

# PIKE TOWNSHIP, OHIO ZONING REGULATIONS

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# **CHAPTER 1**

## **GENERAL REGULATIONS**

## CHAPTER 1

### GENERAL REGULATIONS

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#### Section A - Title and Enactment

WHEREAS, It is determined by the Board of Pike Township Trustees of Clark County, Ohio that it is in the interest of the public health, public safety, and general welfare of the County to regulate and/or protect the location and use of land, buildings, and structures for agriculture and resource protection and for residential, commercial, and industrial development; in order to conserve and protect property and property values, to secure the most appropriate use of land, to regulate the density of population, and to facilitate adequate and economical provisions for public improvements; all in accordance with the goals and objectives of the Clark County Land Use Plan and notwithstanding the provisions outlined in the Clark County Subdivision Regulations; to provide a method of administration and enforcement and to prescribe penalties for the violations of provisions hereafter described - all as authorized by Chapter 519 of the Ohio Revised Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF PIKE TOWNSHIP:

That these Zoning Regulations shall be known and may be cited and referred to as the "Pike Township, Clark County, Ohio, Zoning Regulations," and shall contain the following provisions:

#### Section B - Area of Jurisdiction

1. The provisions of these Regulations shall apply to all unincorporated land areas of Pike Township that are regulated by Township Zoning by having voted approval, as provided by Chapter 519 of the Ohio Revised Code, and as indicated on the Official Zoning District Map(s).
2. The provisions of these Regulations shall apply to the remaining unincorporated land area of Pike Township, Clark County, Ohio, pursuant to the provisions of Chapter 519 of the Ohio Revised Code. Upon certification by the Board of Elections, these Regulations shall take immediate effect. Abolishment of prior zoning resolutions in the township or part thereof shall be governed by the provisions of Chapter 519 of the Ohio Revised Code and any amendment thereto. If such previous zoning resolution was adopted by the Township, it shall be enforced by the Township Zoning Inspector as set forth in Chapter 9 of these Regulations, and the Board of Zoning Appeals shall have jurisdiction as set forth in Chapter 9.
3. (a) Except as otherwise provided in subparagraph (b) of this Section, nothing in these regulations shall prohibit the use of any land for agricultural purposes or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such building or structure.

Section B (continued)

- (b) The provisions of these regulations shall, in any platted subdivision approved under Section 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 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, apply to and regulate agriculture on lots of one acre or less; 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; dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement 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 thirty-five 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 Chapter 1, Section I and Chapter 9, Section G, 3 of these regulations.
4. Nothing in these Regulations shall impose restrictions with respect to land used for legitimate purposes by any public utility or railroad with respect to the erection, maintenance, repair, alteration, remodeling, or extension of any building or structure (except general offices or other uses not directly related to provision of utility services) of any public utility or railroad, whether publicly or privately owned; except that such public utility and/or railroad buildings or structures shall conform to required setback lines.
  5. Nothing in these Regulations shall impose restrictions with respect to land owned or leased by any 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. The Performance Standards contained in Chapter 8, Section A shall apply.
  6. Nothing in these Regulations shall 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.

Section C - Official Zoning District Map

The Official Zoning District Map(s) dated May 1984 are an integral part of these Regulations. All Zoning District boundaries, notations, references, and other information shown on the Official Zoning District Map(s) are a part of these Regulations and shall carry the same force and effect as the balance of the material contained herein.

Section D - Interpretation and Purposes

These Regulations are the minimum requirements necessary for the promotion of the public health, public safety, and general welfare. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements. Where these Regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of these Regulations shall control.

## Section E - Establishment of Zoning Districts

For the purposes as stated in Section A, Title and Enactment, the unincorporated territory of Pike Township, Clark County, Ohio that is subject to these Zoning Regulations is hereby divided into the following Zoning Districts:

A-1	Agricultural District
R-1	Rural Residence District
R-1A	Suburban Residence District
R-2	Low Density Single-Family Residence District
R-3	Medium Density Single- and Two-Family Residence District
R-4	Multiple-Family Residence District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	General Business District
B-4	Heavy Business District
O-1	Office Business District
OR-2	Office Residential District
I-1	Industrial District
PUD	Planned Unit Development District
PCD	Planned Commercial Development District
R-MHP	Residential Manufactured Home Park (Mobile Home) District
FP	Flood Plain Overlay District
OS	Open Space Overlay District

## Section F - Zoning District Statements of Intent

Each District on the Official Zoning District Map or Maps shall be designated for the following purposes:

### A-1 Agricultural District - Tracts of land in excess of 40 acres

The intent and purpose of this district is to preserve areas where soils and topographic conditions are best suited for the pursuit of agriculture use from encroachment of scattered urban type uses. This district is intended to ensure that land areas within Pike Township which are well suited for the production of food and fiber are retained for such production, unimpeded by the establishment of incomparable uses which would hinder agricultural uses and inevitably deplete agricultural lands. The agricultural district is also established to prevent the conversion of prime agricultural land in scattered non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.

### R-1 Rural Residence District

The Rural Residence District is intended to reserve land at outlying locations in the Township for single-family residential development on lots of one acre or more in size, particularly where public sewerage systems are not available and development at a higher density would therefore not be appropriate.

### R-1A Suburban Residence District

The Suburban Residence District is intended to provide areas for single-family suburban type residential development at low densities on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character, where lots of substantial size are available for activities of children, for gardening, and for family recreation, on lands which are served with public water and sewerage systems.



R-2 Low Density Single-Family Residence District

The Low Density Single-Family Residence District is intended to provide areas for single-family suburban type residential development at relatively low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with public water and sewerage systems.

R-3 Medium Density Single- and Two-Family Residence District

The Medium Density Single- and Two-Family Residence District is intended to provide areas for single-family and two-family residential development at an intermediate density near urban areas. The requirements of the R-3 District realize that, due to rising fuel costs and other economic concerns, some homeowners may wish to convert their single-family dwellings to two-family structures, which is permitted in the R-3 District. Medium Density Single- and Two-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-4 Multiple-Family Residence District

The Multiple-Family Residence District is intended to provide for higher density residential development in the form of low-rise multiple-family dwellings. The R-4 District reflects existing multiple-family areas as well as those areas well suited to such future development, such as areas which enjoy strategic locations relative to major intersections, major open space/terrain/ vistas, and/or high intensity commercial areas. Multiple-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

B-1 Neighborhood Business District

The intent of the Neighborhood Business District is to establish small, compact commercial areas at strategic locations near or adjacent to residential areas in order to provide land for retail, professional, and personal service establishments where they can serve the day-to-day and occasional shopping needs of residents of the surrounding area.

B-2 Community Business District

The Community Business District is intended to provide for a broad range of primarily retail, professional, and personal service uses which may require substantial frontage for visibility and access, and whose trade areas typically extend beyond a particular neighborhood.

B-3 General Business District

The General Business District is intended to provide land for a full range of retail, professional, personal service, or other commercial uses whose trade areas extend beyond a particular neighborhood or even beyond a township or Clark County, and whose uses would not be compatible with the uses permitted in other commercial districts and which would be detrimental to adjoining residential areas unless effectively controlled.

Section F (continued)

B-4 Heavy Business District

The intent of the B-4 Heavy Business District is to provide for heavy businesses which are incompatible with local and community business districts.

O-1 Office Business District

The intent of the Office Business District is to reflect existing office uses at different locations throughout the unincorporated areas of the Township, and to allow a "mix" of business and professional office establishments with existing dwellings along major thoroughfare frontage that is undergoing transition. The intent here is to structure that transition in an orderly fashion and to allow for not only changes in uses and activities, but also to allow for extensive rehabilitation of residential structures for business and professional office purposes and/or redevelopment under controlled circumstances.

OR-2 Office Residential District

This district has been established to provide for a mixture of residential, small office and professional service establishments which will maintain the residential appearance of the area and which shall not create or generate a great amount of traffic and noise.

I-1 Industrial District

The intent of the Industrial District is to accommodate existing industrial development and allow land for future industrial expansion. The I-1 District is intended for land which are located with frontage along major thoroughfares and/or where convenient access exists to major highways and/or rail systems, Industrial Districts should be separated physically and functionally from residential areas and less intensively developed commercial areas.

PUD Planned Unit Development District

The Planned Unit Development District is proposed to establish an incentive zoning procedure for the development of new residential areas on a planned unit basis in accordance with an overall Development Plan and specific procedures for site plan review and approval. The intent is to be flexible in the regulation of basic land planning and to encourage imaginative site planning that provides a variety of dwelling types and lot sizes, usable open space, and limited commercial establishments to serve the development. Planned Unit Development Districts are intended to be located in areas which are served with public water and sewerage systems.

PCD Planned Commercial Development District

The Planned Commercial Development District is intended to accommodate the shopping needs of a township-wide or greater than township-wide population. The PCD District is proposed to provide an incentive procedure for the development of commercial areas in a planned manner in accordance with an overall Development Plan and specific procedures for site plan review and approval. The intent is to be flexible in the regulation of basic land planning and to encourage imaginative site planning that provides a variety of types of commercial and office activities, controlled access to and from PCD District sites, and usable open space as an integral part of such developments.

R-MHP Residential Manufactured Home Park District

The Residential Manufactured Home Park District is intended to provide for the placement of manufactured homes in a planned physical setting upon a site under unified management, in accordance with an overall Development Plan and specific procedures for site plan review and approval. Provisions for connections to off-site water and sewerage system are required.

Section F (continued)

FP Flood Plain Overlay District

The Flood Plain Overlay District is intended to promote the public health, safety, and general welfare and to minimize flood losses through provisions designed to: restrict or prohibit uses of land which are dangerous to health, safety, or property in times of flood or which may cause excessive increase in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such uses, can be protected against flood damage at the time of initial construction; and protect individuals from buying lands which are unsuited for intended purposes because of flood hazard. The FP District provides a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities are carried out in accordance with currently acceptable flood plain management criteria. Once the flood-proofing measures of the FP District have been complied with, the standard underlying Zoning District regulations shall become the criteria for development.

OS Open Space Overlay District

The Open Space Overlay District is intended to ensure proper water management and effective conservation measures by guiding development in surface and groundwater retention areas. Land uses permitted in the OS District should generally be associated with open space and recreational activities, with the primary objectives being to conserve and protect the groundwater recharge areas of reservoirs, aquifers, and other land areas that contribute to the County's public water supply and/or recreation resources. The OS District provides a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities will not interfere with the availability or enjoyment of water resources, or inhibit future surface and groundwater development; and to ensure that pollution abatement measures are followed.

S Specific Use Control District

The intent of the Specific Use Control (S-District), is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district to better control its use. Instead of rezoning to a district which would allow all the uses within that district, a specified use (or uses) that will be compatible with the surrounding area would be granted by the implementation of this Section. All requirements of the identified District (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the specified use or uses.

Section G - Filing for Rezoning by Owner/Lessee

Whenever an owner or lessee of property submits an application for rezoning, said request must include the following:

1. Rezoning Application. The owner or lessee of the property or an agent who possesses "Power of Attorney" from the owner or lessee of the property (any of which are hereinafter referred to as "appropriate applicant"), must submit a written request for rezoning on the current "Rezoning Application" forms provided by Pike Township. Said appropriate applicant must sign the application for rezoning. **It is recommended that a non-binding sketch plan be submitted with the rezoning application showing what development is being proposed.** All information, exhibits, and data must be provided. Any missing or incomplete information, exhibits, or data shall be a basis for rejecting an application for processing. If said application is rejected it shall not be processed and all items will be returned to the applicant. Information, exhibits, and data shall include:
  - (a) Owner's or lessee's name and address.
  - (b) Explanation or reasons why rezoning is requested. The owner must sign the application if the lessee is the one applying for the rezoning.

Section G (continued)

- (c) Accurate description and map. The proposed area to be rezoned must be marked by stakes of flags.
  - (d) Copy or tracing of the current tax map showing the area to be rezoned. Said area to be rezoned shall coincide with (c) above.
  - (e) A list of all adjoining property owners, their mailing address, and Permanent Parcel Number(s) shall be submitted. Said list shall be typed or printed on a separate 8 1/2" x 11" sheet(s) of paper.
  - (f) Other items as noted on the application form.
2. Consultation With Other Agencies. Prior to submission of a rezoning application as noted in Subsection 1 above, the appropriate applicant shall consult with the following agencies as applicable:
- (a) In all cases where on-site sewage disposal is utilized (i.e., where public sewer is not available or utilized), the County Health Department or Ohio EPA, as applicable, must evaluate the soil/site suitability for on-site sewage disposal of the rezoning site and report same to the owner/lessee on the appropriate form. Said analysis shall be included with the rezoning application.
  - (b) For all rezoning cases, the Clark Soil & Water Conservation District will provide a soils investigation report for the rezoning site and provide same to the owner/lessee. Said soils report shall be included with the rezoning application.
  - (c) For all rezoning requests (except single-family districts), the County Engineer's Office must evaluate vehicular access points and drainage (including possible detention/retention areas) of the rezoning site and report same to the owner/lessee on the appropriate form. Said site analysis shall be included with the rezoning application. For rezoning requests for single-family districts, it is **highly recommended** that a site analysis be conducted by the County Engineer's Office and submitted with the rezoning application.
  - (d) For any rezoning request that involves the use of an existing building, the County Building Department, through the Chief Building Official, must evaluate the usability of said building for the proposed use and report same to the owner/lessee on the appropriate form. Said building analysis shall be included with the rezoning application.

**THE APPROPRIATE APPLICANT MUST SUBMIT SUFFICIENT INFORMATION IN ORDER THAT A PROPER EVALUATION CAN BE CONDUCTED FOR THE REZONING SITE. EACH AGENCY MUST BE CONTACTED FOR SPECIFIC INFORMATION REQUIREMENTS.**

Section H - Required Conformance

Except as hereinafter specifically provided,

- 1. No land shall be used except for a use permitted in the Zoning District in which it is located, or for a use conditionally permitted and subject to the granting of a Conditional Use.

Section H (continued)

2. No land shall be used and no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered unless it is a use permitted in the Zoning District in which such building or structure is located.
3. No land shall be changed in use and no building or structure shall be occupied or used and no existing building or structure shall be changed in use until a Zoning Certificate has been issued by the Zoning Inspector. No such Zoning Certificate shall be issued unless the plans for the proposed building or structure or land use fully comply with the provisions of these Regulations.
4. Every building hereafter erected or structurally altered shall be located on a lot as defined. Where more than one (1) principal building is erected on a single lot, an open space shall be provided which is equal in width to twice the width of the side yard required for the use in the District in which the buildings are located.
5. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any lot hereafter be created, which does not conform and meet the requirements of these Regulations.
6. No lot, yard, parking area, or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by these Regulations; and, if already less than the minimum required by these Regulations, such area or dimension shall not be further reduced. No part of a yard, parking area, or other space provided about or for any building or structure, for the purpose of complying with the provisions of these Regulations, shall be included as part of a yard, parking area, or other space required under these Regulations for another building or structure.

Section I - Regulation of Non-conformities

1. Non-conforming Uses include buildings, structures, or uses which were lawfully existing prior to the adoption of these Zoning Regulations and which are prohibited or further restricted as a result of the provisions adopted in these Zoning Regulations.
2. All Non-conforming Uses are considered by these Zoning Regulations to be incompatible with the Permitted Uses of the Zoning District in which the Non-conforming Uses are located.
3. Nothing contained in these Zoning Regulations shall be construed to require any changes to be made in the plans, construction, or designated use of any building, structure, or use on which actual construction was lawfully begun, or for which plans were officially approved by the County prior to the date of adoption of these Zoning Regulations.
  - (a) Actual construction shall include projects whereby materials have been placed on the site and fastened together in a permanent manner; where excavation of a site has begun; or where demolition of a building to make way for rebuilding has begun; provided said construction, excavation, or demolition and subsequent rebuilding shall be carried on diligently, in conformance with the requirements of Section L, 2. of this Chapter.
4. All Non-conforming buildings, structures, or uses of land which were lawfully existing prior to the adoption of these Regulations may be maintained and shall be kept in repair, provided no structural alterations shall be made except such as are required by law or authorized by the Board of Zoning Appeals.

Section I (continued)

5. Any Non-conforming building, structure, or use of land which is superseded by a use which is permitted within the Zoning District in which it is located shall thereafter be in conformance with these Regulations, and the previous Non-conforming Use shall not be resumed.
6. Any Non-conforming Use of land which is discontinued, or building or structure left vacant, for a period of two (2) years or more, shall not be resumed. Any subsequent use of the land shall be in conformance with these Regulations.
7. Any Non-conforming building or use of land which is destroyed by natural causes (fire, flood, earthquake, tornado, or the like) to the extent of more than fifty (50) percent of its replacement value, shall not be resumed or reconstructed. The remains of any building or structure shall be razed as soon as is possible (not to exceed sixty (60) days from the date of the order of the Zoning Inspector). Any subsequent use of the land thereafter shall be in conformance with these Regulations. Replacement value shall be based upon the replacement cost of the structure prior to the calamity, and shall be determined by an independent appraiser. In the case of any uncertainty as to the replacement value of a particular structure, the determination of the Clark County Building Official or his/ her representative shall be final.

Notwithstanding other provisions of these regulations, the provisions of this paragraph shall not apply to buildings or structures that have been a conditionally or permitted use as herein provided. A waiver of this Section may be granted by the Board of Zoning Appeals, along with any further and additional restrictions as the Board demands.

8. The Board of Zoning Appeals may authorize the extension of a Nonconforming Use throughout those parts of an existing building which manifestly were designed or arranged for such use prior to the effective date of these Regulations if no structural alterations except those required by law are made therein.
9. No Non-conforming building or structure or use may be enlarged, extended, or otherwise expanded except upon the granting of a Conditional Use by the Board of Zoning Appeals.
10. Nothing in these Regulations shall grant a legal Non-conforming Use status to a Non-conforming Use that existed unlawfully prior to enactment of these Regulations.
11. See Chapter 9, Section G - Administrative Procedures, 3. (B), Restoration.

Section J - Rules for Interpretation of the Official Zoning District Map

1. The boundaries of the Zoning Districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of Pike Township, Clark County, Ohio, which map(s) are hereby made a part of these Regulations. The said Zoning Map(s) and all notations and references and other matters shown thereon, shall be and are hereby made part of these Regulations. Said Zoning Map(s), properly attested, shall be and remain on file in the office of the Zoning Inspector, County Planning Commission, and Rural Zoning Commission, Clark County, Ohio.
2. Except where referenced on said map(s) to a street line or other designated line by dimensions shown on said map(s), the District boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads as they existed at the time of adoption of these Regulations or the extension of such lines.

Section J (continued)

3. Where a District boundary line, as established in this Section or as shown on the Zoning Map(s), divides an existing lot or parcel, said lot or parcel is subject to the zoning requirements as defined by whatever Zoning District the part of the lot or parcel is located within. The Zoning Inspector shall make a determination as to the location of the Zoning District boundary and therefor those uses which are permitted thereon. The Zoning Inspector may use any information available in making such determination.
4. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Official Zoning District Map(s), the Board of Zoning Appeals, after notice of public hearing to the owners of the property abutting, shall interpret the map(s) in such a way as to carry out the intent and purpose of these Regulations for the particular section or District in question.
5. Questions concerning the exact location of District boundary lines shall be determined by the Board of Zoning Appeals as provided in Chapter 9 and in accordance with rules and regulations which may be adopted by it.
6. Whenever any street, alley, or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended District or Districts.
7. In every case where territory has not been specifically included within a District, or where territory becomes a part of the unincorporated area of Clark County by the disincorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as an A-1 District, until otherwise classified.

