, hotels, country club houses, and airports, such activities may include gift and book shops., restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops.

808.6 Accessory Uses Not Permitted

The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk (see definition - junkyard) shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted principal use.

808.7 Temporary Buildings

Temporary buildings, including construction trailers, for uses incidental to construction work may be erected in any of the zone districts herein established; however, such temporary building or trailer shall be removed within 90 days following the completion or abandonment of the construction work. Temporary buildings, construction trailers, barns, tents, wheel campers, and motor homes are not to be used as temporary dwellings except in a designated camping area.

808.8 Driveway Access

Driveway access to any parcel shall be established not closer than five feet from any lot line of any adjoining parcel.

808.9 Restrictions on the Parking and Storing of Vehicles

Automotive or vehicles of any type without current registration shall not be parked or stored on any property other than in completely enclosed buildings, unless otherwise specifically permitted by these regulations.

No more than two recreational vehicles, such as a trailer home, motor home, or boat, may be stored on residential lots, provided they have current licenses. Said vehicles shall not be stored in any front yard area.

808.10 Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve feet or with an area of less than one hundred square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

- A. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- B. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve feet to any property line or easement.
- C. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, and shall have a gate and lock, and be maintained in good condition.

808.11 Community or Club Swimming Pools

A community or club swimming pool shall, be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements;

- A. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five feet to any property line or easement.
- C. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
- D. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.

809 HOME OCCUPATIONS

It is the purpose of Sections 809.1 to 809.2 inclusive of this Resolution to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of these sections to allow limited nonresidential uses in residential structures which are compatible with the residential character of their surroundings.

809.1 Definition

"Home Occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding environment.

809.2 Home Occupation as a Permitted Use

A home occupation shall be a permitted use if it complies with the following requirements:

- A.** The external appearance of the structure in which the use is conducted shall not be altered. There shall be only one, not to exceed 4 square feet, on the premises denoting the presence of the home occupation.
- B.** No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
- C.** There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
- D.** Not more than 25 percent of the gross floor area of the dwelling shall be devoted to the use.
- E.** No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, ex-rays, radiation, or electrical disturbances.
- F.** No additional parking demand shall be created.
- G.** No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

810 GROUP RESIDENTIAL FACILITIES

Sections 810.1 to 810.3 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

810.1 Purpose

It is the purpose of **Sections 810.2 to 810.3** inclusive of this Resolution to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their habitation.

810.2 Definition

"Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the state of Ohio, which provides rehabilitative or habilitation services. There are two classes of Group residential facilities:

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, the physically handicapped, or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six or more residents exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.

810.3 Conditional Use Permit Required

A Class I Type B group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article VIII of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

- A.** Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
- B.** Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- C.** Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special offstreet parking.

- D. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. No such facility may be located within one thousand feet of another such facility.
- F. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
- G. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvements required by code or necessitated by licensing requirements shall not be deemed incompatible.

811 SEXUALLY ORIENTED BUSINESSES

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented business within the township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

It is recognized that sexually oriented businesses, due to their nature have serious objectionable operational characteristics particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent areas.

The board of trustees desire to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of urban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.

811.1 Issuance of Conditional Use Permit

The Board of Zoning Appeals may issue a conditional use permit only if it finds in each particular instant that:

- A. The proposed sexually oriented business is located more than 1000 feet from:
 - 1. A church.

2. A public or private elementary or secondary school.
 3. Boundary of a residential district as established by the Board of Township Trustees.
 4. Public park adjacent to a residential district as established by the Board of Township Trustees.
 5. The lot line of a lot devoted to residential use.
 6. From an already existing sexually oriented business or one that has received a conditional use permit.
- B.** The proposed use meets all other requirements of this Resolution.