Section K - Rules for Interpretation of the Zoning Regulations Text

In the interpretation of the text, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules apply to the text:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text and any table, the text shall control.
3. The word "shall" shall be mandatory and not discretionary. The words "may" or "should" shall be permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
6. In case there is question as to the intended meaning of any provision of the text, the Board of Zoning Appeals may interpret its meaning as it applies to a particular property. Before reaching a decision in response to any such request, the Board of Zoning Appeals may obtain the written opinion of the Clark County Prosecutor thereon.

Section K (continued)

7. Any use in any District which use is not specifically listed or otherwise referenced as being permitted, but which is determined by the Board of Zoning Appeals to be of the same general character as those which are so listed as permitted in such District, but not including any use which is first permitted or is prohibited in the next less restricted District, may be authorized by the Board of Zoning Appeals.

Section L - Regulations Not Retroactive

1. Except as otherwise specified in these Regulations, any use, lot, building, or structure that exists as of the enactment date of these Regulations or any amendment thereto may be continued even though such use, lot, building, or structure may not conform to the provisions of the Zoning District in which it is located. The provisions for Non-conforming Uses shall apply.
2. Nothing contained in these Regulations shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of these Regulations; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground floor framework including structural parts of the second floor (where applicable) shall have been completed within one (1) year after the effective date of these Regulations.
3. The construction of a conforming structure and/or the conduct of a Permitted Use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or Permitted Use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals. Such Non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership at the time of enactment or amendment of these Zoning Regulations. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.
  - (a) In no case shall the width of any side yard be less than ten (10) percent of the width of the lot (except in the case of zero lot line or cluster dwellings, and except as permitted in the "B" and O-1 Districts); and, on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is greater.
  - (b) The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.
4. If two (2) or more lots or a combination of lots and portions lots with continuous frontage in single ownership are of record at the time of enactment or amendment of these Regulations, and if all or part of the lots with no buildings do not meet the minimum requirements established for lot width and/or area, the lands involved shall be considered to be an undivided parcel for the purposes of these Regulations.
  - (a) No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by these Regulations.
  - (b) No division of any parcel shall be made which creates a lot with a width and/or area below the requirements stated in these Regulations.



## Section M - Non-Conforming Yard Requirements

The front, side or rear yard setback requirements of Chapter 2 may be modified through action of the Board of Zoning Appeals in certain cases where compliance cannot be obtained due to placement requirements of water supply and/or disposal of wastes of the Clark County Health Department or the Ohio EPA, as applicable. In no case shall the front, side, or rear yard setback be less than fifty (50) percent of the required distances set forth in Chapter 2.

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**CHAPTER 2**

**GENERAL ZONING  
DISTRICT REGULATIONS**

SECTION A

AGRICULTURAL DISTRICT

A-1 AGRICULTURAL

PRINCIPAL PERMITTED AND CONDITIONED USES:	LOT SIZE (Area)	MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT- NOTES (Restrictions)
		FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
			WIDTH *	FRONT (Setback) **	SIDE				
				LEAST WIDTH	SUM OF BOTH				
1. Agriculture, Farm Markets, & related buildings & structures	40 Acres	--	--	--	--	--	--	--	1, 2, 3, 5
2. Rural Farm Housing	--	--	--	--	--	--	--	--	2, 4, 5, 5a, 6
3. Private Landing Fields	--	--	--	--	--	--	--	--	7
4. Agricultural-Related Processing & Marketing	1 Acre	150	50	30	60	50	35	2	5, 8
5. Garden Centers and Greenhouses	1 Acre	150	50	30	60	50	35	2	5
6. Farm and Construction Labor Camps	--	--	--	--	--	--	--	--	5, 16
7. Manufactured Farm Homes	--	--	100	100	--	100	--	--	5, 10

CONDITIONALLY PERMITTED USES (Requires BZA Approval):	LOT SIZE (Area)	MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT- NOTES (Restrictions)
		FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
			WIDTH *	FRONT (Setback) **	SIDE				
				LEAST WIDTH	SUM OF BOTH				
1. Home Occupations	--	--	--	--	--	--	--	--	9
2. Bed and Breakfast	1 Acre	150	40	25	60	60	35	2	2, 5, 6, 30
3. Private and Public Outdoor Recreation Areas	--	--	--	--	--	--	--	--	5, 11
4. Penal and Correctional Institutions	10 Acres	--	--	--	--	--	--	--	5, 15
5. Cemeteries	3 Acres	--	--	--	--	--	--	--	17
6. Animal Hospitals, Veterinary, Clinics & Kennel	1 Acre	150	50	30	60	50	35	2	5, 18
7. Resource and Mineral Extraction	--	--	--	--	--	--	--	--	19
8. Sanitary Landfill	--	--	--	--	--	--	--	--	20
9. Demolition Disposal Facility	--	--	--	--	--	--	--	--	24
10. Airports	--	--	--	--	--	--	--	--	5, 21
11. Radio, Television, and Telecommunications Transmission & Receiving Towers	5 Acres	--	--	--	--	--	--	--	22
12. Hospitals and Auxiliary Facilities	1 Acre	150	100	100	300	150	35	2	23
13. Group Care Home	1 Acre	150	50	30	60	50	35	2	5, 27
14. Nursing Homes, Convalescent Homes, & Rest Homes	1 Acre	150	50	30	60	50	35	2	5, 28
15. Feed Lot, Grain Elevators, & Slaughterhouse	5 Acres	150	40	50	100	50	--	--	2, 5, 29
16. Day-Care Centers & Rest Homes	1 Acre	150	50	30	60	50	35	2	2, 5, 25
17. Churches and Similar Places of Worship	1 Acre	150	50	30	60	50	45	2	5, 12
18. Primary and Secondary Schools	90,000 SF	300	100	100	200	100	35	2	5, 13
19. Institutions of Higher Learning	10 Acres	300	100	100	200	100	35	2	1, 14

\* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

\*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

# SECTION A

## AGRICULTURAL DISTRICT A-1

### REFERENCES TO FOOTNOTES (Restrictions) [Right Hand Column on Table]

1. Related buildings and structures may include private garages, and manufactured farm homes for help employed on the premises as full-time farm labor. The minimum yard and height requirements for rural non-farm housing shall apply to such related buildings and structures.
2. On no lot or parcel in the A-1 district shall buildings be constructed which cover more than twenty-five (25) percent of the lot or parcel area.
3. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent existing or proposed public right-of-way shall be required. No curb cuts along a public road shall be established, and, adequate area for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
4. Rural farm housing denotes the principal residence on a farm. A farm is entitled to one (1) dwelling unit by right. The minimum yard and height requirements of rural non-farm housing shall apply to such dwelling.
5. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or from the Ohio E.P.A., as applicable, PRIOR TO ISSUING A ZONING CERTIFICATE.
- 5a. Factory-built housing subject to requirements for *Factory-Built Housing* specified in Chapter 7, Section 135.
6. No parcel of land in this district shall be used for residential purposes which has an area of less than one (1) acre. All lots or parcels within this district shall have a minimum lot frontage on a public road of one hundred fifty (150) feet. For lots or parcels under five (5) acres, the depth of such lot or parcel shall not exceed an amount equal to four (4) times its width. No new lot or lots shall be created by the platting of a subdivision in the A-1 District.
7. Private landing fields shall be permitted as an accessory use in the A-1 District, subject to the requirements of Chapter 8, Section B., 2., (d).
8. Subject to requirements for *Agricultural-Related Processing and Marketing* specified in Chapter 7, Section 101.
9. Subject to requirements for *Home Occupations* specified in Chapter 7, Section 118.
10. Subject to requirements for *Manufactured Farm Homes* specified in Chapter 7, Section 122.
11. Subject to requirements for *Private and Public Outdoor Recreation Areas* specified in Chapter 7, Section 127.
12. Subject to requirements for *Churches and Similar Places of Worship* specified in Chapter 7, Section 109.
13. Subject to requirements for *Primary and Secondary Schools* specified in Chapter 7, Section 126.

**A-1**

## SECTION A (Continued)

14. Subject to requirements for *Institutions of Higher Learning* specified in Chapter 7, Section 120.
15. Subject to requirements for *Penal and Correctional Institutions* specified in Chapter 7, Section 125.
16. Subject to requirements for *Farm and Construction Labor Camps* specified in Chapter 7, Section 115.
17. Subject to requirements for *Cemeteries* specified in Chapter 7, Section 108.
18. Subject to requirements for *Animal Hospitals, Veterinary Clinics, and Kennels* specified in Chapter 7, Section 103.
19. Subject to requirements for *Resource and Mineral Extraction* specified in Chapter 7, Section 129.
20. Subject to requirements for *Sanitary Landfills* specified in Chapter 7, Section 130.
21. Subject to requirements for *Airports* specified in Chapter 7, Section 102.
22. Subject to requirements for *Radio, Television, and Telecommunication Transmission/Receiving Towers* specified in Chapter 7, Section 128.
23. Subject to requirements for *Hospitals and Auxiliary Facilities* specified in Chapter 7, Section 119.
24. Subject to requirements for *Demolition Disposal Facility* specified in Chapter 7, Section 132.
25. Subject to requirements for *Day-Care Centers* specified in Chapter 7, Section 112.
26. Subject to requirements for *Day-Care Homes* specified in Chapter 7, Section 133.
27. Subject to requirements for *Group Care Homes* specified in Chapter 7, Section 117.
28. Subject to requirements for *Nursing Homes, Convalescent Homes, Rest Homes* specified in Chapter 7, Section 124.
29. Subject to requirements for *Feed Lot, Grain Elevators, and Slaughterhouse* specified in Chapter 7, Section 134.
30. Subject to requirements for *Bed and Breakfast* specified in Chapter 7, Section 137.

**SECTION B**

**SINGLE-FAMILY  
RESIDENCE DISTRICTS**

R-1	RURAL	R-2	LOW DENSITY
R-1A	SUBURBAN		

**PRINCIPAL PERMITTED AND  
CONDITIONED USES:**

ZONING DISTRICTS:		
R-	R-	R-
1	1A	2

LOT SIZE (Area)	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOT- NOTES (Restrictions)
	FRONTAGE WIDTH * (Feet)	FRONT (Setback) **	YARD REQUIREMENTS (Feet)		REAR (Setback)	(Feet)	(Stories)		
			LEAST WIDTH	SUM OF BOTH					
1 acre	150	40	15	50	60	35	2	1, 1a	
20,000 SF	100	35	12	30	50	35	2	1, 2	
12,000 SF	80	30	6	16	25	35	2	1, 2	
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Y = Yes (Permitted)  
N = No (Not permitted)

**CONDITIONALLY PERMITTED  
USES (Requires BZA Approval):**

ZONING DISTRICTS:		
R-	R-	R-
1	1A	2

LOT SIZE (Area)	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOT- NOTES (Restrictions)
	FRONTAGE WIDTH * (Feet)	FRONT (Setback) **	YARD REQUIREMENTS (Feet)		REAR (Setback)	(Feet)	(Stories)		
			LEAST WIDTH	SUM OF BOTH					
--	--	--	--	--	--	--	--	4	
1 acre	150	40	15	50	60	35	2	1, 5	
20,000 SF	100	35	12	30	50	35	2	1, 2, 5	
12,000 SF	80	30	6	16	25	35	2	1, 2, 5	
1 Acre	150	50	30	60	50	45	2	1, 6	
90,000 SF	300	100	100	200	100	35	2	1, 7	
10 Acres	300	100	100	200	100	35	2	1, 8	
2 Acres	150	100	100	300	150	35	2	1, 9	
1 acre	150	40	15	50	60	35	2	1, 10	
20,000 SF	100	35	12	30	50	35	2	1, 2, 10	
12,000 SF	80	30	6	16	25	35	2	1, 2, 10	
--	--	--	--	--	--	--	--	11	
3 Acres	--	--	--	--	--	--	--	12	
1 Acre	150	40	15	50	60	35	2	1, 13	
20,000 SF	100	45	20	40	60	35	2	1, 2, 13	
12,000 SF	80	35	15	25	35	35	2	1, 2, 13	
1 Acre	150	50	30	60	60	35	2	1, 14	
5 Acres	--	--	--	--	--	--	--	15	
--	--	--	--	--	--	--	--	1, 2, 16	

Y = Yes (Permitted)  
N = No (Not permitted)

\* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

\*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

**R-1, R-1A, R-2,**

**SINGLE-FAMILY RESIDENCE DISTRICTS  
R-1, R-1A, & R-2**

*REFERENCES TO FOOTNOTES (Restrictions)  
[Right Hand Column on Table]*

1. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or from the Ohio E.P.A., as applicable, **PRIOR TO ISSUING A ZONING CERTIFICATE.**

~~X~~ 2. Factory-built housing subject to requirements for *Factory-Built Housing* specified in Chapter 7, Section 135.

2. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below:

<u>UTILITIES SERVING PROPERTY</u>	<u>FRONTAGE</u>	<u>LOT SIZE</u>
No public sewer or water -	150'	1 acre
Public water only -	125'	3/4 acre
Public sewer only -	100'	1/2 acre

3. Related buildings and structures may include private garages, and manufactured farm homes for full-time farm labor. The minimum yard and height requirements for single-family dwellings in the R-1 district shall apply to such related buildings and structures.

4. Subject to requirements for *Home Occupations* specified in Chapter 7, Section 118.

5. Subject to requirements for *Bed and Breakfast* specified in Chapter 7, Section 137.

6. Subject to requirements for *Churches and Similar Places of Worship* specified in Chapter 7, Section 109.

7. Subject to requirements for *Primary and Secondary Schools* specified in Chapter 7, Section 126.

8. Subject to requirements for *Institutions of Higher Learning* specified in Chapter 7, Section 120.

9. Subject to requirements for *Hospitals and Auxiliary Facilities* specified in Chapter 7, Section 119.

10. Subject to requirements for *Group Care Homes* specified in Chapter 7, Section 117.

11. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent public right-of-way shall be required. No curb cuts along a public road shall be established and, adequate area for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.

12. Subject to requirements for *Cemeteries* specified in Chapter 7, Section 108.

13. Subject to requirements for *Day-Care Home* specified in Chapter 7, Section 133.

14. Subject to requirements for *Nursing Homes, Convalescent Homes, and Rest Homes* specified in Chapter 7, Section 124.

15. Subject to requirements for *Radio, Television, and Telecommunication Transmission/Receiving Towers* specified in Chapter 7, Section 128.

16. Subject to requirements for *Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings* specified in Chapter 7, Section 131.



**SECTION C**

SINGLE, TWO, AND MULTI-FAMILY RESIDENCE DISTRICTS	R-3 MEDIUM DENSITY SINGLE & TWO FAMILY
	R-4 MULTIPLE-FAMILY

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS:		MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT- NOTES  (Restrictions)	
	R- 3	R- 4	LOT SIZE (Area)	FRONTAGE  WIDTH * (Feet)	YARD REQUIREMENTS (Feet)			REAR (Setback) (Feet)	(Stories)		
					FRONT (Setback) **	SIDE					
						LEAST WIDTH	SUM OF BOTH				
1. Single-Family Dwellings	Y	Y	7,500 SF	60	25	6	16	25	35	2	1, 1a, 2
2. Two-Family Dwellings	Y	Y	10,000 SF	80	25	8	20	25	35	2	1, 2
3. Three-Family Dwellings	N	Y	11,000 SF	80	25	10	24	25	35	2	1, 2
4. Four-Family Dwellings	N	Y	12,000 SF	80	25	10	24	25	35	2	1, 2
5. Multiple-Family Dwellings	N	Y	--	100	25	12	28	25	45	3	1, 2, 3
6. Condominium Residences	N	Y	--	--	--	--	--	--	--	--	1, 2, 3, 12
7. Agriculture and Related Buildings & Structures	Y	Y	--	--	--	--	--	--	--	--	1, 2, 4

Y = Yes (Permitted)  
N = No (Not permitted)

- \* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.
- \*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

# SECTION C

## SINGLE-, TWO-, AND MULTIPLE-FAMILY DISTRICT R-3 & R-4

### REFERENCES TO FOOTNOTES (Restrictions) [Right Hand Column on Table]

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below:

<u>UTILITIES SERVING PROPERTY</u>	<u>FRONTAGE</u>	<u>LOT SIZE</u>
No public sewer or water -	150'	1 acre
Public water only -	125'	3/4 acre
Public sewer only -	100'	1/2 acre

NOTE: Public sewer and water required for three-, four-, or multiple-family dwellings.

2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or approval from the Ohio E.P.A., as applicable, **PRIOR TO ISSUING A ZONING CERTIFICATE**. NOTE: Public sewer and water required for three-, four-, or multiple-family dwellings.
3. The minimum lot size requirement for multiple-family dwellings (i.e., in excess of a four-family dwelling) shall be two thousand nine hundred (2,900) square feet in lot area for each dwelling unit.
4. Related buildings and structures may include private garages and manufactured farm homes for full-time farm labor. The minimum yard and height requirements for single-family dwellings in the R-3 or R-4 district, as applicable, shall apply to such related buildings and structures.
5. Subject to requirements for *Condominium Residences* specified in Chapter 7, Section 140.

**R-3 & R-4**

**SECTION D**

**R-MHP RESIDENTIAL MANUFACTURED HOME PARK (MOBILE HOME)**

PRINCIPAL PERMITTED USES:	LOT SIZE (Area)	MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT-NOTES (Restrictions)
		FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
			WIDTH *	FRONT (Setback) **	SIDE				
				LEAST WIDTH	SUM OF BOTH				
1. Mobile Homes	5 Acres	300	50	30	60	50	15	1	1, 2
2. Manufactured Homes	5 Acres	300	50	30	60	50	35	1	1, 2
3. Communal Facilities	10,000 SF	300	50	30	60	50	35	2	1, 2

- \* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.
- \*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

REFERENCES TO FOOTNOTES (Restrictions) - [Right Hand Column on Table Above]

1. The requirements for (Mobile Home) Manufactured Home Parks contained in Chapter 4 shall also apply.
2. In any case where a lot is not provided with public water or disposal of sanitary wastes by means of public sewers, the proposed water supply system and/or disposal of wastes shall have written approval from the legally authorized agency charged with issuing water and sewage permits for this type of use.

**SECTION E**

**PUD PLANNED UNIT DEVELOPMENT DISTRICT**

PRINCIPAL PERMITTED USES:	LOT SIZE (Area)	MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT-NOTES (Restrictions)
		FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
			WIDTH *	FRONT (Setback) **	SIDE				
				LEAST WIDTH	SUM OF BOTH				
1. Single-Family, Two-Family, Three-Family, Four-Family, & Multiple-Family Dwellings	--	--	--	--	--	--	--	--	1, 2
2. Non-residential uses of a religious, cultural, educational, or recreational nature or character	--	--	--	--	--	--	--	--	1, 3
3. Commercial uses intended to serve adjoining residential structures	--	--	--	--	--	--	--	--	1, 4
4. Parkland and Open Space	--	--	--	--	--	--	--	--	--

CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	LOT SIZE (Area)	MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT-NOTES (Restrictions)
		FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
			WIDTH *	FRONT (Setback) **	SIDE				
				LEAST WIDTH	SUM OF BOTH				
1. Home Occupations	--	--	--	--	--	--	--	--	5

- \* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.
- \*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

REFERENCES TO FOOTNOTES (Restrictions) - [Right Hand Column on Table Above]

1. The requirements for Planned Unit Developments contained in Chapter 4 shall also apply.
2. Residential structures may include the following types: detached, semi-detached, attached, modular, cluster, zero lotline, modular cluster, zero lot line, or any reasonable variation on the same themes.
3. Permitted non-residential facilities shall be designed and intended to serve the residents of the Planned Unit Development District, except that such facilities may serve adjoining residents or neighborhoods if they are located in proximity to major thoroughfares as to permit access without burdening residential streets.
4. No commercial use shall occupy more than ten (10) percent of the floor area of the developed portion of the District, and no commercial use shall be established prior to occupancy by a sufficient number of residents within the development to substantially support the commercial uses.
5. Subject to requirements for Home Occupations specified in Chapter 7, Section 118.