811.2 Definitions

- A. SEXUALLY ORIENTED BUSINESS** means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- B. ADULT ARCADE** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexually activities" or "specified anatomical areas".
- C. ADULT BOOKSTORE or ADULT VIDEO STORE** means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following.
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas".
 2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- D. ADULT CABARET** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
1. Persons who appear and display "Specified anatomical areas," or engage in "specified sexual activities," or

2. Live performances which are characterized by the exposure of "Specified anatomical areas" or by "specified sexual activities"; or
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- E. ADULT MOTEL** means a hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions.
- F. ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- G. ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- H. NUDE MODEL STUDIO** means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn painted, sculptured, photographed, or similarly depicted by another person who pays money or any form of consideration.
- I. SEXUAL ENCOUNTER CENTER** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male or female persons and/or persons of the same sex when one or more of the persons is displaying "specified anatomical areas", or engaging in "specified sexual activities."
- J. PERSON** means an individual, proprietorship, partnership, corporation, association, or other legal entity.

- K. SPECIFIED ANATOMICAL AREAS** are defined as human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the aeola, and human male genitals in a discernibly turgid state; all of which are less than completely and opaquely covered.
- L. SPECIFIED SEXUAL ACTIVITIES** means and includes any of the following:
 1. The other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 3. Masturbation, actual or simulated; or
 4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

812 SATELLITE DISH ANTENNAS

812.1 Purpose

It is the purpose of **sections 812.1 to 812.6** to inclusive to regulate the location and construction of dish-type satellite signal-receiving antennas within the township in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements, accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windloads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

812.2 Definitions

The following definitions shall apply in the interpretation of this Resolution:

- A. DISH** shall mean that part of a satellite sign-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolical, or similar in shape.
- B. DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS** includes earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more, of the following:
 1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
 2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.

3. A coaxial cable, whose purpose is to convey or transmit signals to a receiver.
- C. **RECEIVER** shall mean the apparatus whose purpose is to obtain a signal from a cable or like source and transform it to a television signal.

812.3 Zoning Permit Required

No person, firm or corporation shall undertake the construction, erection or installation of any satellite dish without a zoning permit issued in accordance with the provisions of this Resolution. The application for such permit shall include the following:

- A. A description of the type of earth station proposed.
- B. A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon.
- C. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures.
- D. Details of the method of assembly and construction of the proposed earth station.
- E. A fee as required for the review of plans and specifications and the inspection of construction.

ARTICLE IX OFFSTREET PARKING AND LOADING FACILITIES

901 GENERAL PARKING REQUIREMENTS.

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or use, there shall be provided for every use offstreet parking spaces for automobiles in accordance with the provisions of sections 902 and 903 of this Article. A parking plan shall be submitted to the zoning inspector as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary wall, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement of change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of 50 percent or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

902 OFFSTREET PARKING DESIGN STANDARDS

All offstreet parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- A.** Parking space dimensions: Each offstreet parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B.** Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not, provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
 - 1.** For one single-, two- or three-family residential dwelling, the access drive shall be a minimum of nine feet in width.
 - 2.** For all other residential uses and all other uses, the access drive shall be a minimum of eighteen feet in width.
 - 3.** All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into public street or alley shall be traveling in a forward motion.
- C.** Setbacks: The location of offstreet parking facilities for more than five vehicles may be located in required yards as specified elsewhere in this Resolution. In no case, however, shall the parking area be located closer than three feet to any street or alley.
- D.** Screening: In addition to the setback requirements specified in this Resolution for offstreet parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any residential district.
- E.** Paving: All required parking spaces, except for uses with any "I" district if said parking area is at least seven hundred feet from any residential district, together with driveways, and other circulation areas, shall be hardsurfaced with a pavement having an asphalt, bituminous, or concrete binder, provided, however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F.** Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

- G.** Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H.** Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I.** Marking: All parking areas for twenty or more spaces shall be marked with paint lines, curb stones, or in some other manner.
- J.** Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
- K.** Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L.** Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any "R" district.