SECTION F

PCD PLANNED COMMERCIAL DEVELOPMENT DISTRICT

PRINCIPAL PERMITTED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)			(Feet)	(Stories)		
			FRONT (Setback) **	SIDE (Feet)				REAR (Setback)	
	WIDTH * (Feet)		LEAST WIDTH	SUM OF BOTH					
1. Commercial and Office Establishments of all types developed & maintained within an organized development or associated commercial activities in accordance with an approved Development Plan	--	--	--	--	--	--	--	1	
2. Community Facilities such as libraries, offices, or educational facilities operated by a public agency or government	--	--	--	--	--	--	--	1	
3. Commercial Establishments normally associated with and intended to serve the traveling public with motels, service stations, restaurants, or any other allied activities	--	--	--	--	--	--	--	1	
4. Other commercial ventures not provided by this or other Sections of these Regulations	--	--	--	--	--	--	--	1	
5. Apartments or residences in areas above the commercial storeroom or office facilities	--	--	--	--	--	--	--	1	

\* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

\*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

REFERENCES TO FOOTNOTES (Restrictions) - [Right Hand Column on Table Above]

1. The requirements for Planned Commercial Developments contained in Chapter 4 shall also apply.

**SECTION G**

OFFICE DISTRICTS	O-1 OFFICE BUSINESS
	OR-2 OFFICE RESIDENTIAL

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS:		MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT- NOTES (Restrictions)	
	O-1	OR-2	LOT SIZE (Area)	FRONTAGE WIDTH * (Feet)	FRONT (Setback) **	SIDE REQUIREMENTS (Feet)		REAR (Setback)	(Feet)		(Stories)
	1	2				LEAST WIDTH	SUM OF BOTH				
1. Business and/or Professional Offices, including Medical and Dental Clinics	Y	N	7,500 SF	60	50	--	--	--	45	3	1, 2, 3, 4 5, 6, 7
2. Banks and Financial Institutions	Y	N	7,500 SF	60	50	--	--	--	45	3	1, 2, 3, 4 5, 6, 7
3. Law, Real Estate, and Insurance Offices	Y	N	7,500 SF	60	50	--	--	--	45	3	1, 2, 3, 4 5, 6, 7
4. Business Service Establishments	Y	N	7,500 SF	60	50	--	--	--	45	3	1, 2, 3, 4 5, 6, 7
5. Single-Family Dwellings	N	Y	7,500 SF	60	25	6	16	25	35	2	1, 2
6. Incidental Business Uses	N	Y	7,500 SF	60	25	6	16	25	35	2	1, 2, 6, 8

Y = Yes (Permitted)  
N = No (Not permitted)

- \* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.
- \*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.  
 B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.  
 (All lot lines shall be identified on site)

**REFERENCES TO FOOTNOTES (Restrictions) - [Right Hand Column on Table Above]**

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below:
 

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE
No Public Sewer or Water -	150'	1 Acre
Public Water Only -	150'	3/4 Acre
Public Sewer Only -	100'	1/2 Acre
2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or approval from the Ohio E.P.A., as applicable, prior to issuing a zoning certificate.
3. No side yard shall be required, except that a side yard of twenty-five (25) feet shall be required between the principal building within an O-1 District and the lot line of any lot within an A-1 or "R" District; and, if located on a corner lot, the side yard requirement shall be twenty-five (25) feet when such side yard abuts on a public thoroughfare.
4. The rear yard requirement for all Principal Permitted and Conditioned Uses in the O-1 District shall be twenty (20) feet, except when a lot abuts an A-1 or "R" District, in which case the required rear yard shall be forty (40) feet.
5. All commercial areas adjacent to Agricultural or Residential Districts shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service and storage areas from the view of adjacent agricultural or residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
6. All uses, activities, and transactions (with the exception of off-street parking and loading/unloading) shall be conducted entirely within an enclosed building.
7. No business or office unit in this District shall contain more than five thousand (5,000) square feet of ground floor space.
8. Related buildings and structures may include storage structures and other accessory buildings as defined in Chapter 10.
9. Subject to requirements for Office-Residential uses specified in Chapter 7, Section 141.

SECTION H

BUSINESS DISTRICTS

B-1 NEIGHBORHOOD	B-3 GENERAL
B-2 COMMUNITY	B-4 HEAVY

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS:				MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOT- NOTES (Restrictions)
	B-1	B-2	B-3	B-4	LOT SIZE (Area)	FRONTAGE WIDTH * (Feet)	FRONT (Setback) **	SIDE REQUIREMENTS (Feet)		REAR (Setback)	(Feet)	(Stories)	
	1	2	3	4				LEAST WIDTH	SUM OF BOTH				
1. Business and/or Professional Offices	Y	Y	Y	Y	7,500 SF	60	25	--	--	--	35	3	1, 2, 3, 4, 5, 6
2. Banks & Financial Institutions	Y	Y	Y	Y	7,500 SF	60	25	--	--	--	35	3	1, 2, 3, 4, 5, 6
3. Eating and Drinking Places, excluding Drive-in or Carry-out	Y	Y	Y	Y	7,500 SF	60	25	--	--	--	35	3	1, 2, 3, 4, 5, 6
4. Radio and Television Broadcasting Studios	Y	Y	Y	Y	7,500 SF	60	25	--	--	--	35	3	1, 2, 3, 4, 5, 6
5. Funeral Homes & Mortuaries	Y	Y	Y	Y	10,000 SF	60	25	--	--	--	35	3	1, 2, 3, 4, 5, 6, 7
6. Automotive Service Stations	Y	Y	Y	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 5, 9
7. Custom Butcher Shops	Y	Y	Y	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 5
8. Indoor Motion Picture Theaters	N	Y	Y	Y	10,000 SF	100	50	--	--	--	45	3	1, 2, 3, 4, 5, 6
9. Retail Food Stores	N	Y	Y	Y	10,000 SF	100	50	--	--	--	35	2	1, 2, 3, 4, 5, 6
10. Drive-in, Fast Food, Drive-in Carry-out Restaurants and/or Drive-through Retail Establishments	N	Y	Y	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 5, 14
11. Garden Centers, Greenhouses	N	Y	Y	Y	10,000 SF	100	50	--	--	50	35	1	1, 2, 3, 5
12. Automotive Repair Garages	N	Y	Y	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 5, 15
13. Car Washes	N	Y	Y	Y	10,000 SF	100	50	--	--	50	35	1	1, 2, 3, 5, 16
14. Air Conditioning, Plumbing, Heating, and Roofing Shops	N	Y	Y	Y	10,000 SF	100	50	--	--	50	45	3	1, 2, 3, 5, 6
15. Automotive & Auto Accessory Sales	N	Y	Y	Y	10,000 SF	100	50	--	--	50	45	3	1, 2, 3, 5, 6
16. Building and Related Trades	N	Y	Y	Y	10,000 SF	100	50	--	--	50	45	3	1, 2, 3, 5, 6
17. Commercial Recreation Establishments	N	Y	Y	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 5, 11
18. Animal Hospitals, Veterinary Clinics, and Kennels	N	N	Y	Y	10,000 SF	100	50	--	--	--	45	3	1, 2, 3, 4, 5, 6, 12
19. Building Material Sales Yard	N	N	Y	Y	10,000 SF	100	50	--	--	--	45	3	1, 2, 3, 4, 5, 7, 18
20. Drive-In Motion Picture Theater	N	N	Y	Y	3 Acres	200	50	--	--	--	--	--	2, 4, 5, 19
21. Private and Public Outdoor Recreation Areas	N	N	Y	Y	--	--	--	--	--	--	--	--	1, 2, 5, 20
22. Motels and Hotels	N	N	Y	Y	1 Acre	150	100	20	40	50	45	3	2, 5, 21
23. Hospitals and Auxiliary Facilities	N	N	Y	Y	3 Acres	150	100	100	200	150	45	3	2, 5, 22
24. Automotive Body Shop	N	N	Y	Y	10,000 SF	100	50	--	--	50	45	3	1, 2, 3, 5, 23
25. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	N	N	Y	Y	10,000 SF	100	50	--	--	40	45	3	1, 2, 3, 5, 27, 28

Y = Yes (Permitted)  
N = No (Not permitted)

SECTION H (con't.)

BUSINESS DISTRICTS	B-1 NEIGHBORHOOD	B-3 GENERAL
	B-2 COMMUNITY	B-4 HEAVY

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS:				MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT-NOTES (Restrictions)	
	B-1	B-2	B-3	B-4	LOT SIZE (Area)	FRONTAGE WIDTH * (Feet)	FRONT (Setback) **	YARD REQUIREMENTS (Feet)		REAR (Setback)	(Feet)		(Stories)
								LEAST WIDTH	SUM OF BOTH				
26. Bottling of Soft Drinks and Milk or Distributing Stations	N	N	N	Y	10,000 SF	100	50	--	--	40	45	3	1, 2, 3, 25, 26, 28
27. Contractor's Equipment Storage Yard or Storage & Rental Contractors Equipment	N	N	N	Y	10,000 SF	100	50	--	--	40	35	1	1, 2, 3, 26, 28
28. Motor Vehicle, Boat, & Camper Storage	N	N	N	Y	10,000 SF	100	50	--	--	40	35	1	1, 2, 3, 26, 28, 29
29. Trucking and Motor Freight Station or Terminal	N	N	N	Y	10,000 SF	100	50	--	--	40	45	3	1, 2, 3, 26, 28
30. Carting, Express, or Hauling Establishments	N	N	N	Y	10,000 SF	100	50	--	--	40	45	3	1, 2, 3, 26, 28
31. Stone or Monument Works	N	N	N	Y	10,000 SF	100	50	--	--	40	45	3	1, 2, 3, 26, 27, 28
32. Mini-Warehouse or Self Storage Facilities	N	N	N	Y	10,000 SF	100	50	--	--	40	35	1	1, 2, 3, 26, 28
33. Private and Public Outdoor Recreation Areas	N	N	N	Y	10,000 SF	--	--	--	--	--	--	2	2, 10, 20

Y = Yes (Permitted)  
N = No (Not permitted)

CONDITIONALLY PERMITTED USES (Requires BZA Approval):	ZONING DISTRICTS:				MINIMUM ZONING LOT REQUIREMENTS					MAXIMUM HEIGHT		FOOT-NOTES (Restrictions)	
	B-1	B-2	B-3	B-4	LOT SIZE (Area)	FRONTAGE WIDTH * (Feet)	FRONT (Setback) **	YARD REQUIREMENTS (Feet)		REAR (Setback)	(Feet)		(Stories)
								LEAST WIDTH	SUM OF BOTH				
1. Commercial Recreation Establishments	Y	-	-	-	10,000 SF	100	25	--	--	--	35	2	1, 2, 3, 4, 5, 6, 11
2. Day-Care-Centers	Y	Y	Y	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 5, 6, 8
3. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	Y	1 Acre	150	50	30	60	50	35	2	1, 2, 3, 5, 10
4. Clubs, Fraternal or Lodge Organizations	Y	Y	Y	Y	10,000 SF	100	25	--	--	--	35	2	1, 2, 3, 4, 5, 6
5. Animal Hospitals, Veterinary Clinics, and Kennels	Y	Y	-	-	10,000 SF	100	25	--	--	50	35	2	1, 2, 3, 5, 12
6. Bars and Taverns	N	Y	Y	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 4, 13
7. Wholesale Establishments	N	N	Y	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 5, 24
8. Adult Entertainment Establishments	N	N	N	Y	10,000 SF	100	50	--	--	50	35	2	1, 2, 3, 30

Y = Yes (Permitted)  
N = No (Not permitted)

\* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.  
\*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

**B-1, B-2,  
B-3, & B-4**

# SECTION H

## BUSINESS DISTRICTS B-1, B-2, B-3, & B-4

### REFERENCES TO FOOTNOTES (Restrictions) [Right Hand Column on Table]

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below:

<u>UTILITIES SERVING PROPERTY</u>	<u>FRONTAGE</u>	<u>LOT SIZE</u>
No public sewer or water -	150'	1 acre
Public water only -	125'	3/4 acre
Public sewer only -	100'	1/2 acre

2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or from the Ohio E.P.A., as applicable, **PRIOR TO ISSUING A ZONING CERTIFICATE.**
3. Side yards shall be required adjacent to Agricultural or Residential Districts not less than twenty (20) feet from the adjacent Agricultural or Residential District. The side yard requirement on a corner lot shall be twenty-five (25) feet when such side yard abuts on a public thoroughfare.
4. Rear yards of not less than thirty (30) feet shall be required when commercial areas are adjacent to Agricultural or Residential Districts.
5. All commercial areas adjacent to Agricultural or Residential Districts shall provide screening of shrubbery or artificial fencing so as to hide trash collection areas and service and storage areas from the view of adjacent agricultural or residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
6. All uses, activities, and transactions (with the exception of off-street parking, loading/unloading, and outdoor seating areas associated with restaurants) shall be conducted entirely within an enclosed building.
7. Subject to requirements for *Funeral Homes and Mortuaries* specified in Chapter 7, Section 116.
8. Subject to requirements for *Day-Care Centers* specified in Chapter 7, Section 112.
9. Subject to requirements for *Automotive Service Stations* specified in Chapter 7, Section 136.
10. Subject to requirements for *Nursing Homes, Convalescent Homes, Rest Homes* specified in Chapter 7, Section 124.
11. Subject to requirements for *Commercial Recreation Establishments* specified in Chapter 7, Section 110.
12. Subject to requirements for *Animal Hospitals, Veterinary Clinics, and Kennels* specified in Chapter 7, Section 103.
13. Subject to requirements for *Bars and Taverns* specified in Chapter 7, Section 105.
14. Subject to requirements for *Drive-in Restaurants, Fast Food Restaurants, Carry-out Restaurants, and/or Drive-through Retail Establishments* specified in Chapter 7, Section 114.
15. Subject to requirements for *Automotive Repair Garages* specified in Chapter 7, Section 104.

**B-1, B-2  
B-3 & B-4**



## SECTION H (Continued)

16. Subject to requirements for *Car Washes* specified in Chapter 7, Section 107.
17. Subject to requirements for *Commercial Recreation Establishments* specified in Chapter 7, Section 110.
18. Subject to requirements for *Building Materials Sales Yards* specified in Chapter 7, Section 106.
19. Subject to requirements for *Drive-In Motion Picture Theaters* specified in Chapter 7, Section 113.
20. Subject to requirements for *Private and Public Outdoor Recreation Areas* specified in Chapter 7, Section 127.
21. Subject to requirements for *Motels and Hotels* specified in Chapter 7, Section 123.
22. Subject to requirements for *Hospitals and Auxiliary Facilities* specified in Chapter 7, Section 119.
23. Subject to requirements for *Automotive Body Shops* specified in Chapter 7, Section 138.
24. Subject to requirements for wholesale establishments.
25. All buildings used for such processing and distribution together with loading space shall be at least one hundred (100) feet from any R-District.
26. All uses must comply with the following: (1) When conducted wholly within a completely enclosed building, said building must not be located within one hundred (100) feet of any R-District, PUD District, or existing residential structure; or (2) when conducted within an area enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six (6) feet high, said use shall not be within two hundred (200) feet of any R-District, PUD District, or existing residential structure.
27. Such uses shall not employ power driven tools except if employing such tools within a completely enclosed building and said building must be located at least one hundred (100) feet from any R-District or existing residential structure.
28. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried wastes.
29. Outside storage of motor vehicles, boats, and recreational vehicles shall be kept in an organized manner and completely enclosed area with a solid wall or fence not less than eight (8) feet high. This use shall not be considered to include junkyards, or disabled or inoperable vehicle storage as defined in Chapter 10.
30. Subject to requirements for *Adult Entertainment Establishments* specified in Chapter 7, Section 100.

**B-1, B-2  
B-3 & B-4**

SECTION I

INDUSTRIAL DISTRICT

I-1 INDUSTRIAL

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOT- NOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH * (Feet)	YARD REQUIREMENTS (Feet) FRONT (Setback) **	SIDE		REAR (Setback)	(Feet)	(Stories)	
				LEAST WIDTH	SUM OF BOTH				
1. Industrial and Manufacturing Establishments	1 Acre	150	50	--	--	30	50	3	2, 3, 4, 5
2. Warehouses	1 Acre	150	50	--	--	30	50	3	2, 3, 4, 5
3. Wholesale Establishments	20,000 SF	100	50	--	--	30	50	3	1, 2, 3, 4, 5
4. Manufacturing Retail Outlets	--	150	50	--	--	30	50	3	1, 2, 3, 4, 5, 6
5. Any use permitted and as regulated as a Principal Permitted or Conditioned Use in the B-4 District	--	--	--	--	--	--	--	--	--

CONDITIONALLY PERMITTED USES (Requires BZA Approval):	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOT- NOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH * (Feet)	YARD REQUIREMENTS (Feet) FRONT (Setback) **	SIDE		REAR (Setback)	(Feet)	(Stories)	
				LEAST WIDTH	SUM OF BOTH				
1. Any use permitted and as regulated as a Conditionally Permitted Use in the B-4 District	--	--	--	--	--	--	--	--	--
2. Junkyards and Automobile Wrecking Yards	5 Acre	--	--	--	--	--	--	--	3, 7
3. Resource and Mineral Extraction	--	--	--	--	--	--	--	--	3, 8
4. Penal and Correctional Facilities	--	--	--	--	--	--	--	--	1, 2, 3, 9

- \* The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.
- \*\* The front yard setback shall be measured from the right-of-way established on the Official Thoroughfare Plan for Clark County.

NOTE: A. Off-street parking and loading/unloading requirements specified in Chapter 5.

B. Any other use which is of the same general character as the above Principal, Conditioned or Conditionally Permitted Uses as determined by the Zoning Inspector and/or by the Board of Zoning Appeals.

(All lot lines shall be identified on site)

REFERENCES TO FOOTNOTES (Restrictions) - [Right Hand Column on Table Above]

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below:

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE
No Public Sewer or Water -	150'	1-Acre
Public Water Only -	150'	3/4 Acre
Public Sewer Only -	100'	1/2 Acre

2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department or approval from Ohio E.P.A., as applicable, prior to issuing a zoning certificate.
3. No side yard shall be required, except that a side yard of twenty-five (25) feet shall be required between the principal building within an I-1 District and the lot line of any lot within an A-1 or "R" District; and, if located on a corner lot, the side yard requirement shall be twenty-five (25) feet when such side yard abuts on a public thoroughfare.
4. The rear yard requirement for all Principal Permitted Uses in the I-1 District shall be thirty (30) feet, except when a lot abuts an A-1 or "R" District, in which case the required rear yard shall be forty (40) feet.
5. All commercial areas adjacent to Agricultural or Residential Districts shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service and storage areas from the view of adjacent agricultural or residential areas. All such shrubbery shall be properly maintained in a neat and tidy manner.
6. Manufacturing retail outlets must be clearly an accessory use to the Principal Permitted Industrial or manufacturing use and shall not occupy greater than twenty-five (25) percent of the total floor area of the industrial or manufacturing establishment. Access to a major thoroughfare shall be required.
7. Subject to requirements for Junkyards and Automobile Wrecking Yards specified in Chapter 7, Section 121.
8. Subject to requirements for Resource and Mineral Extraction specified in Chapter 7, Section 129.
9. Subject to requirements for Penal and Correctional Facilities specified in Chapter 7, Section 125.

**SECTION J**

**(RESERVED FOR FUTURE USE)**

## SECTION K

### "S" - Specific Use Control

There are certain limited circumstances under which the specific use control (S-District) may be allowed. The intent is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district where better control of its use is needed to ensure the health, morals, safety, prosperity, and general welfare of the community. Specific Use control classifies or reclassifies an area in a manner which can not be controlled as similarly situated land. All requirements of the identified district and all other general requirements shall apply to the specified use or uses.

#### Procedure

A. The Specific Use Control may be implemented in the following manner:

1. The property owner or lessee (or authorized agent) may state in the application for rezoning that the property shall be used for one or more specific uses and those uses only.
2. The County Planning Commission may state that the property shall be used for one or more specific uses in its recommendation to the Township Zoning Commission.
3. The Township Zoning Commission may state that the property shall be used for one more specific uses in its motion which is forwarded to the Township Trustees.
4. The Township Trustees may state that the property shall be used for one or more specific uses in its motion to rezone said property. If the Township Trustees denies or modifies the recommendation of the Township Zoning Commission, a unanimous vote of the Board shall be required.

B. The Specific Use Control is subject to the following:

1. If the specific use (or uses) is a Principal Permitted Use of a particular zoning district, the rezoning to that specific use (or uses) becomes effective thirty (30) days after the date of adoption by the Board of Township Trustees.
2. If the specific use (or uses) is a Conditionally Permitted Use of a particular zoning district, the Board of Zoning Appeals must also approve said use (or uses) as outlined in Chapter 7 of these regulations. The property owner or lessee (or authorized agent) may apply to the Board of Zoning Appeals for approval of the Conditionally Permitted use (or uses) only after the Township Trustees have acted upon and approved said request.

C. The Specific Use Control shall be noted on the official zoning maps by the designation of an "S" immediately following the particular zoning district. (Sample - B-1S, B-3S, I-1S, etc.)

D. Any S-District designated B-1AS, B-2AS, M-1S, or M-2S are specific uses granted under the previous zoning regulations and therefore any change in use in these districts may be granted only if an appropriate district under these regulations is requested. No change in use of an S-District as regulated under the previous zoning will be permitted.

E. All requirements of the identified District (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the specified use or uses.

#### Change of Use or Uses

If a property owner wishes to change the use or uses on a tract which is designated as S (Specific Use), an application for rezoning must be completed and filed which indicates either rezoning for another specific use or uses or rezoning to another zoning district without the S Specific Use Control. If the request is to change from one specific use to another specific use, the appropriate zoning district must be requested. All such requests will be processed in accordance with Chapter 9, Section G 2, of these regulations.

**"S"**

# **CHAPTER 3**

## **OVERLAY ZONING DISTRICT REGULATIONS**

## CHAPTER 3

### OVERLAY ZONING DISTRICT REGULATIONS

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#### Section A - FP Flood Plain Overlay District

1. Applicability. Certain unincorporated areas of Clark County have been determined to be subject to flooding and as such have been designated as flood hazard areas. These flood hazard areas shall be delineated on the Official Zoning District Map(s) based upon the following sources of information:
  - (a) Flood Insurance Administration Flood Hazard Boundary Maps (July 1987, as amended); :
  - (b) Flood Plain Management Study, Selected Streams in Clark County, Ohio (April 1993, as amended);
  - (c) Any other relevant document or map based on sound engineering principles and accepted by the Flood Plain Administrator.

These flood hazard areas shall be designated on the Official Zoning District Map(s) as Flood Plain Overlay District(s). The provision of the underlying base District(s) shall apply in full except that the provisions of this Overlay District shall supersede conflicting provisions of the base District(s). Nothing in this Section shall be less restrictive than the provisions of the Clark County Subdivision Regulations as said Regulations apply to the subdivision of lands within this Overlay District.

2. The official flood hazard map shall be the current "Flood Insurance Rate Map" (FIRM).
3. Principal Permitted Uses. The following open space uses shall be permitted within a Flood Plain Overlay District to the extent that they are not prohibited by any other code or ordinance and provided that they do not require structures, fill, or storage of materials or equipment.
  - (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, and truck gardening.
  - (b) Industrial or commercial accessory uses such as loading areas, parking areas, rail sidings, and airport landing strips, if located within an underlying Zoning District in which the use is permitted.
  - (c) Residential accessory uses such as lawns, gardens, parking areas, and play areas, if located within an underlying Zoning District in which the residential use is permitted.
4. Conditionally Permitted Uses. Any uses listed as Principal Permitted Uses or Conditionally Permitted Uses in the underlying Zoning District shall be permitted within the flood fringe area only. No other uses are permitted within the boundaries of the "Floodway".
5. Nothing in this Section shall be less restrictive than the provisions of the Clark County Subdivision Regulations, as said regulations apply to the subdivision of lands within this Overlay District.

Section A (continued)

6. The storage or processing of materials in time of flooding which are buoy- ant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life shall be prohibited.
7. A development permit shall be obtained prior to applying for a Zoning Certificate.
8. Definitions:
  - (a) "Development" means any man-made change to improve or unimprove real estate
  - (b) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
  - (c) "Flood Fringe" area is the areas outside the floodway but within the general flood prone areas as noted on the official Flood Hazard Map.

Section B - OS Open Space Overlay District

1. Applicability. Within the unincorporated area of Clark County there are certain waterbodies and other natural and/or culturally significant features that are worthy of preservation because of their contribution to the public welfare. Such features include the Little Miami River Scenic Corridor, Clarence J. Brown Reservoir, Clark Lake, and their associated wetland areas. In order to protect and preserve these features, additional requirements shall be imposed on new construction activity within these areas. These areas shall be designated on the Official Zoning District Map(s) as Open Space Overlay District(s). The provisions of the underlying base District(s) shall apply in full except that the provisions of this Overlay District shall supersede conflicting provisions of the base District(s). Where an applicant for a proposed use demonstrates to the satisfaction of the Board of Zoning Appeals that the location for such proposed use would not change the character of the land to the detriment of the public welfare, and should not therefore be included in the definition of the Open Space Overlay District, the applicant shall be exempt from the provisions of this Section. The applicant shall provide sufficient evidence for the Board of Zoning Appeals to clearly determine that the land in question should not be subject to the provisions of this Section.
2. Principal Permitted Uses. The following open space uses shall be permitted within an Open Space Overlay District to the extent that they are not prohibited by any other statute or ordinance of other governmental bodies, and provided that they do not require significant alteration of the area's hydrological and geological conditions or cause permanent preemption of land through paving or construction of buildings.
  - (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, and truck gardening.
  - (b) Public utility uses such as waterworks, pumping stations, impoundment basins, and essential services.
  - (c) Residential accessory uses such as lawns, gardens, parking areas, and play areas, if located within an underlying Zoning District in which the residential use is permitted.

Section B (continued)

3. Conditionally Permitted Uses. Any other uses listed as Principal Permitted Uses or Conditionally Permitted Uses in the underlying Zoning District shall be Conditionally Permitted Uses in an Open Space Overlay District, and therefore shall be subject to approval by the Board of Zoning Appeals.
4. Performance Standards. The following performance standards shall apply to all applicable uses in an Open Space Overlay District:
  - (a) All permitted buildings and structures shall be designed so as to adequately protect the water, shoreline aesthetic characteristics, and vistas, where applicable.
  - (b) No use shall be permitted which is likely to cause pollution of surface or subsurface waters unless adequate safeguards approved by the Ohio Environmental Protection Agency are provided.
  - (c) Sewage disposal facilities and water supply facilities shall be provided in accordance with state and local health regulations. Storm drainage facilities shall be separate, not combined with sewage disposal systems.
  - (d) Adequate water supply shall be available so that the groundwater quality and quantity will not be endangered by over pumping.
  - (e) It shall be unlawful for any person, firm, or corporation to remove, fill, or use for fill, dredge, store, or excavate rock, sand, gravel, dirt, or similar material within the boundaries of the Open Space Overlay District; to fill or reclaim any land by depositing such material or by grading of existing land so as to elevate or alter the existing natural grade; or to build, alter, or repair any bulkhead or retaining wall, or to rip-rap or otherwise change the grade or shore of waterfront property without a Conditional Use granted by the Board of Zoning Appeals. Granting of such a Conditional Use is subject to other requirements and prohibitions of these Regulations and other applicable statutes or ordinances of other governmental bodies.
  - (f) Any agricultural use, as defined in these Regulations, shall be permitted when no roads or drainage canals or ditches are constructed which would have the effect of permanently impounding, obstructing, or diverting surface or subsurface waters. Nothing in this Section shall be construed as prohibiting the construction of irrigation ditches, temporary canals, plowing of land, and similar uses which are ordinarily a normal part of agricultural operations unless undertaken for the sole or predominant purpose of impounding or obstructing surface waters; nor shall this Section be construed as prohibiting the construction of temporary roads and drainage canals incidental thereto, which roads are constructed solely for inspecting, harvesting, or planting forestry or agricultural crops, when such roads are ordinary and incidental to a forestry or agricultural operation.
  - (g) No part of this Section shall be construed to prevent the doing of any act necessary to prevent the harm to or destruction of real or personal property as a result of a present emergency such as fire, infestation by insects or other pests, or flood hazards resulting from heavy rains or winds, when the property is in imminent peril and the necessity of obtaining an appeal, Variance, or Conditional Use is impractical and would cause undue hardship in the protection of the property.



Section B (continued)

- (h) The requirements of this Section shall not be construed to govern to normal and customary grading in the area of an existing or newly constructed building or structure, or the grading of a driveway serving such building or structure. Such grading and earth moving shall be approved by the Building Inspector at the time of issuance of the Building Permit, providing that a plan showing proper drainage and protection of adjoining property has been submitted.
- (i) Nothing in this Section shall be construed as prohibiting ordinary gardening activities in lawn or garden areas.
- (j) Non-conformities may be continued; any addition or modification, however, to an existing and legal Non-conforming Use shall be in conformance with the requirements of this Overlay District.



## **CHAPTER 4**

# **PLANNED DEVELOPMENT DISTRICT REQUIREMENTS AND PROCEDURES**

PLANNED DEVELOPMENT DISTRICT REQUIREMENTS AND PROCEDURES

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Section A - Planned Unit Development Requirements and Procedures

Planned Unit Developments are permitted in PUD Districts in accordance with the specifications listed in Chapter 2, and in this Section, as follows:

1. Applicability. The provisions of this Chapter may apply to any lands within the unincorporated area of the Township that are regulated by Township Zoning, which are to be developed in a more flexible manner than permitted by the provisions of Chapter 2 of these Regulations. All requirements of the Clark County Subdivision Regulations shall be complied with.
2. Procedure. Application for a Planned Unit Development constitutes a request to amend the Zoning Map(s). In addition to any other procedures set out in these Regulations, all applications for amendments to the Zoning Map(s) to rezone lands to this District shall follow the procedures set forth below:
  - (a) Application. The owner or owners of lots within the unincorporated area of the Township may request that the Zoning Map(s) be amended to include such tracts in the Planned Unit Development District in accordance with the provisions of these Regulations.
    - (1) The applicant is encouraged to engage in informal consultations with the Rural Zoning Commission and the County Planning Commission prior to formal submission of a Development Plan and request for an amendment to the Zoning Map(s), it being understood that no statement by Officials of the County shall be binding upon the County.
    - (2) Application to amend the Zoning Map(s) pursuant to a request to develop within a Planned Unit Development District shall occur in accordance with the procedures set forth in Chapter 9 of these Regulations.
  - (b) Development Plan. Seven (7) copies of the Development Plan shall be submitted to the Rural Zoning Commission with the application, which plan shall include in the text and map form:
    - (1) The proposed size and location of the Planned Unit Development.
    - (2) The general development character of the tract including property boundaries, the limitations or controls to be placed on residential and related uses, probable lot sizes, density levels, and other development features including landscaping.
    - (3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
    - (4) The proposed provisions for water, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness.
    - (5) The proposed pedestrian and vehicular traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.

Section A (continued)

- (6) The proposed time schedule for development and probable uses of surrounding areas.
  - (7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - (8) The location of school, park, and other community facility sites, if any.
  - (9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give County Officials definitive guidelines for approval of future phases.
  - (10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
  - (11) Specific statements of divergence from the development standards in Chapters 2 and 7 and the justification therefore.
  - (12) Evidence of the applicant's ability to post a bond if the plan is approved, assuring completion of public service facilities to be constructed within the project by the developer.
- (c) Criteria for Approval. In approving an application for a Planned Unit Development the reviewing authorities shall determine:
- (1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of these Zoning Regulations.
  - (2) That the proposed development is in conformity with existing comprehensive and/or land use and development plans, or portions thereof as they may apply.
  - (3) That the proposed development advances the general welfare of the County or Township and the immediate vicinity.
  - (4) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained.
  - (5) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other Zoning Districts in these Regulations.
  - (6) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.
  - (7) That the property is accessible to publicly controlled and maintained community facilities or that such facilities have been provided for within the development.
  - (8) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved.
  - (9) That the development is served by public water and sewerage systems.

Section A (continued)

- (d) Effect of Approval. The Development Plan, as approved in accordance with this Section and the provisions of Chapter 9, shall constitute an amendment to the Zoning Regulations as they apply to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Clark County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved Development Plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the former Zoning District unless an application for a time extension is submitted and approved.
  - (e) Extension of Time or Modification. An extension of the time limit as a modification of the approved Development Plan may be approved by the Board of County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, welfare, or safety of the public or development standards of the District. No extension of time shall be granted except on application filed with the County Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed above.
  - (f) Plat Required. In the Planned Unit Development District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations of Clark County, Ohio, and these Regulations. The subdivision plat shall be in accord with the approved Development Plan and shall include:
    - (1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage, and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
    - (2) Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development, and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
    - (3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the Board of County Commissioners in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any Zoning Certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.
3. Development Standards. In addition to any other provisions of these Regulations, the following standards for arrangement and development of lands and buildings are required in the Planned Unit Development District.

Section A (continued)

(a) Intensity of Use. The maximum base density shall be four (4) dwelling units per gross acre of land within the area to be developed, unless the physical boundaries of land or existing developments adjacent on adjoining lands establish an atmosphere inconsistent with the above maximum density of four (4) dwelling units per gross acre. Densities may be increased beyond this upon the recommendation of the Rural Zoning Commission and approval by the Board of Township Trustees if it is determined that any of the following conditions exist:

- (1) If the property is directly adjacent and easily accessible to major thoroughfares.
- (2) If the development contains a minimum of fifteen-thousandths (.015) of an acre per dwelling unit provided as designated common open space. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, drainageways, swimming pools, clubhouses, tennis courts, and other lands of essentially open character, exclusive of offstreet parking areas and minimum required yard space. Ownership of this common open space either shall be transferred to a legally established Homeowner's Association or be dedicated to the proper political subdivision with the mutual consent of the owner/developer(s) and the political subdivision. When the land is to be transferred to a legally established Homeowner's Association, plans for the improvement and maintenance of the land must be approved by the Clark County Park Board and suitable deed restrictions made to insure the continuing use and maintenance of the land for open space purposes to the Park Board's satisfaction. Proper legal documents necessary for such transfer or dedication shall be prepared by the owner/developer(s) of the tract of land, and approved by the Clark County Park Board.
- (3) If the property is developed in a high quality of building design and site design, including consideration of:
  - a) Landscaping; streetscape; open spaces and plazas; use of existing landscape; pedestrian way treatment; and recreational areas.
  - b) Siting; visual focal points; use of existing physical features such as topography; view; sun and wind orientation; circulation pattern; physical environment; variation in building setbacks; and building groups (such as clustering).
  - c) Design features; street sections; architectural styles; harmonious use of materials; parking areas broken by landscape features; and varied use of house types.
- (4) If the property is developed to include major community facilities such as churches and schools.

For purposes of development within the Planned Unit Development District the maximum density for development shall be as follows:

<u>Type of Dwelling</u>	<u>Maximum Units on any Single Acre</u>
Single-Family Detached	4
Two-Family and Townhouses	3 ½
Two-Story Apartment Units	3 ½

Section A (continued)

(b) Arrangement of Structures. The physical relationships of dwelling units and their minimum yard space shall be determined in accordance with the following:

- (1) Setback. Single-family dwellings shall have a setback from the right-of-way as approved in the Plan of Development for the existing streets and roads. All other structures within the Planned Unit Development District shall have a setback from the right-of-way equal to the rights-of-way of existing roads.
- (2) Side Yards. A single-family detached dwelling shall have a side yard of not less than six (6) feet on each side of the structure, so that in no case shall the distance between the side wall of any detached dwelling and the side wall of any other dwelling be less than twelve (12) feet. For all other structures within the Planned Unit Development District, the side yard shall be not less than one-sixth (1/6) of the sum of the height of the structure and length of the wall most nearly parallel to the side lot line, except as follows:
  - a) In the event that the walls are solid and without windows, said building shall not be closer than fifteen (15) feet to the adjoining structure; and
  - b) In the event said wall has windows, said structure shall be not closer than twenty-five (25) feet to the adjoining structure without regard to lot lines.

In no case shall any building be located closer than fifteen (15) feet to the outside perimeter line of the planned area.

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The requirements for side yards shall apply to the principal structures but shall not be interpreted as prohibiting designs of single-family structures normally referred to as common wall, zero lot line, cluster, patio, or other variations on the same theme.

- (3) Rear Yards. A rear yard of not less than twenty-five (25) feet shall be maintained on all parcels within this District.
- (c) Building Height Limits. No building in this District shall exceed thirty-five (35) feet in height. Barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts, windmills, and other exceptions as provided in Chapter 1 of these Regulations, are exempted from any height regulation and may be erected to any safe height. No aerial shall be permitted to extend more than twenty-five (25) feet over the highest point of the principal residence on the premises.
- (d) Landscaping. All yards, front, side, and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- (e) Site Development. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6) percent shall be maintained in their natural condition.
- (f) Parking. Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Chapter 5.



Section A (continued)

- (g) Signs. Except as provided under the provisions of Chapter 6, no signs shall be permitted in this District except a "For Sale" or "For Rent or Lease" sign advertising the tract on which said sign is located. Such sign shall not exceed six (6) square feet in area per side. Signs identifying non-residential uses within the development shall be approved as part of the Development Plan so as to be in harmony with the residential character of the development or neighborhood. The developer of a subdivision or similar area may, upon the condition and for the time period established by the Development Plan, erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision or development.
- (h) The Rural Zoning Commission and/or the Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping; development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

Section B - Planned Commercial Development Requirements and Procedures

Planned Commercial Developments are permitted in PCD Districts in accordance with the specifications listed in Chapter 2, and in this Section, as follows:

- 1. Applicability. The provisions of this Section may apply to any lands within the unincorporated area of the County that are regulated by County Zoning, and which may be used for commercial purposes. All requirements of the Clark County Subdivision Regulations shall be complied with.
- 2. Procedure. Application for a Planned Commercial Development constitutes a request to amend the Zoning Map(s). In addition to any other procedures set out in these Regulations, all applications for amendments to the Zoning Map(s) to rezone lands to this District shall follow the procedures set forth below:
  - (a) Application. The owner or owners of lots within the unincorporated area of the County may request that the Zoning Map(s) be amended to include such tracts in the Planned Commercial Development District in accordance with the provisions of these Regulations.
    - (1) The applicant is encouraged to engage in informal consultations with the Rural Zoning Commission and the County Planning Commission prior to formal submission of a Development Plan and request for an amendment to the Zoning Map(s), it being understood that no statement by Officials of the County shall be binding upon the County.
    - (2) Application to amend the Zoning Map(s) pursuant to a request to develop within a Planned Commercial Development District shall occur in accordance with the procedures set forth in Chapter 9.
  - (b) Development Plan. Seven (7) copies of the Development Plan shall be submitted to the Rural Zoning Commission with the application, which plan shall include in the text and map form:
    - (1) The proposed size and location of the Planned Commercial Development.

Section B (continued)

- (2) The general development character of the tract, including property boundaries, the limitations or controls to be placed on commercial and related uses, probable lot sizes, and other development features including landscaping.
- (3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- (4) The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- (5) The proposed pedestrian and vehicular traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- (6) The proposed time schedule for development and probable uses of surrounding areas.
- (7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable
- (8) The location of school, park, and other community facility sites, if any.
- (9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give County Officials definitive guidelines for approval of future phases.
- (10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
- (11) Specific statements of divergence from the development standards in Chapters 2 and 7 and the justification therefore.
- (12) Evidence of the applicant's ability to post a bond if the plan is approved, assuring completion of public service facilities to be constructed within the project by the developer.