903 DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- A.** Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a nonresidential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar nonusable areas.
- B.** Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.
- C.** Fractional numbers shall be increased to the next whole number.
- D.** The parking space requirements for a use not specifically specified in this Resolution shall be determined following the procedure for "substantially similar uses".

904 JOINT OR COLLECTIVE PARKING FACILITIES

The joint or collective provision of required offstreet parking areas shall comply with the following standards and requirements:

- A. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than five hundred feet from the building served.
- B. Not more than 50 percent of the parking space required from theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to 100 percent of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.

905 OFFSTREET STORAGE AREAS FOR DRIVE-IN SERVICES

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide offstreet storage areas in accordance with the following requirements:

- A. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.
- C. Self-serve automobile washing facilities shall provide no less than three storage spaces per stall. All other automobile washing facilities shall provide a minimum of six storage spaces per entrance.
- D. Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen feet to any street right-of-way line.

906 PARKING OF DISABLED VEHICLES

The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building.

907 PARKING SPACE REQUIREMENTS

For the purposes of this Resolution the following parking space requirements shall apply, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the "substantially similar use" procedure.

A. Residential Uses

1. Single-or two-family dwelling - two for each unit.
2. Apartments, townhouses or multi-family dwellings two for each unit.
3. Mobile homes - two for each unit.

B. Business Related Uses

1. Animal hospitals and kennels - one for each four hundred square feet of floor area and one for each two employees.
2. Motor vehicle repair station - one for each four hundred square feet of floor area and one for each employee.
3. Motor vehicle salesroom - one for each four hundred square feet of floor area and one for each employee.
4. Motor vehicle service station - two for each service bay and one for every two gasoline pumps.
5. Car washing facilities - one for each employee.
6. Banks, financial institutions, post offices, and similar uses - one for each two hundred and fifty square feet of floor area and one for each employee.
7. Barber and beauty shops - three for each barber or beauty operator.
8. Carry-out restaurants - one for each two hundred square feet of floor area and one for each two employees.
9. Drive-in restaurants one for each one hundred and twenty-five square feet of floor area and one per each two employees.
10. Hotels, motels - one for each sleeping room plus one space for each two employees.

11. Boarding, rooming, tourist and bed/breakfast home - one for each sleeping room.
12. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments - two plus one additional space for each two hundred square feet of floor area over one thousand square feet,
13. Consumer and trade service uses not otherwise specified one for each employee.
14. Funeral homes, mortuaries and similar type uses - one for each fifty square feet of floor area in slumber rooms, parlors, or service rooms.
15. Laundromats - one for every two washing machines.
16. Administrative, business and professional office uses - One for each two hundred square feet of floor area.
17. Sit-down restaurants taverns, night clubs, and similar uses - one for each three persons of capacity.
18. Retail stores - one for each one hundred and fifty square feet of floor area.
19. All other types of business or commercial uses permitted in any business district - one for each one hundred and fifty square feet of floor area.

C. Recreational and Entertainment Uses

1. Bowling alleys - four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one for one for each 100 square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar, or cocktail lounge; and one for each three employees.
2. Dance halls, skating rinks - one for each 100 square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar, or cocktail lounge; and one for each three employees.
3. Outdoor swimming pools: publics community or club - one for each ten persons of capacity, and one for each three persons of capacity for a restaurant.
4. Auditoriums, sport arenas, theaters, and similar uses - one for each four seats.
5. Miniature golf courses each employee.
6. Private clubs and lodges - One for each ten members.

7. Tennis facilities/ racquetball facilities or similar 'uses - two for each playing area; one for each employee; and one for each one hundred square feet of other activity area.

D. Institutional Uses

1. Churches and other places of religious assembly - one for each eight seats in main assembly room, or one for each classroom, whichever is greater.
2. Hospitals - one for each three beds.
3. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses one for each three beds.
4. Medical and dental clinics - one for every one hundred square feet floor area.
5. Libraries, museums, and art galleries - ten, and one for each three hundred square feet floor area in excess of two thousand square feet.