(c) Criteria for Approval. In approving an application for a Planned Commercial Development the reviewing authorities shall determine:

- (1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of these Zoning Regulations.
- (2) That the proposed development is in conformity with existing comprehensive and/or land use and development plans, or portions thereof as they may apply.
- (3) That the proposed development advances the general welfare of the County or Township and the immediate vicinity.
- (4) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained.

Section B (continued)

- (5) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other Zoning Districts in these Regulations.
  - (6) That the internal streets and accessways proposed are suitable and adequate to carry anticipated traffic.
  - (7) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved.
  - (8) That development shall have adequate provisions for water supply and sewage disposal, as approved by the Clark County Health Department.
- (d) Effect of Approval. The Development Plan, as approved in accordance with this Section and the provisions of Chapter 9, shall constitute an amendment to the Zoning Regulations as they apply to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Clark County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved Development Plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the former underlying Zoning District unless an application for a time extension is submitted and approved.
- (e) Extension of Time or Modification. An extension of the time limit as a modification of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, welfare, or safety of the public or development standards of the District. No extension of time shall be granted except on application filed with the County Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed above.
- (f) Plat Required. In the Planned Commercial Development District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations of Clark County, Ohio, and these Regulations. The subdivision plat shall be in accord with the approved Development Plan and shall include:
- (1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage, and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - (2) Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development, and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for residential uses.

- (3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the Board of County Commissioners and the Clark County Sanitary Engineer in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any Zoning Certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.
3. Development Standards. In addition to any other provisions of these Regulations, the following standards for arrangement and development of land and buildings are required in the Planned Commercial Development District.
  - (a) Screening. A use allowed in this District shall entirely enclose its operation within a structure or behind screening. Open storage, service areas, and loading docks shall be screened by walls, fences, or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences, or shrubbery shall be of a design so as to effectively screen such storage, production or service areas, and loading facilities from adjoining streets or other Zoning Districts. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat manner.
  - (b) Lot Width and Size. No minimum lot width or size shall be required in this District, however, all lands shall be accessible by means of a duly dedicated public roadway constructed in accordance with the specifications prescribed by the Clark County Engineer or the Subdivision Regulations of Clark County. All parcels shall be adequate in size to provide the yard space, landscaping, and off-street parking as herein required.
  - (c) Building Setback. No building, service area, or storage area shall be constructed closer than fifty (50) feet to the existing or proposed right-of-way line of any public road.
  - (d) Side Yard. For main and accessory structures, including open storage, processing, servicing, or loading areas, the side yard shall be equal to one-third (1/3) of the sum of the height and depth of the structure, but in no case shall side yards adjacent to Residential Districts be less than one hundred (100) feet.
  - (e) Rear Yard. For main and accessory structures, including open storage, processing, servicing, or loading areas, the rear yard shall be equal to one-third (1/3) of the sum of the height and width of the structure, but in no case shall rear yards adjacent to Residential Districts be less than one hundred (100) feet.
  - (f) Building Height. No building within this District shall exceed three (3) stories or forty-five (45) feet in height.
  - (g) Landscaping. All yards, front, rear, and side, shall be landscaped. Such landscape plan shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. All landscaping used for screening purposes shall be non-deciduous.
  - (h) Signs. Signs identifying uses within this District shall be constructed and placed in conformity with the provisions of Chapter 6 of these Regulations and shall be approved as part of the Development Plan.

Section B (continued)

- (i) Parking. Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Chapter 5 of these Regulations.
- (j) Lighting. No area lighting or lighting of building or storage areas shall be permitted which causes unreasonable illumination of adjacent properties.
- (k) Freight Loading Areas. No on-street loading or unloading shall be permitted within a Planned Commercial Development District. All off-street loading and unloading shall be provided for and developed according to the standards set forth in Chapter 5 of these Regulations.
- (l) The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping; development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

Section C - Residential Mobile Home Park Development Requirements and Procedures

Mobile home parks are permitted in the R-MHP Residential Mobile Home Park District in accordance with the specifications listed in Chapter 2, and subject to the following conditions:

1. General Provisions

- (a) No one may apply for a Zoning Certificate for a mobile home park without first obtaining approval from the Ohio Environmental Protection Agency and/or the Clark County Health Department.
- (b) Any existing mobile home not located within a mobile home park or within an A-I District shall be a Non-conforming Use. Such mobile home is privileged to remain at its present location, but may not be moved to a location other than an A-I District except by meeting the requirements for mobile home parks stated herein.
- (c) Any mobile home in a mobile home park must be permanently affixed to the ground. It shall be unlawful to occupy or sleep in any mobile home unless it meets the requirements of this Section.
- (d) No mobile home shall be used for any purpose other than single-family residential.
- (e) No existing mobile home park may be expanded without making application for a Zoning Certificate and meeting the requirements of this Section.
- (f) Nothing in the provisions of these Regulations shall prohibit the replacement of a mobile home at its same location.

2. Requirements and Filing Procedure for Mobile Home Parks. The owner/developer(s) shall file a Mobile Home Park Development Plan for the proposed mobile home park with the Township Zoning Commission. The Mobile Home Park Development Plan shall include the following information:

- (a) The proposed location, site size, total number of mobile home sites to be developed, and the production schedule for the development.

Section C (continued)

- (b) Proposed location, size, and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds, and other areas and spaces, including their suggested ownership.
- (c) Proposed provisions for water, sanitary sewer, surface drainage, and fire protection facilities, including engineering feasibility studies or other pertinent information.
- (d) Proposed traffic circulation pattern, including location of public and private streets, walks, and other accessways, showing their relationship to existing streets and topographic features.
- (e) Names and addresses of the owners of all properties adjoining any part of the tract proposed for development approval.
- (f) Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.

3. Design Standards

- (a) The tract of land to be developed as a mobile home park shall contain a minimum of five (5) acres, said tract being served by public water and sewerage systems or approved off-site water and sanitary sewer systems.
- (b) Before a mobile home park may be occupied, it shall be a condition that at least thirty (30) percent of the mobile home lots be completed and ready for occupancy, which completion shall include, but not be limited to, the installation of all roadways and drives, sidewalks, lighting, public utilities, and service and management buildings serving the sites to be occupied. Before any site may be occupied, all facilities required for serving the site with emergency vehicles shall be completed.
- (c) Each mobile home dwelling, including accessory buildings, garages, and porches, shall not cover more than forty (40) percent of the area of the mobile home space or lot on which it is placed.
- (d) Every mobile home placed on a mobile home space or lot shall front upon an interior drive within the mobile home park.
- (e) No mobile home in a mobile home park shall front upon or be located within seventy-five (75) feet of any public right-of-way.

4. Streets, Sidewalks, and Parking

- (a) Every mobile home park shall provide a main entrance drive not less than thirty-six (36) feet wide. All other drives shall be of a width and design necessary for the use required as determined by the Clark County Engineer, except that no drive shall have a usable travel width less than twenty-four (24) feet with an inside radius on all curves of not less than forty (40) feet.
- (b) All drives shall be protected at the edges by curbs, gutters, or other suitable edging as necessary to provide for the stabilization of the pavement and adequate drainage.
- (c) All mobile home spaces or lots shall abut a driveway.

Section C (continued)

- (d) Every mobile home park shall contain continuous sidewalks not less than three (3) feet wide along all internal drives used on site frontage.
- (e) Within the boundary of each mobile home space or lot there shall be at least two (2) paved parking spaces not closer than three (3) feet to the mobile home dwelling, nor closer than ten (10) feet from any mobile home dwelling on an adjoining space or lot. Said parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long when measured rectangularly.

5. Utility Requirements

- (a) Water. Every mobile home park shall be served by an approved off- site water system.
- (b) Fire Protection. For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Clark County Engineer, which hydrants shall be located within five hundred (500) feet of every mobile home space or lot within the mobile home park.
- (c) Sanitary Sewers. Every mobile home park shall be connected to an approved off-site sanitary sewerage system.
- (d) Storm Drainage. Adequate storm drainage for each mobile home lot shall be provided.
- (e) Heating Fuel Supply. Fuel systems shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel storage containers, barrels, tanks, or cylinders and piping to the mobile homes shall be securely fastened in place and protected against physical damage.
- (f) Natural Gas System. When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each mobile home space or lot provide with piped natural gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved method to prevent accidental discharge of gas when the outlet is not in use.

6. Mobile Home Stand and Skirts

- (a) Each mobile home dwelling shall be placed on and have its four corners supported by and anchored to a concrete foundation designed to carry the load placed thereon. Rigid skirts designed to screen and seal the space between the mobile home and its concrete foundation shall be installed within sixty (60) days from the time that the mobile home is placed on the space or lot.

7. Communal Facilities. In all mobile home parks, the following facilities shall be provided and available to residents:

- (a) Management and maintenance offices including storage facilities for grounds-keeping equipment.
- (b) Laundry and drying facilities in a permanent structure which shall be in a convenient, accessible location, and which shall also provide laundry trays and sinks.

Section C (continued)

- (c) A safe, usable, conveniently located recreation area or areas shall be located in each mobile home park, and shall comprise an area equal to one fifteen-thousandth (.015) of an acre for each mobile home proposed to be located within such development.
- (d) No communal facility in a mobile home park shall front upon or be located within seventy-five (75) feet of any public right-of-way.

8. Peripheral Buffer

- (a) No mobile home in a mobile home park shall be located within forty (40) feet of any other Zoning District. All mobile home park tracts which are adjacent to a Residential Zoning District shall provide a twenty (20) foot wide planting strip which extends along all outside boundaries contiguous to the Residential District. The strips shall be planted with trees and shrubs that will provide a dense screen at all times, and shall be maintained in good condition by the owner.

9. Vehicular Entrances and Exits

- (a) No vehicular entrance to or exit from any mobile home park, wherever such park may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children.

10. Conditions of Approval

- (a) The basis for the approval of a Mobile Home Park Development application shall be:
  - (1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of these Regulations.
  - (2) That the proposed development is in conformity with existing County and Township development plans.
  - (3) That the proposed development advances the general welfare of the County or Township and the immediate vicinity.
  - (4) That the design character and improved site arrangement justify the location and size proposed in the development.
  - (5) That the water and sewerage facilities to serve the proposed development have been approved by the Clark County Sanitary Engineer, the Ohio Environmental Protection Agency, and/or the Clark County Health Department.
- (b) The approval shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Mobile Home Park Development Plan, with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit, the approval shall be voided and the land shall automatically revert to the former underlying Zoning District, except when an application for a time extension has been submitted and approved by the Board of Township Trustees.
- (c) The Township Zoning Commission and/or the Board of Township Trustees may impose any additional development standards and/or controls, including the posting of a performance bond, deemed necessary to ensure development in conformance with the intent and requirements of this Section.



Section A (continued)

- (e) Screening. All off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any Residential District or institutional premises, with the exception of along the front lot line or along the street side lot line, by a masonry wall or a solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height, and shall be maintained in good condition without any advertising. The space between such wall or fence and the lot line of the adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width and planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted and this shall be maintained in good condition.
- (f) Minimum Distances of Setback. No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall of acceptable design. The wall shall be set back from each street, the same as if it were a building wall, so as to observe the front yard and side yard and the street side yard requirements of these Regulations. In no case shall any part of the parking area be closer than ten (10) feet to any established street or alley right-of-way, or any right-of-way designated on the Official Thoroughfare Plan of Clark County. With exception of points of ingress and egress, as approved by the appropriate local, state, or federal agencies, this setback shall be in the form of a landscaped buffer upon which no permanent structure shall be located.
- (g) Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to deflect the glare away from adjoining premises in any Residential District and from traffic on adjacent thoroughfares.
- (h) Computation of Required Off-Street Parking Spaces. In computing the number of required spaces, the following rules shall govern:
  - (1) A floor area shall mean the gross floor area used or intended to be used, and shall not include areas used principally for storage or offices incidental to the management or maintenance of stores.
  - (2) In hospital, bassinets shall not be counted as beds.
  - (3) In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under these Regulations.
  - (4) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as may be allowed as a Conditional Use, or as provided in part (d), (3) of this Section.
  - (5) Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.

Section A (continued)

- (i) Off-Street Parking Spaces Required for New Construction, Enlargement, Change in Occupancy. Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity, or otherwise to create a need for a cumulative increase of ten (10) percent or more of the number of parking spaces that existed at the time of enactment of these Regulations, such spaces shall be provided on the basis of the enlargement or change. In case a change in the floor area, number of employees, number of dwelling units, seating capacity, or other unit of measurement creates a need for an increase of less than five (5) off-street parking spaces, none shall be required. When a building or use existing prior to the enactment date of these Regulations is enlarged to the extent of fifty (50) percent or more in the floor area or in the used, said building or use shall then and thereafter comply with the entire parking requirements.
- (j) Off-Street Parking Spaces Required for Uses Not Listed. Off-street parking requirements for any use not specified in these Regulations shall be the same as that specified for a similar Permitted Use, as determined by the Board of Zoning Appeals.
- (k) Modification of Off-Street Parking Requirements. The Board of Zoning Appeals may authorize a modification, reduction, or waiver of the following off-street parking requirements if it should find that in the particular case appealed, the peculiar nature of the residential, business, industrial, or other use, or the exceptional shape or size of the real estate or other exceptional situation or condition would justify such modification, reduction, or waiver.

Section B - Specific Off-Street Parking Requirements

Off-Street parking shall be provided in accordance with the schedule outlined below.

- 1. Assembly Halls and Dance Halls with temporary seats - 1 space for every 100 square feet of floor space used for assembly or dancing.
- 2. Assembly Halls, Theaters, Auditoriums, and Sports Arenas with fixed seats except for Schools - 1 space for every 3 seats
- 3. Automotive Service Stations and/or Repair Garages - 2 spaces for each service stall **PLUS** 1 space for each employee on the largest shift.
- 4. Banks and Financial Institutions, Business and Professional Offices except Medical and Dental Offices or Clinics - 1 space for every 250 square feet of office space, but not less than 2 spaces per office.
- 5. Bowling Alleys - 5 spaces per bowling lane plus the required spaces as set forth in this Section for affiliated uses such as restaurants, bars, and the like.
- 6. Churches and other similar places of worship or public assembly - 1 space for every 8 seats in a main auditorium, **OR** 1 space for every 6 seats in churches and other places of worship.
- 7. Day-care Centers and Nurseries - 1 space for each employee  
1 space for each 10 children. [eff: 3-29-90]

## **CHAPTER 5**

# **OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS**

## OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS

Section A - Design Standards for Off-Street Parking

1. In all Districts there shall be provided at the time any building or structure is erected or structurally altered off-street parking spaces in accordance with the following requirements.
  - (a) Dimensions. All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aiseways of sufficient width to permit easy and smooth access to all parking spaces and maintained in good condition. Parking spaces for disabled people shall have an adjacent access aisle sixty (60) inches wide in route to the building or facility.
  - (b) Paving. Except in the A-1 District and in the R-1, R-1A, and R-2 Districts, all parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement.
  - (c) Driveways. All accessways to parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width to permit easy access to parking spaces. All accessways to parking areas for less than five (5) vehicles shall be served by a driveway not less than ten (10) feet in width where a lot does not abut on a public street or alley or on a private easement or access drive. Except where provided in connection with a use permitted in an "R" District, such accessway shall not be located in any "R" District. Where separate entrance and exit driveways or openings are provided for a structure or use, each such point of ingress and egress shall in no case exceed twenty-five (25) feet in width, nor shall two (2) or more points of ingress and egress be located closer than fifteen (15) feet to each other. Where only one (1) point of ingress and egress is provided for a structure or use, such point of ingress and egress shall in no case exceed thirty-five (35) feet in width. No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is in excess of one hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet.
  - (d) Parking Area Location. Except in the A-1 District and in the R-1, R-1A, and R-2 Districts, no parking lot or parking area shall be located nearer than five (5) feet to the side or rear lot line, or nearer than ten (10) feet to the front lot line of the parcel or tract on which the parking area is located. All parking spaces required herein shall be located on the same parcel or tract with the building or use served, except as provided for below:
    - (1) Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap.
    - (2) The Board of Zoning Appeals may authorize, as a Conditional Use, the establishment and operation of any off-street parking area in such parts of any A-1 or "R" District that abut at least fifty (50) feet, either directly or across an alley, a "B", O-1, or I-1 District, subject to the requirements specified in Chapter 8, Section C.
    - (3) 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 the retention for such purposes shall be properly drawn and executed by the parties concerned and approved as to form by a proper legal authority and shall be filed with the application for a building permit.

Section B (continued)

- 8. Single-Family Residences - 2 spaces per family or dwelling unit.
- 9. Housing for the Elderly - 1 space per dwelling unit.
- 10. All other residential uses - 2 spaces per dwelling unit.
- 11. Nursing Homes, Convalescent Homes, Rest Homes, Sanitariums, Children's Homes - 1 space for every 4 beds **PLUS**  
1 space for each employee on the largest shift.
- 12. Fraternities and Sororities - 1 space for every 3 beds.
- 13. Funeral Homes and Mortuaries - 4 spaces for each parlor, **OR**  
1 space for every 50 sq. ft. floor area, whichever is greater
- 14. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops, over 1,000 sq. ft. in floor area - 4 spaces **PLUS**  
1 space for every 400 sq. ft. of floor area over 1,000 sq. ft.
- 15. Hospitals and Auxiliary Facilities - 1 space for every 2 beds **PLUS**  
1 space for every 2 employees on the largest shift.
- 16. Motels and Hotels and Bed & Breakfast Facilities - 1 space for each bedroom **PLUS**  
1 space per employee on the largest shift.
- 17. Industrial and Manufacturing Establishments - 1 space for every 400 sq. ft. of floor area; **OR**  
20 spaces **PLUS**  
1 space for every 2 employees **PLUS**  
1 space for each vehicle maintained on the premises, whichever is greatest.
- 18. Medical and Dental Offices and Clinics - 3 spaces for each examination room **PLUS**  
1 space for each doctor or employee.
- 19. Museums, Libraries, Community Facilities, or other facilities operated by a public agency or government - 1 space for every 300 sq. ft. of area open to the public.
- 20. Eating and Drinking Places, Bars, Taverns, and Night Clubs - 1 space for every 50 sq. ft. of floor area.
- 21. Retail Sales or Service Establishments - 1 space for every 200 sq. ft. of floor area.
- 22. Schools - Primary Schools - 1 space for every 25 classroom seats.  
- Secondary Schools, Institutions of Higher Learning, Trade Schools - 1 space for every 5 students **PLUS**  
1 space for each employee.
- 23. Wholesale Establishments, Warehouse, Manufacturing Retail Outlets - 10% of floor area; **OR**  
20 spaces **PLUS**  
1 space for every 2 employees **PLUS**  
1 space for each vehicle maintained on the premises, whichever is greatest.

### Section C - Design Standards for Off-Street Loading and Unloading

1. Off-street loading/unloading spaces or berths shall be provided in connection with every building or part of a building which has a floor area greater than ten thousand (10,000) square feet, and normally receives or distributes material by vehicle.
2. Off-street loading requirements for any use not specified in these Regulations shall be the same as that specified for a similar Permitted Use, as determined by the Board of Zoning Appeals.
3. No such loading/unloading shall be located closer than fifty (50) feet to any lot in an "R" District unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height. An evergreen hedge or planting no less than six (6) feet in height may be substituted for a fence if maintained in good condition.
4. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.
5. Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity, or otherwise to create a need for a cumulative increase of ten (10) percent or more of the number of loading and unloading spaces that existed at the time of enactment of these Regulations, such spaces shall be provided on the basis of the enlargement or change. When a building or use existing prior to the enactment date of these Regulations is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then comply with the entire loading/unloading requirements.
6. All loading/unloading areas and adjacent aisles and driveways shall be paved with asphaltic material or cement.

### Section D - Specific Off-Street Loading and Unloading Requirements

Off-street loading and unloading shall be provided in accordance with the schedule outlined below:

- |                                                      |   |   |                                                                          |
|------------------------------------------------------|---|---|--------------------------------------------------------------------------|
| 1. Retail/Service/Office Establishments              | - | 1 | space in excess of the first 10,000 sq. ft. of floor area<br><b>PLUS</b> |
|                                                      |   | 1 | space for each additional 20,000 sq. ft. thereafter.                     |
| 2. Truck Terminal/Warehouse/Wholesale Establishments | - | 1 | space for each 7,500 sq. ft. of floor area.                              |
| 3. Industrial Plants                                 | - | 1 | space for the first 10,000 sq. ft. of floor area <b>PLUS</b>             |
|                                                      |   | 1 | space for each additional 20,000 sq. ft. thereafter.                     |

**CHAPTER 6**

**SIGN AND BILLBOARD  
REGULATIONS**

Section D (continued)

3. Height. No sign shall be erected to a height greater than the maximum permitted height for the District in which the sign is located, except that signs located within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate highway system may be erected to a greater height, as may be specified by the Director of the Ohio Department of Transportation or his/her authorized representative, in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code.
4. Sight Interference. No sign shall be permitted which interferes with the visibility of pedestrian or vehicular traffic entering, leaving, or operating on thoroughfares.
5. Maintenance. All signs or billboards constructed or erected shall be maintained so that all sign surfaces, supports, braces, guys, and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.
6. Abandoned Signs
  - (a) If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties.
  - (b) A sign or billboard is abandoned if it meets any one (1) of the following criteria:
    - (1) Any sign or billboard associated with an abandoned Non- conforming Use.
    - (2) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.

Section E - Non-Conforming Signs and Billboards

1. Any sign or billboard in existence within the unincorporated area of the County prior to the effective date of these Regulations that does not conform with the provisions of this Chapter is considered to be Non- conforming.
2. Any sign or billboard that does not conform to the provisions of this Chapter shall be allowed to continue in its Non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.
3. A Non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Chapter. Should any replacement or relocation take place without being brought into compliance the sign or billboard shall be existing illegally.
4. A Non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:
  - (a) The size and structural shape shall not be changed or altered.



Section E (continued)

- (b) The copy may be changed provided that the change applies to the original Non-conforming Use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became Non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- (c) In the case where damage occurs to the sign or billboard to the extent of fifty (50) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty (50) percent of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

Section F - Certificate Required

No signs, except as provided for in Section A of this Chapter, shall be erected prior to the issuance of a Zoning Certificate by the Township Zoning Inspector.

1. The applicant for a Zoning Certificate herein shall pay such fee as is prescribed by the Board of Township Trustees.
2. The Zoning Certificate issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of these Zoning Regulations or any amendment thereto.
3. The application for a Zoning Certificate for posting a sign or billboard that is considered a Temporary Use shall indicate the name and address of the person charged with removal of the sign or billboard.
4. All signs and billboards erected within the unincorporated area of the Township are subject to inspection, whether a Zoning Certificate is required or not prior to erection. Such inspection may be made at any reasonable time and the Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of these Regulations.
5. In the event that the owner of any sign or property fails to comply with the terms of these Zoning Regulations, said permit may be revoked upon compliance with the following terms:
  - (a) The Township Zoning Inspector shall notify the owner of any deficiency or violation of these regulations. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Chapter 9 of these Regulations. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within twenty (20) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by these Regulations.
6. The Township Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within the unincorporated area of the Township. The Zoning Inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within one hundred eighty (180) days after mailing of notice by the Zoning Inspector, said sign may be destroyed.

### Section G - General Requirements

1. No projecting sign shall be erected or maintained from the front face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
2. 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.
3. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.
4. 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.
5. All signs hung or erected shall be marked with the name and the telephone number of the person or firm responsible for maintaining the signs.
6. No vehicle or trailer may be parked on a business premises or a lot for the purpose of the advertising a business, product, service, event, object, location, organization, or the like.

### Section H - Governmental Signs Excluded

1. For the purpose of these regulations, "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.

# **CHAPTER 6**

## **SIGN AND BILLBOARD REGULATIONS**

## CHAPTER 6

### SIGN AND BILLBOARD REGULATIONS

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#### Section A - Permitted Signs for Which No Certificate is Required

The following signs shall be permitted in the unincorporated area of Pike Township that is subject to these Zoning Regulations, according to the following regulations. No Zoning Certificate shall be required for any sign constructed or erected under the terms of this Section.

1. Signs for Sale, Lease, or Rent of the premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side with not more than two (2) sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy.
2. Vehicular Signs. Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided the said signs are located outside the right-of-way of any public street or road, do not exceed two (2) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.
3. Name and Address of Occupant of residential property. Such signs shall not be more than two (2) square feet in area per side and shall be located outside the right-of-way of any public road. Said sign shall not be higher than three (3) feet above the ground and not more than one (1) sign shall be permitted.
4. Temporary Signs announcing special public or institutional events. Such signs shall not exceed two (2) square feet in area per side in any "R" District, or twenty (20) square feet in area per side if relating to a church, school, community center, or other institutional or public building. Such signs shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event, and no such sign shall be closer than twelve (12) feet to the right-of-way of any public road unless attached to the building.
5. Signs approved in Planned Development District. Plans of Development, provided that the approved sign is constructed in strict compliance with the approved guidelines.
6. Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises, and denoting membership in organizations. No more than three (3) sign of any type may be permitted and it shall be located off the road right-of-way; provided, however, that if such sign is located within one hundred (100) feet of any principal building having a greater setback or front yard than required for such District, such sign shall not be erected nearer the road right-of-way than the established building line on such road, but need not exceed a distance of one hundred (100) feet, except that at the intersections of any state or federal highway, or major or secondary thoroughfare, the setback of any sign shall not be less than one hundred (100) feet from the established right-of-way line of each such highway or thoroughfare, unless erected on or adjacent to the wall of a building or other structure or in such other manner as not to interfere with or obstruct clear vision of the intersection in any direction. No such billboard or sign shall be permitted which faces the front or side lot line of, or which faces any public square, entrance to any public park, public or parochial school, library, church, or similar institution within three hundred (300) feet thereof. Advertising signs may not exceed thirty-two (32) square feet of area per sign and all other signs shall be limited to four (4) square feet in area per side.

Section A (continued)

7. Political Signs shall not be erected or posted in any A-1, R-1, R-1A, R-2, R-3, R-4, R-MHP or PUD District promoting any candidate or candidates seeking nomination or election or the passage of any issue in any general, primary or special election sooner than forty-five (45) days immediately preceding the day of the election in which such candidate is seeking nomination or election or in which such an issue is to be decided. All such signs as are erected not in violation of the preceding portion of this paragraph shall be removed within seven (7) days following the date of such election. Provided, however, that such signs shall not be affixed to any pole or post owned by the County or by any public utility nor may such signs be placed upon lands owned by the County.

Section B - Permitted Signs for Which a Certificate is Required

The following signs shall be permitted in the unincorporated area of Pike Township that is subject to these Zoning Regulations, according to the following regulations. Zoning Certificate shall be required for any sign constructed or erected under the terms of this Section.

1. Signs for Home Occupations. One (1) on-premise sign per lot shall be permitted for the purpose of announcing a home occupation. Such signs shall not be illuminated and shall not exceed two (2) square feet in area and shall be attached to the dwelling. No off-premise signs shall be permitted.
2. Off-Premise Signs. Advertising a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all Business Districts, the Industrial District, and/or lands used for agricultural purposes subject to regulations set forth herein.
  - (a) Off-premise signs located adjacent to and intended for primary visibility on any street, road or highway in the unincorporated area of Pike Township, shall not exceed one sign face with a total of one thousand two hundred (1200) square feet, or two sign faces exceeding a total of one thousand two hundred (1200) square feet on any single lot or location, excluding supports, decorative trim, or other embellishments.
  - (b) Off-premise signs shall conform to all applicable height regulations for the appropriate zoning district, except off-premise signs located along the interstate system may be constructed at a greater height in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code.
  - (c) No off-premise sign shall be constructed closer than 350' to another off-premise sign located on the same side of any thoroughfare in the unincorporated area of Pike Township, unless the natural terrain or other obstructions prevents both signs from being seen at the same time along the main travelway. Off-premise signs along the Interstate System shall be separated by no less than 800' from any other off-premise sign on the same side of the highway.
  - (d) Off-premise signs shall not be located closer to the public right-of-way than the established building set-back requirements of the district in which the sign is located.
  - (e) No off-premise sign site shall have more than two displays facing in the same direction of the main travelway.

Section B (continued)

3. On-Premise Signs. Free standing, building mounted, or ground signs identifying or advertising commercial or industrial uses on the premises. If the signs are located within the Planned Commercial Development District or are erected pursuant to a Conditional Use, the location of said signs must be in strict compliance with the Development Plan or Conditional Use requirements, in addition to any restrictions imposed herein.
  - (a) No more than one (1) free standing or ground sign shall be provided for each business use, and in no case shall a lot contain more than three (3) free standing or ground signs.
  - (b) No free standing, ground, or building mounted sign shall have a surface area of greater than one hundred (100) square feet per side.
  - (c) No business, industry, or use shall maintain a gross sign area exceeding three hundred (300) square feet on the premises.
  - (d) Free standing on-premise signs shall not exceed thirty-five (35) feet in height or the height of the principal building in the respective zoning district, whichever is the greater height.
  - (e) Free standing or ground signs shall not be located closer than twelve (12) feet to any existing or proposed street right-of-way, and not closer than thirty (30) feet to any adjoining lot line.
4. Portable Signs. Portable signs announcing a special event or advertising a product or service. Such signs shall be considered a Temporary Use and shall be permitted subject to regulations set forth herein.
  - (a) All signs shall be located in compliance with all state and federal regulations controlling the same.
  - (b) Such signs shall not be permitted for more than a total of ninety (90) days per calendar year.
  - (c) Said signs shall be located outside the right-of-way limits of the road and shall not interfere with the visibility of vehicular traffic either entering or leaving any property or entering, leaving, or operating on any thoroughfare.
  - (d) No illumination device shall be used which causes unnaturally high light levels to be cast upon adjacent residential lots, or which permits the direct beaming of light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic. The lighting requirements contained in Section D of this Chapter shall apply.
  - (e) Said signs are capable of posting and removal without destruction of public or private property.

Section C - Prohibited Signs and Billboards

The following signs shall be prohibited in the unincorporated area of Pike Township:

1. All signs not specifically permitted by the express terms of these Regulations.

Section C (continued)

2. Signs or advertising devices erected and maintained on trees or painted or drawn upon rocks or other natural features.
3. Signs characterized by flashing lights or air-activated attraction devices, except for signs indicating time and temperature which operate by means of lighting changes alternating on not less than a five (5) second cycles.
4. Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the wall or roof of any building or structure. This restriction shall not restrict the use of aesthetic graphics such as murals or other illustrative or decorative paintings that are intended to be cosmetic devices.
5. No sign or billboard shall be painted on or attached to any awning, canopy, or balcony. No sign shall be attached to any fence within the right-of-way of any road, and no sign shall be attached to any board or wooden fence regardless of location without the permission of the owner of the fence.
6. Signs or advertising devices which attempt or appear to attempt to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.

Section D - Design Standards for Signs and Billboards

The following design standards shall apply to all signs and billboards located and erected within the unincorporated area of the Township, regardless of type, style, location, design, or other classification.

1. Location. No sign shall be located within or project over the right-of-way of any public or private road. No sign shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate or primary highway system without complying with the provisions of Chapter 5516 of the Ohio Revised Code, and the regulations promulgated and enforced by the Director of the Ohio Department of Transportation, and the regulations specified herein. No sign in a "B", O-1, or I-1 District shall face the side of any adjoining lot located in any "R" District unless the sign is located not less than fifty (50) feet from the lot. Said sign or signs shall be located in strict compliance with these Regulations, in strict compliance with the approved Development Plan or restrictions imposed by the Board of Zoning Appeals.
2. Lighting
  - (a) Signs may be illuminated when such sign does not constitute a public safety or traffic hazard. Where illumination is provided it shall be placed or directed so as not to permit the illumination therefrom to be directed or beamed upon adjacent property or public street.
  - (b) No illuminated sign shall be constructed which will interfere with the operation or safety of any traffic control signal.
  - (c) No flashing, rotating, or moving light source shall be permitted on any sign.
  - (d) All wiring, fittings, and material used in the construction, connection and operation of signs shall be in accordance with the provisions of the Building Code.

Section D (continued)

3. Height. No sign shall be erected to a height greater than the maximum permitted height for the District in which the sign is located, except that signs located within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate highway system may be erected to a greater height, as may be specified by the Director of the Ohio Department of Transportation or his/her authorized representative, in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code.
4. Sight Interference. No sign shall be permitted which interferes with the visibility of pedestrian or vehicular traffic entering, leaving, or operating on thoroughfares.
5. Maintenance. All signs or billboards constructed or erected shall be maintained so that all sign surfaces, supports, braces, guys, and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.
6. Abandoned Signs
  - (a) If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties.
  - (b) A sign or billboard is abandoned if it meets any one (1) of the following criteria:
    - (1) Any sign or billboard associated with an abandoned Non-conforming Use.
    - (2) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.

Section E - Non-Conforming Signs and Billboards

1. Any sign or billboard in existence within the unincorporated area of the Township prior to the effective date of these Regulations that does not conform with the provisions of this Chapter is considered to be Non-conforming.
2. Any sign or billboard that does not conform to the provisions of this Chapter shall be allowed to continue in its Non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.
3. A Non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Chapter. Should any replacement or relocation take place without being brought into compliance the sign or billboard shall be existing illegally.
4. A Non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:
  - (a) The size and structural shape shall not be changed or altered.



Section E (continued)

- (b) The copy may be changed provided that the change applies to the original Non-conforming Use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became Non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- (c) In the case where damage occurs to the sign or billboard to the extent of fifty (50) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty (50) percent of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

Section F - Certificate Required

No signs, except as provided for in Section A of this Chapter, shall be erected prior to the issuance of a Zoning Certificate by the Township Zoning Inspector.

1. The applicant for a Zoning Certificate herein shall pay such fee as is prescribed by the Board of Township Trustees.
2. The Zoning Certificate issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of these Zoning Regulations or any amendment thereto.
3. The application for a Zoning Certificate for posting a sign or billboard that is considered a Temporary Use shall indicate the name and address of the person charged with removal of the sign or billboard.
4. All signs and billboards erected within the unincorporated area of the Township are subject to inspection, whether a Zoning Certificate is required or not prior to erection. Such inspection may be made at any reasonable time and the Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of these Regulations.
5. In the event that the owner of any sign or property fails to comply with the terms of these Zoning Regulations, said permit may be revoked upon compliance with the following terms:
  - (a) The Township Zoning Inspector shall notify the owner of any deficiency or violation of these regulations. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Chapter 9 of these Regulations. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within twenty (20) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by these Regulations.
6. The Township Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within the unincorporated area of the Township. The Zoning Inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within one hundred eighty (180) days after mailing of notice by the Zoning Inspector, said sign may be destroyed.

### Section G - General Requirements

1. No projecting sign shall be erected or maintained from the front face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
2. 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.
3. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.
4. 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.
5. All signs hung or erected shall be marked with the name and the telephone number of the person or firm responsible for maintaining the signs.
6. No vehicle or trailer may be parked on a business premises or a lot for the purpose of the advertising a business, product, service, event, object, location, organization, or the like.

### Section H - Governmental Signs Excluded

1. For the purpose of these regulations, "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.

# **CHAPTER 7**

## **REGULATIONS FOR CONDITIONED AND CONDITIONAL USES**

## CHAPTER 7

### REGULATIONS FOR CONDITIONED AND CONDITIONAL USES

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#### Section A - Procedure

1. The purpose of a Conditional or Conditioned Use is to allow a proper integration into the Township of uses which may only be suitable or controlled in specific locations within certain Zoning District(s) or only if such uses are designed or laid out in a particular manner on the site.
2. Applications for Conditional Uses shall be presented to the Zoning Inspector and acted upon by the Board of Zoning Appeals.
3. Approval by the Board of Zoning Appeals shall be required for all uses listed as Conditionally Permitted, prior to the issuance of a Zoning Certificate.
4. In considering an application for a Conditional Use, the Board of Zoning Appeals must make an affirmative finding that the proposed Conditional Use is to be located in a District wherein such use may be Conditionally Permitted, and that all conditions for approval of Conditional Uses have been met. In doing so, the Board of Zoning Appeals may request proof that the applicable requirements for the Conditional Use have been met.
5. The Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.
  - (a) An application for a Conditional Use shall be made to the Zoning Inspector and submitted on such forms as designated and/or approved by the Board of Township Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application, as specified in this Chapter.
  - (b) The application, and any plans, specifications, and papers pertaining to the application, shall be transmitted by the Zoning Inspector to the Board of Zoning Appeals, who shall cause a public hearing to be held.
  - (c) Notice of the application for a Conditional Use and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one (1) notice of said meeting shall be published in a newspaper of general circulation prior to the scheduled hearing. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney.
6. The Board of Zoning Appeals shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the Zoning District.

Section A (continued)

7. The Board of Zoning Appeals may revoke approval of a Conditional Use for failure to comply with the conditions of that approval. The Board shall notify the holder of that approval by certified mail of its intent to revoke same and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he/she so requests. In lieu of said certified mail service, service may be made personally by the Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person or be represented by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and may examine witnesses appearing for or against him/her. If no hearing is requested the Board may revoke approval without a hearing. The authority to revoke approval is in addition to any other means of zoning enforcement provided by law.

Section B - Contents of Application

1. Each application for a Conditional Use shall contain the following information:
  - (a) The name, address, and telephone number of the applicant;
  - (b) A brief narrative description of the existing use of the property;
  - (c) A description by metes and bounds of the property in question;
  - (d) A statement indicating the zoning of the property;
  - (e) A brief, narrative description of the proposed Conditional Use of the property;
  - (f) A site plan, drawn at an appropriate scale, showing the following:
    - (1) Base map of the property, indicating all existing and proposed structures, lot lines, general topography, drainageways, bodies of water, and relationship to adjoining properties;
    - (2) Locations of the nearest public rights-of-way and locations of all access points to the site, existing or proposed;
    - (3) Locations of any easements, existing or proposed;
    - (4) Locations of existing utilities and an indication of intent to provide any utility connections that may be required;
    - (5) Locations of any existing or proposed sidewalks, parking areas, and driveways showing intent to comply with all parking requirements specified by these Regulations;
    - (6) Proposed treatment of existing topography, drainageways, and tree cover;
    - (7) Building plans, including floor plans and exterior elevations; and
    - (8) Proposed landscaping and lighting plans, if applicable;

Section B (continued)

- (g) A list of all landowners whose property falls within two hundred (200) feet of any point along the boundary of the property in question; and
- (h) Such other information as may be required by the Zoning Inspector or the Board of Zoning Appeals.
- (i) An application for a Conditional Use to extract resources and/or minerals shall contain the additional information as specified in Section 129 of this Chapter.
- (j) The Zoning Inspector may waive the required submission of Subsections b, c, and f above if he/she feels that their inclusion in any individual application is unnecessary.

Section C - Required Conditions for Approval

- 1. The following Sections contain additional required conditions to be met by an applicant for a Conditional Use. In addition to meeting the subsequent required conditions for Conditional Uses, all applicants for Conditional Uses shall be required to fully comply with any and all other applicable provisions of these Regulations, including specifically the requirements of Chapter 8, Sections A and E.