E. Educational Institution (Public, Parochial, or Private) Uses

1. Elementary schools, and kindergartens - four for each classroom; one for every four seats in auditoriums or assembly halls; and one for each additional nonteaching employee.
2. High schools and middle schools - one for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater.
3. Business, technical and trade schools - one for each two students.
4. Child care centers, nursery schools, and similar uses four for each classroom.

F. Manufacturing Uses

1. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district B - one for every employee (on the largest shift for which the building is designed), and one for each motor vehicle used in the business.
2. Cartage, express, parcel delivery, and freight terminals - one and one-half for every one employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

Total Spaces in Lot/Structure	Number of Designated Accessible Spaces
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
501 and over	10 spaces, plus one per 100 spaces over 500

909 ELDERLY HOUSING PARKING

Each parking space provided for an elderly housing facility shall as a minimum measure nine feet in width and twenty feet in length, with aisles measuring twenty-one feet in width. There shall, be provided one such parking space per dwelling unit and per regular shift employee, except that the Board of Zoning Appeals may approve parking plan for an elderly housing facility which provides three such parking spaces for every four dwelling units and one per regular employee, if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open space requirement and which is accessible to egress/entrance for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals subsequently.

910 OFFSTREET LOADING SPACE REQUIREMENTS

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand square feet or more, which is to be occupied by manufacturing, storage, warehouse, good display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one offstreet loading space, and one additional loading space for each ten thousand square feet or fraction thereof of gross floor area so used in excess of three thousand square feet.

911 OFFSTREET LOADING DESIGN STANDARDS

All offstreet loading spaces shall be in accordance with the following standards and specifications:

- A. Loading space dimensions: Each loading space shall have minimum dimensions not less than twelve feet in width, sixty-five feet in length, and a vertical clearance of not less than fourteen feet.
- B. Setbacks: Notwithstanding other provisions of these regulations, offstreet loading spaces may be located in the required rear or side yard of any business or industrial district provided that not more than 90 percent of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than fifty feet to any "R" district nor closer than five feet from any street or alley.

- C. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an offstreet loading space that abuts any "R" district.
- D. Access: All required offstreet loading spaces shall have access from a public street or alley in such a manner than any vehicle leaving the premises shall be traveling in a forward motion.
- E. Paving: All required offstreet loading spaces, except for uses within any "M" district if said loading spaces are at least 200 feet from any "R" district, together with driveways, aisle, and other circulation areas, shall be surfaces with an asphalt or Portland cement binder pavement in order to provide a durable or dust free. Where paving is not required, proper dust control surface measures shall be undertaken and maintained.
- F. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
- G. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE X SIGNS

1001 GENERAL

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

1002 GOVERNMENTAL SIGNS EXCLUDED

For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

1003 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

The regulations contained in this section shall apply to all signs and all use districts.

- A.** Any illuminated sign or lighting device shall employ only light emitting a light or constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B.** No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (A) and (B) of this section 1003 shall not apply to any sign performing a public service function indicating time, temperature, or similar services.
- C.** All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.
- D.** No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two feet, including those projecting from the face of any theater, hotel, or motel marquee.
- E.** No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- F.** No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in **Section 1008** herein.
- G.** No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- H.** No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20 percent of the window surface.
- I.** No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- J.** Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the zoning inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

- K.** No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- L.** No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.
- M.** No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or The prohibition of trespassing.
- N.** No sign shall be located nearer than eight feet vertically or -four feet horizontally from any overhead electrical wires, conductors, or guy wires.
- O.** No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

1004 PERMIT REQUIRED

- A.** No person shall locate or maintain any sign or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article.
- B.** A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
- C.** The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

1005 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT

- A.** Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve square feet in area, except In all residential districts where the area of the sign shall not be more than six square feet.
- B.** Professional name plates not to exceed four square feet in area.
- C.** Signs denoting the name and address of the occupants of the premises, not to exceed two square feet in area.

1006 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT

- A. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen square feet in area and which shall be located on the premises of such institution.
- B. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

1007 SIGNS PERMITTED IN COMMERCIAL AND MANUFACTURING DISTRICTS REQUIRING A PERMIT

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

- A. In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and one-half square feet of sign area for each lifted foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred square feet.
- B. In a commercial or manufacturing district, two off-premises signs with a total area not exceeding 600 square feet may be permitted at a single location. **No single off-premises sign shall exceed 1,200 square feet**, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than 200 feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than 20 feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

1008 TEMPORARY SIGNS

Temporary signs not exceeding fifty square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty days plus the construction period. Such temporary signs shall conform to the general requirements listed in section 1003, the setback requirements in **Sections 1012 and 1015** and, in addition, such other standards deemed necessary to accomplish the intent of this Article.

1009 FREE STANDING SIGNS

Free-standing on-premises signs not over thirty feet in height, having a maximum total sign area of one hundred square feet per display area and located not closer ten feet to any street right-of-way line and not closer than thirty feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

1010 WALL SIGNS PERTAINING TO NONCONFORMING USES

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve square feet.

1011 POLITICAL SIGNS

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way or shall any such sign be posted on a utility pole. **No political sign shall be posted more than sixty days before an election.** All candidates for public Office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

1012 SIGN SETBACK REQUIREMENTS

Except as Modified in **sections 1013, 1015 and 1015**, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

1013 INCREASED SETBACK

For every square foot by which any on-premises sign exceeds fifty square feet, the setback shall be increased by one-half foot but need not exceeded one hundred feet.

1014 SETBACKS FOR OFF-PREMISES SIGNS

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty feet from the right-of-way line.

1015 SETBACKS FOR PUBLIC AND QUASIPUBLIC SIGNS

Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

1016 SPECIAL YARD PROVISIONS

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located.

1017 LIMITATION

For the purposes of this Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

1018 NONCONFORMING SIGNS AND STRUCTURES

Advertising signs and structures in existence prior to the effective date of this resolution which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

1019 LOSS OF LEGAL NONCONFORMING STATUS

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part, of an establishment which discontinues operation for ninety consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

1020 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution, the zoning inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under section 409 of this Resolution. Political signs posted in violation of section 1011 of this Resolution are subject to removal by the zoning inspector five days after written notice of violation.

ARTICLE XI ADMINISTRATIVE PROCEDURES

1101 PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES

This Resolution may be amended by utilizing the procedure specified in **sections 1102.1 through 1102.13**, inclusive, of this Resolution.

1102 AUTHORIZATION

Whenever the public necessity, general welfare, or good zoning practice require, the Board of Township trustees may by resolution after receipt of recommendations thereof from the Township Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property. This authorization will not be interpreted so as to permit spot zoning.

1102.1 Initiation of Zoning Amendments

Amendments to this Resolution may be initiated in one of the following ways.

- A.** By Adoption of a resolution by the Board of Township trustees.
- B.** By adoption of a motion by the Township Zoning Commission.
- C.** By filing of an application by at least one owner or lessee of property within the area proposed or affected by said amendment.

1102.2 Contents of Application

The application for amendment shall contain at a minimum the following information.

- A.** Name, address, and phone number of the applicant.
- B.** Proposed amendment to the text or legal description of the property affected.
- C.** Present use and district.
- D.** Proposed use and district.
- E.** A vicinity map showing property lines, streets, existing and proposed zoning.
- F.** A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the county auditor's current tax list. The requirement for addresses may be waived by the zoning inspector when more than ten parcels are proposed to be rezoned.
- G.** A statement on how the proposed amendment relates to the Fairfield County Comprehensive Development Plan, when and if adopted, and to the neighborhood properties.

H. A fee as established by the Board of Township Trustees.

1102.3 Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Trustees or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the Zoning commission.