Section 100 - Regulations for Adult Entertainment Establishments

- 1. Zoning District Where Conditionally Permitted:
  - (a) B-4 Heavy Business District
  - (b) I-1 Industrial District
- 2. The establishment shall be a minimum distance of:
  - (a) One thousand (1,000) feet from any "R" District or from any lot upon which a residential dwelling is located.
  - (b) One thousand (1,000) feet from any school, library, or teaching facility, whether public, private, governmental, or commercial, if such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
  - (c) One thousand (1,000) feet from any park or other recreation facility attended by persons under eighteen (18) years of age.
  - (d) One thousand (1,000) feet from any other adult entertainment establishment.
  - (e) Two thousand (2,000) feet from any two (2) of the following establishments:
    - (1) Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;
    - (2) Establishments for the sale of beer or intoxicating liquor for consumption on the premises;

Section 100 (continued)

- (3) Pawn shops;
  - (4) Pool or billiard halls;
  - (5) Videogame or pinball arcades, or any other amusement game arcade; or
  - (6) Dance halls or discotheques.
- (f) One thousand (1,000) feet from any church, synagogue, or other permanently established place of worship or religious services which is attended by persons under eighteen (18) years of age.
3. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
  4. All building openings, entries, windows, etc. shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
  5. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters that can be seen or discerned by the public from public or semi-public areas.
  6. Off-street parking shall be provided in accordance with the requirements of Chapter 5, and in an amount equal to that required for a similar Permitted Use, as determined by the Board of Zoning Appeals.
  7. Subsection 2 above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of fifty-one (51) percent of the property owners and residents within the above described radii, giving their consent to the establishment of the adult entertainment establishment, and if the Board of Zoning Appeals determines:
    - (a) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the intent of this Section will be observed;
    - (b) That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area;
    - (c) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area; and
    - (d) That all applicable requirements of this Section will be observed.

Section 101 - Regulations for Agricultural-Related Processing and Marketing

1. Zoning District Where Permitted as Conditioned Use:
  - (a) A-1 Agricultural District

Section 101 (continued)

2. Minimum Lot Size: One (1) acre.
3. Minimum Frontage: One hundred fifty (150) feet.
4. Minimum Yard Requirements:
  - (a) Front Yard: Fifty (50) feet.
  - (b) Side Yard: Thirty (30) feet.
  - (c) Rear Yard: Fifty (50) feet.
5. Structures used for agricultural-related processing and/or related storage shall be a minimum distance of:
  - (a) One hundred fifty (150) feet from any dwelling.
  - (b) One hundred (100) feet from any "R" District.
6. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.
7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.
8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
9. No outdoor disassembly or repair of farm machinery shall be permitted.
10. All equipment used in the processing operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property in an "R" District or any adjoining dwelling in an A-1 District.

Section 102 - Regulations for Airports

1. Zoning District Where Conditionally Permitted:
  - (a) A-1 Agricultural District
2. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
3. The proposed facility shall meet the appropriate standards and requirements of the Federal Aviation Administration.
4. The airport, in accordance with the standards and requirements of the Federal Aviation Administration, will not require the heights of structures on adjacent land to be less than the height limit specifically prescribed for the District in which such land is situated.



Section 102 (continued)

5. All runways and service aprons shall have a dustless surface.
6. No area used by any aircraft under its own power shall be located within a distance of two hundred (200) feet from any property line; one thousand (1,000) feet from any public or private institution; or one thousand (1,000) feet from any "R", "B", or O-1 District on the approach and departure ends of the runway. Buildings, hangars, or other structures shall be at least two hundred (200) feet from any property line and no parking of vehicles shall be allowed within one hundred (100) feet of any property line.
7. The Board of Zoning Appeals may require that the facility be surrounded by a substantial fence not less than six (6) feet in height, with suitable gates, effectively controlling access to such area.
8. Appropriate accessory uses may be permitted, such as restaurants, snack bars, auto rental agencies, airline business offices, and service facilities.
9. Adequate off-street parking and loading spaces shall be provided.

Section 103 - Regulations for Animal Hospitals, Veterinary Clinics, and Kennels

1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) B-1 Neighborhood Business District
  - (c) B-2 Community Business District
2. Zoning District Where Permitted as Conditioned Use:
  - (a) B-3 General Business District
  - (b) B-4 Heavy Business District
  - (c) I-1 Industrial District
2. Principal Permitted Uses:
  - (a) The care of ill and/or injured household animals.
  - (b) The overnight boarding of ill and/or injured household animals.
  - (c) The overnight boarding of healthy household animals.
  - (d) The sale of goods used in the care of household animals.
3. The care or overnight boarding of large animals such as horses or cattle is prohibited in any Zoning District except the A-1 District.
4. All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure.

Section 103 (continued)

5. A solid wood fence or masonry wall six (6) feet high shall be constructed where an animal hospital, veterinary clinic, or kennel is located adjacent to an "R" District. The applicant shall also meet the requirements of Chapter 8, Section E.
6. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or any adjacent public street.

Section 104 - Regulations for Automotive Repair Garages

1. Zoning District Where Permitted as Conditioned Use:
  - (a) B-2 Community Business District
  - (b) B-3 General Business District
  - (c) B-4 Heavy Business District
  - (d) I-1 Industrial District
2. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed thirty (30) feet in width at the curblin, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in a Residential District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.
3. All repair garage buildings shall have a minimum front yard depth of fifty (50) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line.
4. The entire lot area, exclusive of the area covered by the garage structure or planting areas, shall be paved.
5. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
6. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers, or other motor vehicles shall not be permitted in the front yard.
7. Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building.
8. A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the garage or storage area is located adjacent to a Residential District or lot containing a dwelling.

## Section 105 - Regulations for Bars and Taverns

1. Zoning Districts Where Conditionally Permitted:
  - (a) B-2 Community Business District
  - (b) B-3 General Business District
  - (c) B-4 Heavy Business District
  - (d) I-1 Industrial District
2. No bar or tavern shall be located closer than one hundred fifty (150) feet from a church, school, or similar institution.
3. An assessment shall be made of the probable effects of the proposed facility's parking provisions and evening operations on the surrounding area.

## Section 106 - Regulations for Building Materials Sales Yards

1. Zoning District Where Permitted as Conditioned Use:
  - (a) B-3 General Business District
  - (b) B-4 Heavy Business District
  - (c) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required.
3. All storage that is not totally enclosed within a building shall be enclosed with a six (6) foot fence and gate that provides both security and a visual barrier. Where this outdoor storage is located adjacent to an "R" District, there shall be planted along the outside face of the required fencing mature evergreens at thirty (30) foot intervals.

## Section 107 - Regulations for Car Washes

1. Zoning District Where Permitted as Conditioned Use:
  - (a) B-2 Community Business District
  - (b) B-3 General Business District
  - (c) B-4 Heavy Business District
  - (d) I-1 Industrial District
2. All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
3. Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the front yard, a side yard facing a street, or in any yard adjoining an "R" District. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.

Section 107 (continued)

4. A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.
5. A solid fence, wall, or hedge six (6) feet high shall be required when a car wash is adjacent to an "R" District.
6. The following hard-surfaced, dust-free, off-street parking shall be provided:
  - (a) Six (6) waiting spaces and two (2) storage spaces for each car washing device or stall; or ten (10) off-street waiting spaces for an assembly line type washing establishment where vehicles await entrance to the washing process;
  - (b) Two (2) employee parking spaces for every three (3) employees; and
  - (c) Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.

Section 108 - Regulations for Cemeteries

1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District
2. Minimum Site Size: Three (3) acres.
3. Immediate access to a major thoroughfare shall be required.

Section 109 - Regulations for Churches and Similar Places of Worship

1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District
  - (c) R-1A Suburban Residence District
  - (d) R-2 Low Density Single-Family Residence District
  - (e) R-3 Medium Density Single- and Two-Family Residence District
  - (f) R-4 Multiple-Family Residence District
2. All structures, including accessory buildings, shall be set back at least fifty (50) feet from the front lot line.

Section 109 (continued)

3. Immediate access to a public thoroughfare shall be provided by at least two (2) entrance/ exits.
4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.

Section 110 - Regulations for Commercial Recreation Establishments

1. Zoning Districts Where Conditionally Permitted:

(a) B-1 Neighborhood Business District

Zoning Districts Where Permitted as Conditioned Use:

(a) B-2 Community Business District

(b) B-3 General Business District

(c) B-4 Heavy Business District

(d) I-1 Industrial District

2. All activities associated with a commercial recreation establishment shall be conducted within a completely enclosed building, with the exception of off-street parking and loading/ unloading.
3. A solid fence, wall, or hedge six (6) feet high shall be constructed where a commercial recreation establishment is located adjacent to an "R" District. The applicant shall also meet the requirements of Chapter 8, Section E.
4. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or any adjacent public street.
5. No commercial recreation establishment shall have the effect of causing any increase in noise, litter, or vehicular or pedestrian traffic on any adjacent residential properties or uses of land.

Section 111 - Regulations for Community Facilities

1. Zoning Districts Where Conditionally Permitted:

(a) R-4 Multiple-Family Residence District

2. Community facilities shall be of a cultural, educational, recreational, administrative, or service type, and shall not include repair garages, storage yards, repair yards, or warehouses.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.
4. An assessment shall be made of the probable reuse of the facility for non- public purposes in the future, with special consideration given to how facility design might limit preferred reuse alternatives.

Section 111 (continued)

5. Swimming pools, where applicable, shall conform to the enclosure requirements contained in Chapter 8, Section H.
6. In determining approval or denial, the Board of Zoning Appeals shall consider the appropriateness of facility size relative to use, access, screening, and buffers; and the effect of noise, light, and dust on adjoining property.

Section 112 - Regulations for Day-Care Centers

1. Zoning District Where Conditionally Permitted:

- (a) A-1 Agricultural District
- (b) R-4 Multiple-Family Residence District
- (c) B-1 Neighborhood Business District
- (d) B-2 Community Business District
- (e) B-3 General Business District
- (f) B-4 Heavy Business District
- (g) I-1 Industrial District

2. A drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles.
3. A maximum of one hundred (100) children shall be permitted in all areas not provided with public water.
4. There shall be provided a minimum outdoor play area of sixty (60) square feet per child enrolled in the facility.
5. All outdoor play areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition and constructed so as to preclude penetration by any person.
6. In all R-Districts, operating hours shall be limited to 6:00 a.m. to 9:00 p.m.
7. The maximum percentage of site coverage by all principal and accessory buildings and outdoor play areas shall be seventy-five (75) percent.

Section 113 - Regulations for Drive-In Motion Picture Theatres

1. Zoning District Where Permitted as Conditioned Use:

- (a) B-3 General Business District
- (b) B-4 Heavy Business District
- (c) I-1 Industrial District

Section 113 (continued)

2. Minimum Site Size: Three (3) acres.
3. No side yard shall be required, except that an area fifty (50) feet in width shall be required between any viewing bay, motion picture screen, or concession area and the lot line of any lot within an "R" District.
4. Immediate access to a major thoroughfare shall be required, and points of ingress and egress shall be provided only from such thoroughfare.
5. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicles shall be permitted to wait or stand within a dedicated right-of-way.
6. The area shall be arranged so as to prevent the motion picture screen from being viewed from residential areas or adjacent major or secondary thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed onto the premises of the drive-in theatre site.

Section 114 - Regulations for Drive-In Restaurants, Fast Food Restaurants, Carry-Out Restaurants, and/or Drive-Through Retail Establishments

1. Zoning District Where Permitted as Conditioned Use:
  - (a) B-2 Community Business District
  - (b) B-3 General Business District
  - (c) B-4 Heavy Business District
  - (d) I-1 Industrial District
2. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of thirty (30) feet between them, and shall not exceed thirty (30) feet in width at the curblines, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in an "R" District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.
3. A solid wood fence or masonry wall six (6) feet high shall be constructed where the delivery window is located adjacent to an "R" District. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb. A raised curb six (6) inches high and six (6) inches wide shall be constructed along all street frontages, except within driveway openings, and shall form a landscaped island having a minimum width of five (5) feet including the width of the curbs.
4. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

### Section 115 - Regulations for Farm and Construction Labor Camps

1. Zoning District Where Permitted as Conditioned Use:
  - (a) A-1 Agricultural District
2. Farm and construction labor camps shall only provide living accommodations for transient labor for the purpose of performing temporary agricultural or construction operations. Such labor camps shall consist of trailers or mobile homes, and shall be permitted for a period not exceeding one (1) year.
3. No mobile home or trailer within a farm or construction labor camp shall be located closer than twenty-five (25) feet to another mobile home or trailer within the labor camp, and shall not be located closer than one hundred (100) feet to any lot line.
4. Farm and construction labor camps shall comply with all applicable local and state health regulations.

### Section 116 - Regulations for Funeral Homes and Mortuaries

1. Zoning District Where Permitted as Conditioned Use:
  - (a) B-1 Neighborhood Business District
  - (b) B-2 Community Business District
  - (c) B-3 General Business District
  - (d) B-4 Heavy Business District
  - (e) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
4. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use.
5. The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.

### Section 117 - Regulations for Group Care Homes

1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District
  - (c) R-1A Suburban Residence District



Section 117 (continued)

- (d) R-2 Low Density Single-Family Residence District
  - (e) R-3 Medium Density Single- and Two-Family Residence District
  - (f) R-4 Multiple-Family Residence District
2. The minimum lot size shall be as specified in Chapter 2.
  3. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
  4. Required Submittal:
    - (a) Information explaining the need for the facility, the clientele to be served, and the financial resources that will be used to operate the facility.
    - (b) Identification of community facilities and social services that will be used by the clientele of the group care home, including an indication from the Administrator of such facilities and services that the clientele of the group care home can be accommodated.
    - (c) Prior to the issuance of a conditional or permanent Zoning Certificate, the applicant shall provide evidence that a valid license has been issued or is obtainable. When a license is not required of the applicant by a governmental agency, a written affidavit shall be presented as a part of the application by the governmental agency to which that applicant has accountability, stating that a license is not required.
    - (d) A copy of the operational and occupancy standards that will be used in establishing the facility.
    - (e) A detailed plan of services and programs to be offered the clientele of the facility, including the nature of care to be provided and the types of services to be offered, and the individuals and/or agencies who will be responsible for administering such care and services.
  5. Unless modified by this Section, the facility shall comply with all other applicable codes and ordinances prior to the issuance of a Zoning Certificate.
  6. Criteria for Evaluation:
    - (a) Is in fact the facility licensed by and/or does the facility have legal accountability to an established social service agency of local government, and can sufficient controls be exercised to insure continued compliance with the provisions of this Section?
    - (b) Will the proposed facility be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity, and will such use not change the essential character of the neighborhood?

Section 118 - Regulations for Home Occupations

1. Zoning Districts Where Conditionally Permitted:

- (a) A-1 Agricultural District
- (b) R-1 Rural Residence District
- (c) R-1A Suburban Residence District
- (d) R-2 Low Density Single-Family Residence District
- (g) R-3 Medium Density Single- and Two-Family Residence District
- (h) R-4 Multiple-Family Residence District

2. A home occupation shall be conditionally permitted if it complies with the following requirements, and any additional requirements as the Board of Zoning Appeals mandates:

- (a) The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;
- (b) No off premise signs to be provided;
- (c) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
- (d) 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, no more than twenty-five (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, x-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, or independent contractor.

Section 119 - Regulations for Hospitals and Auxiliary Facilities

1. Zoning Districts Where Conditionally Permitted:

- (a) A-1 Agricultural District

Zoning Districts Where Permitted as Conditioned Use:

- (a) B-3 General Business District

Section 119 (continued)

- (b) B-4 Heavy Business District
- (c) I-1 Industrial District
- 2. Immediate access to a major thoroughfare shall be required.
- 3. Maximum Lot Coverage: Twenty-five (25) percent.
- 4. Setback Required for Off-Street Parking: Fifty (50) feet.
- 5. A six (6) foot solid wall or fence or compact hedge shall be required when located closer than one hundred fifty (150) feet to an existing or platted residential development.
- 6. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

Section 120 - Regulations for Institutions of Higher Learning

- 1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District
  - (c) R-1A Suburban Residence District
- 2. Minimum Site Size: Ten (10) acres.
- 3. Immediate access to a major thoroughfare shall be required.
- 4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
- 5. All parking areas and/or areas where vehicles may pick up or discharge passengers shall be screened from view from any adjacent existing residential development.

Section 121 - Regulations for Junkyards and Automobile Wrecking Yards

- 1. Zoning District Where Conditionally Permitted:
  - (a) I-1 Industrial District
- 2. Immediate access to a major thoroughfare shall be required.
- 3. The site shall be a minimum distance of:
  - (a) Two thousand (2,000) feet from any residence.
  - (b) One thousand (1,000) feet from any "R" District.
- 4. The site shall be entirely surrounded by a solid wood or masonry fence or wall not less than six (6) feet high.

Section 122 - Regulations for Manufactured Farm Homes (Mobile Homes)

1. Zoning District Where Permitted as Conditioned Use:
  - (a) A-1 Agricultural District
2. For the purposes of this Section, manufactured homes shall be considered agricultural related uses and as such shall be permitted only as a use incidental to agriculture and shall not constitute a principal dwelling.
3. No manufactured home shall be used for any purpose other than as a single- family dwelling, and fifty (50) percent or more of the combined income of the occupants of a manufactured home permitted in the A-1 District shall be derived from employment on the farm upon which such manufactured home is located.
4. Each manufactured home shall be skirted, entirely enclosing the bottom section, within sixty (60) days after it is placed on the site; skirting shall be of material suitable for exterior exposure and contact with the ground.
5. Each manufactured home shall be permanently attached to concrete using ground anchors installed to the full depth called for by the manufacturer's direction and shall extend below the established frost line into undisturbed soil.
6. No manufactured home shall be located closer than twenty-five (25) feet to another structure, and shall not be located closer than one hundred (100) feet to any lot line. Minimum lot area requirements shall be subject to the standards promulgated by the Clark County Health Department.
7. The maximum number of manufactured farm homes per recorded lot or parcel is two (2).

Section 123 - Regulations for Motels and Hotels

1. Zoning District Where Permitted as Conditioned Use:
  - (a) B-3 General Business District
  - (b) B-4 Heavy Business District
  - (c) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

Section 124 - Regulations for Nursing Homes, Convalescent Homes, & Rest Homes

1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District

Section 124 (continued)

- (c) R-1A Suburban Residence District
  - (d) R-2 Low Density Single-Family Residence District
  - (e) B-1 Neighborhood Business District
  - (f) B-2 Community Business District
  - (g) B-3 General Business District
  - (h) B-4 Heavy Business District
  - (i) I-1 Industrial District
2. Immediate access to a major thoroughfare shall be required.
  3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
  4. Where this use is adjacent to an existing or platted residential development, there shall be a twenty (20) foot buffer strip of mature evergreens to be planted along the outside face of the required fencing at thirty (30) foot intervals.
  5. In every case, the use is to be provided with an adequate water supply for a fire suppression system.

Section 125 - Regulations for Penal and Correctional Institutions

1. Zoning District Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) I-1 Industrial District
2. Minimum Site Size: Ten (10) acres.
3. The site shall be a minimum distance of:
  - (a) Two thousand (2,000) feet from any residence, school, church, institution for human care, or similar institution.
  - (b) One thousand (1,000) feet from any District not an A-1 District.
4. Immediate access to a major thoroughfare shall be required.

Section 126 - Regulations for Primary and Secondary Schools

1. Zoning Districts Where Conditionally Permitted:

Section 126 (continued)

- (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District
  - (c) R-1A Suburban Residence District
  - (d) R-2 Low Density Single-Family Residence District
2. There shall be a minimum yard requirement of one hundred fifty (150) feet in any yard from which unrestricted exit or entry to the principal structure on the lot is made.
  3. All parking areas and/or areas where vehicles may pick-up or discharge passengers shall be screened from view from any adjacent existing or platted residential area. No on-street pick up or discharge of passengers shall be permitted.
  4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent thoroughfare(s).
  5. An assessment shall be made of the probable reuse of the facility for non- public purposes in the future, with special consideration given to how facility design might limit preferred reuse alternatives.