1102.4 Submission to Regional Planning Commission

Within five days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Trustees, or the filing of an application by a property owner or lessee, the Zoning Commission shall transmit a copy of such document together with the text and map pertaining to the case in question to the Fairfield County Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing by the Zoning Commission.

1102.5 Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty nor more than forty days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

1102.6 Notice of Public Hearing in Newspaper

Before holding the public hearing as required in **section 1101.5**, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more, newspapers of general circulation of the township at least ten days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing, the matter will be referred to the Board of Township Trustees for further determination.

1102.7 Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on

the county auditor's current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in section 1102.6.

1102.8 Recommendation By Zoning Commission

Within thirty days after the public hearing required by **section 1102.5**, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

1102.9 Public Hearing by Board of Township Trustees

Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty days from the receipt of the recommendation from the Zoning Commission.

1102.10 Notice of Public

Notice of the public hearing required in section 1102.9 shall be given by the Board of Township Trustees by at least one publication in one or more newspapers of general circulation in the Township affected. Said notice shall be published at least ten days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

1102.11 Notice of Property Owners by Board of Township Trustees

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing may be mailed by the clerk of the Board of Township Trustees, by first class mail, at least ten days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list and to such other list or lists that may be specified by the Board of Township Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in section 1102.10.

1102.12 Action by Board of Township Trustees

Within twenty days after the public hearing required in **section 1102.9**, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission the unanimous vote of the Board of Township Trustees is required.

1102.13 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty days after the date of such adoption unless within thirty days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than 8 percent of the total votes cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

1103 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of **sections 1103.1 through 1103.11** inclusive of this Resolution.

1103.1 Appeals Procedures

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer of the Board of Township Trustees affected by any decision of the zoning inspector. Such appeal shall be taken within twenty days after the decision by filing, with the zoning inspector, a notice of appeal specifying the grounds upon which the appeal is being taken. The zoning inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

1103.2 Stay of Proceedings

An appeal shall stall all proceedings in furtherance of the action appealed from, unless the zoning inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the zoning inspector, or by judicial proceedings.

1103.3 Variance Procedures

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as herein after provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest, but only

in the case of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved, but in no other case. Provided, however, no variances from the strict application of any provision of this Resolution shall be granted by the Board unless it finds, beyond reasonable doubt, that all the following facts and conditions exist:

- A. That there are special circumstances or conditions, fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood and that said circumstances or conditions are such that strict application of the provision of this code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land and building.
- B. That the variance as granted by the Board of Zoning Appeals is the minimum variance that will accomplish the reasonable use of the subject land or building.
- C. That the granting of the variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
- D. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonable practicable the formation as a part of this code of a general regulations for such condition or situation.
- E. No variance will be granted for a hardship created by the actions of the applicant.

1103.4 Application for Variance and Appeals Procedure

Any person owning or having an interest in property may file an application to obtain a variance or appeal a decision of the zoning inspector. An application for a variance or an appeal shall be filed in triplicate with the zoning inspector who shall forward without delay a copy to the Board of Zoning Appeals.

1103.5 Contents of Application

The application for a variance or an appeal shall contain the following information.

- A. Name, address, and phone number of the applicant.
- B. Legal description of property.

- C. Each application on an appeal shall refer to the specific provisions of this Resolution.
- D. Each application for a variance shall set forth:
 - 1. The use for which special exception is sought.
 - 2. Details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
 - 3. The application for a variance must also be addressed to answering provisions (A), (B), (C), and (D), of section 1103.3.

1103.6 Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Article IV of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this, Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

1103.7 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty days after receipt of an application for an appeal or variance from the zoning inspector or an applicant.

1103.8 Notice of Public Hearing In Newspaper

Before holding the public hearing required in **section 1103.7**, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

1103.9 Notice of Parties of Interest

Before holding the public hearing required in section 1103.7, written notice of such hearing shall be mailed by the secretary of the Board of Zoning Appeals, by first class mail, at least ten days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in section 1103.8. Parties of

interest shall include owners of property contiguous to, and directly across the street from the property being considered.

1103.10 Adjournment of Hearings

Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so desires.

1103.11 Decisions of the Board of Zoning Appeals

The Board shall decide all applications and appeals within sixty days after completion of the hearing thereon, and such decision shall become effective upon certification of the Resolution of the Board. A certified copy of the Board's decision shall be binding upon the zoning inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board by Resolution certifies its approval on any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal a new application or appeal may be filed subject to the same procedure as an original application or appeal. If a new application or appeal is filed within one year of the date of the Board's decision the secretary shall not schedule any hearing until the Board has received the application or appeal and decided that there is new matter, evidence, or facts to be heard by the Board.

1104 PROCEDURE FOR APPROVAL OF CONDITIONAL USES

The procedures for approval of conditionally permitted uses shall be the same as established for appeals and variances as specified in **sections 1103.4 to 1103.11**, inclusive of this Resolution, as well as all applicable procedures and standards of **Article VIII**.

**ARTICLE XII
ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES**

1201 ZONING INSPECTOR

A zoning inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Board may direct. The township zoning

inspector, before entering upon his duties, shall give bond as specified in **Section 519.161, Ohio Revised Code**. The duties shall be:

- A. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violations(s), ordering the action necessary to correct such violation(s).
- B. Order discontinuance of illegal zoning, uses of land, buildings or structures.
- C. Order removal of illegal buildings or structures or illegal additions or alternations.
- D. Order discontinuance of any illegal work being done.
- E. Take any other action authorized by this Resolution to insure compliance with or to prevent violation(s) of this Resolution. This includes the issuance of any permits and such similar administrative duties as are permissible under the law.

1202 TOWNSHIP ZONING COMMISSION

The board of township trustees of any township proceeding under **Section 519.01 to 519.99**, inclusive, of the **Ohio Revised Code** shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. Each member shall serve until his successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term.

1203 DUTIES OF THE ZONING COMMISSION

For the purpose of this Resolution, the Commission shall have the following duties:

- A. Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees.
- B. Review all proposed planned unit developments and make recommendations to the Board of Township Trustees.
- C. Monitor all zoning permits and development proposals within Walnut Township.

- D. Review all interpretations of these regulations.
- E. The Zoning Commission shall organize and adopt rules in accordance with this Resolution. Meetings of the commission shall be held at the call of the chairman, at other times as the Commission determines. All meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such, and shall keep records of its official actions, which shall be filed in the office of the township trustees and be of public record.

1204 BOARD OF ZONING APPEALS

1204.1 Creation and Appointment

A Board of Zoning Appeals is hereby established having the powers as hereinafter indicated. Said Board shall consist of five members, appointed by the Board of Township Trustees. Every member shall be a legal resident of the township. Members shall be appointed for a term of five years, except that the initial appointments shall be, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. However, each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the Board of Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given the opportunity to be heard and answer such charges.

1204.2 Proceedings Of the Board of Zoning Appeals

The Board of Zoning Appeals shall organize and adopt rules in accordance with this Resolution. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board determines. The chairman or in his absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such a fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the township trustees and be a public record.

1204.3 Duties of the Board of Zoning Appeals

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning inspector from whom the appeal is taken. The concurring vote of majority of the Board shall be necessary to reverse any order, requirement, decision, or determination of the zoning inspector, or to decide in favor of the applicant of any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the zoning inspector.
- B. To authorize such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- C. To grant conditional zoning permits as specified elsewhere in this Resolution and under the conditions specified and such additional safeguards as will uphold the intent of this Resolution.
- D. To determine substantially similar uses in conformance with applicable provisions of this Resolution.
- E. To inform the Zoning Commission of conditional use permits and variances granted and its actions or interpretations regarding appeals.

1205 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the zoning inspector, and that such questions shall be presented to the Board only on appeal from the decision of the zoning inspector, and that recourse from the decision of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Resolution. Under this Resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in section 418 of this Resolution.