Section 127 - Regulations for Private and Public Outdoor Recreation Areas

1. Zoning Districts Where Conditionally Permitted:

- (a) A-1 Agricultural District
- (b) B-3 General Business District

Zoning District Where Permitted as Conditioned Use:

- (a) B-4 Heavy Business District
- (b) I-1 Industrial District

2. Minimum Site Size: The site size shall be appropriate for the proposed use, as determined by the Board of Zoning Appeals.
3. Minimum Yard Requirements:
  - (a) Front Yard: Fifty (50) feet.
  - (b) Side Yard: Forty (40) feet.
  - (c) Rear Yard: Fifty (50) feet.
4. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.

Section 127 (continued)

5. A Development Plan shall be submitted with the application, showing proposed incidental uses and their relationship to the site. Such incidental uses may include but shall not be limited to concession areas, food service and consumption areas, commissaries, laundry and drying facilities, management offices, toilet facilities, and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary recreation activity.
6. A landscape plan, including quantities, sizes, and varieties of landscaping, shall be submitted with the application.
7. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
8. Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in a Residential District. The enclosure requirements for swimming pools contained in Chapter 8, Section H shall also apply.
9. In determining approval or disapproval, the Board of Zoning Appeals shall consider such potential nuisances as noise, lighting, and dust, and their effect on adjacent properties.
10. The Board of Zoning Appeals may establish such requirements as they deem necessary to regulate the duration of stay by individuals or their recreation equipment at private or public campgrounds in order to preclude such extended periods of stay that might be construed as the establishment of permanent residency at the campground.

Section 128 - Regulations for Radio, Television, and Telecommunication Transmission/Receiving Towers

1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District
  - (c) R-1A Suburban Residence District
2. Minimum Site Size: Five (5) acres.
3. In no instance shall a transmission and/or receiving tower extend higher than the distance between such structure and any lot line of the parcel or tract upon which such structure is located; guy wires or other accessories shall not cross or encroach upon any street or other public or private space.

Section 129 - Regulations for Resource and Mineral Extraction

1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) I-1 Industrial District

2. The applicant shall secure a permit from the Ohio Department of Natural Resources, Division of Reclamation, prior to the Township Zoning Inspector issuing a Zoning Certificate for the actual extraction of a resource or mineral as granted hereunder by the Board of Zoning Appeals.
3. An application for such operation shall set forth the following information: (1) name of the owner or owners of land from which removal is to be made; (2) name of the applicant making request for such a permit; (3) name of the person or corporation conducting the actual removal operation; (4) location, description, and size of the area from which the removal is to be made; (5) location of processing plant used; (6) type of resources or materials to be removed; (7) proposed method of removal and whether or not blasting or other use of explosives will be required; (8) description of equipment to be used; and (9) method of rehabilitation and reclamation of the mine area. Applications shall be submitted and hearings shall be conducted in the manner set forth in Section A of this Chapter.
4. The applicant must demonstrate that such operations will not be detrimental to the vicinity or surrounding properties.
5. All equipment used in these operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
6. No mining, quarrying, gravel or sand extraction, or stockpile shall be permitted nearer than fifty (50) feet to the boundary of the property being utilized for such use, or such greater distance as specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property. Such distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of abutting property.
7. In order to insure adequate lateral support, all sand and gravel excavations shall be located at least one hundred (100) feet, or backfilled to at least one hundred fifty (150) feet, and all quarrying or blasting shall be located at least fifty (50) feet from the right-of-way line of any existing or platted street, road, highway, or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, highway, or railway.
8. Commencing with the one hundred eightieth (180th) day after operations have ceased at any mine, quarry, or gravel or sand pit, each day the following Subsections 9, 10, and 14 have not been complied with by the applicant will be considered a separate violation of these Regulations, and punishable as provided in Chapter 9, Section H of these Regulations.
9. All excavations of gravel or sand shall either be made to a water producing depth plus five (5) feet, or graded and/or backfilled with non-noxious and non-flammable solids to assure:
  - (a) That the excavated area will not collect and retain stagnant water; and
  - (b) That the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.



Section 129 (continued)

10. The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than three (3) feet horizontal to one (1) foot vertical, and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as prescribed herein.
11. Whenever the floor of a mine or quarry is more than five (5) feet below the average grade of the highway, road, street, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6) foot mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least twenty-five (25) feet from any street, road, highway, or boundary of the quarry property. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
12. All quarrying, blasting, drilling, or mining shall be carried out in a manner and on such scale as to minimize dust, noise, and vibrations and to prevent adversely affecting the surrounding properties.
13. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Clark County Engineer.
14. When any quarrying has been completed, such excavated areas shall either be left as a permanent spring-fed lake if such lake has an average depth of twenty (20) feet or more, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of not less than a six (6) foot mound of earth planted with a double row of multiflora rose bushes or other equally effective planting.
15. The Board of Zoning Appeals may require a performance bond in an appropriate amount to ensure that adequate restoration measures be undertaken and completed by the applicant.

Section 130 - Regulations for Sanitary Landfills

1. Zoning district where conditionally permitted:
  - (a) A-1 Agricultural District
2. The applicant must secure both a permit and an operating license from the Ohio Department of Health.
3. The sanitary landfill site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained.

Section 130 (continued)

4. The sanitary landfill site shall be minimum distance of:
  - (a) One thousand (1,000) feet from any state highway frontage.
  - (b) One thousand five hundred (1,500) feet from any residence.
  - (c) One thousand (1,000) feet from any "R" district.
5. The sanitary landfill site shall be properly screened for vector control so that refuse does not spill over onto adjacent property.

Section 131 - Regulations for Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings

1. Zoning Districts Where Conditionally Permitted:
  - (a) R-2 Low Density Single-Family Residence District
  - (b) R-3 Medium Density Single- & Two-Family Residence District
  - (c) R-4 Multiple-Family Residence District
2. Any parcel of land which is under single ownership and consists of two (2) or more contiguous lots, each having a minimum area of twelve thousand (12,000) square feet, may be developed within single-family zero lot line, cluster, and/or other similar dwellings in accordance with the following provisions:
3. Minimum Frontage: Forty (40) feet per lot for detached structures or twenty-five (25) feet for attached or semi-detached structures.
4. Minimum Yard Requirements:
  - (a) Front Yard: Twenty-five (25) feet, except that the setback may be reduced to not less than twenty (20) feet if an average twenty-five (25) foot setback is maintained for the total building width.
  - (b) Side Yard: The minimum side yard requirements for zero lot line and/or detached cluster dwellings shall be ten (10) percent of the lot width for a one (1) story building and twenty (20) percent of the lot width for a two (2) story or taller building, except that said side yard need not exceed ten (10) feet and shall not be less than five (5) feet. In the case of half stories, each half-story shall be considered a story for the purpose of determining the side yard requirement. In the case of zero lot line dwellings, the side yard requirement for one (1) side of the lot may be reduced to zero (0), provided that the lot abutting said side of the lot is held under the same ownership at the time of the initial construction or the owners of adjacent properties record an agreement or deed restriction consenting in writing to a zero (0) side yard setback, and further provided that the side of the dwelling adjacent to said zero (0) side yard setback shall have no windows, doors, or other

openings unless a two-story dwelling adjoins a single-story dwelling, in which case windows may be installed in the second story wall of the two-story dwelling. Said side of the dwelling shall also be constructed so as to provide a minimum fire resistance rating of two (2) hours. Where adjacent zero lot line dwellings are not constructed against a common lot line, the applicant shall provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall. Notwithstanding other provisions of this Section, the distance between one (1) side wall of any zero lot line dwelling and the side wall of any other dwelling shall be not less than twelve (12) feet. In the case of attached or semi-detached cluster dwellings, there shall be permitted a maximum of eight (8) dwelling units per group of connected dwellings, the common walls of which shall be constructed so as to provide a minimum fire resistance rating of two (2) hours. There shall be no minimum side yard requirement for attached or semi-detached cluster dwellings, except that on corner lots, the minimum side yard of the corner lot shall be twenty (20) feet. When an end unit of attached or semi-detached cluster dwellings does not side on a street, an open space of at least twelve (12) feet in width shall be provided between it and the adjacent group of cluster dwellings, and this open space shall be divided between the two (2) immediately adjacent cluster dwelling lots as to property or lot lines.

(c) Rear Yard: Thirty (30) feet.

5. The maximum percentage of lot coverage by each dwelling unit shall not exceed fifty (50) percent.
6. Off-street parking shall be provided in the amount of two (2) spaces per dwelling unit.
7. In no case shall consideration be given by the Board of Zoning Appeals to a proposed development, which exceeds, either singly or cumulatively with adjacent similar development, the minimum acreage required for a PUD District. Such proposed development shall instead be governed by the provisions for designating and developing a Planned Unit Development, as specified in Chapter 4, Section A.
8. The Board of Zoning Appeals may approve a zero lot line or cluster development upon proper application for a Conditional Use, as specified in Sections A and B of this Chapter, and if evidence is presented which establishes the following:
  - (a) That individual lots, buildings, streets, and parking areas shall be designed and situated so as to minimize the alteration of natural site features.
  - (b) That diversity and originality in lot layout and individual dwelling design shall be encouraged in order to achieve the best possible relationship between the development and the site.
  - (c) That individual lots and dwellings shall be arranged and situated so as to relate to surrounding properties, to improve the views from, and the views of, the dwellings; and to lessen the land area devoted to motor vehicles.
  - (d) That individual lots, dwellings, and parking areas shall be situated so as to avoid the adverse effects of shadows, noise, fumes, and traffic upon the residents of the area.

Section 132 - Regulations for Demolition Disposal Facility

1. Zoning District Where Conditionally Permitted:
  - (a) A-1 Agricultural District
2. The applicant shall submit a plan showing the property lines, the limits of area to be used for dumping of permitted materials, type and location of access to dumping area, description of uses within 500' of property line, and description of operation including (but not limited to) hours of operation, type of materials to be accepted, how the operator will control the materials dumped on-site, etc.
3. The demolition disposal facility shall have adequate access to a hard surfaced public street that is regularly maintained.
4. The demolition disposal facility site shall be a minimum distance of:
  - (a) Two hundred (200) feet from a public street
  - (b) One thousand (1,000) feet from any "R" District
  - (c) One thousand (1,000) feet from any residence
5. Prior to a zoning certificate being issued for a demolition disposal facility, the owner shall have a valid demolition disposal facility permit from the Clark County Board of Health and also any other required license or permit from any other Federal, State, or local agency.

Section 133 - Regulations for Day-Care Homes

1. Zoning Districts Where Conditionally Permitted:
  - (a) R-1 Rural Residence District
  - (b) R-1A Suburban Residence District
  - (c) R-2 Low Density Single-Family Residence District
  - (d) R-3 Medium Density Single and Two-Family Residence District
  - (e) R-4 Multiple-Family Residence District
2. There shall be provided a minimum outdoor play area of sixty (60) square feet per child enrolled in the facility.

Section 133 (continued)

3. All outdoor play areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition so as to preclude penetration by any person; said fence shall not be permitted in front yard.
4. Operating hours shall be limited to between 6:00 a.m. to 9:00 p.m.

Section 134 - Regulations for Feed Lot, Grain Elevators, and Slaughterhouse

1. Zoning District Where Conditionally Permitted:
  - (a) A-1 Agricultural District
2. Minimum Lot Size: Five (5) acres.
3. Minimum Frontage: One-hundred fifty (150) feet.
4. Minimum Yard Requirements:
  - (a) Front Yard: Forty (40) feet
  - (b) Side Yard: Fifty (50) feet
  - (c) Rear Yard: Fifty (50) feet
5. Structures shall be a minimum distance of:
  - (a) One-hundred fifty (150) feet from any dwelling
  - (b) One-hundred (100) feet from any "R" district
6. The site shall have adequate access onto a hard surface state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.
7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.
8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
9. No outdoor disassembly or repair of farm machinery shall be permitted.
10. All equipment used in the processing operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property in an "R" District or any adjoining dwelling in an A-1 district.

~~Section 135 - Regulations for Factory-Built Housing in Districts Other Than the Residential  
Manufactured Home Park District (R-MHP)~~

1. Zoning District Where Permitted as Conditioned Use:
  - (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District
  - (c) R-1A Suburban Residence District
  - (d) R-2 Low Density Single-Family Residence District
  - (e) R-3 Medium Density Single- and Two-Family Residence District
  - (f) R-4 Multiple-Family Residence District
2. The structure shall be installed upon and properly attached to a foundation that is in compliance with the one-family, two-family, and three- family Building Regulations of Clark County.
3. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
4. The siting of the structure shall comply with all other requirements in effect for the district for which it is proposed.
5. Single-wide manufactured units are not permitted.
6. Aesthetic and compatibility requirements:
  - (a) Roof Pitch: Pitch requirements entailing a two inch vertical rise or more for each twelve inches of horizontal run.
  - (b) Roof Overhang: Minimum overhang of over six inches, except on gable ends, or where approved decks, or certain accessories are attached.
  - (c) Roof Material: Wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, asphalt or fiberglass shingle. (no corrugated metal or fiberglass)
  - (d) Exterior Siding: One or a combination of materials such as brick, stone, stucco, clapboard or clapboard simulated vinyl or metal, wood shingles, shakes or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the top of the foundation.
  - (e) Structure Size: Minimum floor area shall be nine-hundred (900) square feet.

## Section 136 - Regulations for Automotive Service Stations

1. Zoning District Where Permitted as Conditioned Use:
  - (a) B-1 Neighborhood Business District
  - (b) B-2 Community Business District
  - (c) B-3 General Business District
  - (d) B-4 Heavy Business District
  - (e) I-1 Industrial District
2. The entire lot area, exclusive of the area covered by the structures or planting areas, shall be paved.
3. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed thirty (30) feet in width at the curblin, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in a residential district; nor ten (10) feet to an adjacent property line in any other zoning district; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way line of the two (2) streets. Notwithstanding this paragraph, compliance with the requirements of the County Engineer's access standards or requirements are mandatory.
4. All service station buildings shall have a minimum front yard depth of fifty (50) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line.
5. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
6. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental units shall not be permitted in the front yard.
7. Storage of motor vehicles shall not be permitted except when stored entirely within an enclosed structure; this section shall not apply to rental units.
8. A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the service station is located adjacent to a Residential District, or lot containing a dwelling.

## Section 137 - Regulations for Bed and Breakfast Facilities

1. Zoning Districts Where Conditionally Permitted:
  - (a) A-1 Agricultural District
  - (b) R-1 Rural Residence District
  - (c) R-1A Suburban Residence District
  - (d) R-2 Low Density Single-Family Residence District

Section 137 (continued)

2. The site shall have adequate access onto a hard surface state highway, or county, or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent thoroughfare.
4. Information shall be submitted indicating that adequate off-street parking will be provided. All parking areas shall be screened from view from any adjacent existing residential development or from any adjacent dwelling, by a masonry wall or a solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height.
5. No more than one sign no larger than six (6) square feet shall be permitted.

Section 138 - Regulations for Automotive Body Shop

1. Zoning District Where Permitted as Conditioned Use:
  - (a) B-3 General Business District
  - (b) B-4 Heavy Business District
  - (c) I-1 Industrial District
2. The entire lot area, exclusive of the areas covered by the shop structure or planting area, shall be paved.
3. The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
4. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of any motor vehicles shall not be permitted in the front yard.
5. Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building.
6. A solid fence, wall or evergreen hedge six (6) feet high shall be constructed or planted where the shop or storage area is located adjacent to any "R" district or any lot containing a dwelling.

Section 139 - (RESERVED FOR FUTURE USE)

Section 140 - Regulations for Condominium Residences

1. The development shall have safe and adequate access to a public street as determined by the County Engineer for county and township roads and the Ohio Department of Transportation for state and federal highways.
2. A traffic impact statement shall be provided at an adequate level of detail to assess the effect of the development on adjacent streets.



3. In every case, the uses shall be provided with water and sewer systems approved by Ohio EPA or County Health Department.
4. Development plans shall be submitted with the application for Zoning Certificate for every condominium property which show the particulars of the site, proposed buildings and other improvements, including the layout of the interior streets, drives, and parking areas, the layout, location, designation, and dimensions of each unit, the layout and details of the water and sewer facilities serving the proposed condominium property, the layout and details of the soil erosion and stormwater runoff control facilities proposed, and the location and dimensions of any existing or proposed easements. The name, registration number, and address of the design professional preparing such plans shall be clearly indicated thereon.
5. Approval shall be based on the development plan as submitted after review and approval by each of the related agencies, such as the County Engineer, Soil Conservation Office and Utilities Department.

Section 141 - Regulations for Office-Residential Uses

1. Only family members who reside in the dwelling on the property where the conditioned use is conducted shall be allowed to be employed in the business. Said use may be conducted within the dwelling or within an accessory building on the same lot as the dwelling.
2. Conditioned Uses - professional services, including but not limited to offices of physicians, dentists, lawyers, architects, insurance and real estate agents, and general contractors, surveyors, beauty shops and other similar professions.
3. The Conditioned Use shall be conducted principally during day light hours and shall not create a nuisance from noise, smoke, odor, vibration, electrical disturbances, or parking.
4. No alteration of the principal residential structure shall be made which changes the essential appearance thereof as a dwelling.
5. One sign shall be permitted. Such sign shall be attached flush to the wall of the structure and shall be no larger than four (4) square feet.
6. No more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be devoted to the occupational use.
7. Outdoor storage of product(s), equipment, or commercial vehicles shall be permitted only in the rear yard. All such outdoor storage shall be enclosed with a six (6) foot fence that provides both security and a visual barrier.
8. An assessment shall be made of the probable effects the proposed use will have on the surrounding area including additional traffic and the proposed parking, loading, and unloading facilities.

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# **CHAPTER 8**

## **SUPPLEMENTARY REGULATIONS**

## CHAPTER 8

### SUPPLEMENTARY REGULATIONS

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#### Section A - Performance Standards to Regulate Potential Hazards and Nuisances

The following minimum standards shall apply to all uses within their permitted Districts.

1. Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is in accordance with rules and regulations of the Ohio Environmental Protection Agency.
2. Air Pollution. No emission of air pollutants shall be permitted which violates the Clean Air Act Amendments of 1977 as enforced by the Ohio Environmental Protection Agency.
3. Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
4. Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
5. Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
6. Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
7. Odors. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
8. Toxic Materials. No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.
9. Chemicals. The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:

Section A (continued)

- (a) No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.
  - (b) The storage, utilization, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.
  - (c) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above-ground storage shall be in enclosed fireproof vaults.
  - (d) The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids".
10. Radioactivity. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:
- (a) The applicable regulations of the Atomic Energy Commission.
  - (b) The applicable regulations of any agency of the State of Ohio.

Section B - Regulation of Accessory Uses

1. In each District, unless otherwise specifically prohibited, any use, building, and/or structure customarily incidental and accessory to a Permitted Use, structure, and/or building in such District shall be permitted.
2. Without limiting the provisions of Subsection 1, above, the following specific uses, structures, and/or buildings shall be deemed accessory:
  - (a) Customary incidental home occupations, subject to the requirements of Chapter 7, Section 118.
  - (b) Living quarters of persons employed on the premises, provided the same do not contain kitchen facilities and/or are not rented or otherwise used as a separate dwelling.
  - (c) Keeping of not more than two (2) roomers and/or boarders by a resident family.

Section B (continued)

- (d) Private landing fields for aircraft in the A-I District only, provided:
    - (1) The private landing field shall be used primarily for noncommercial aircraft and/or aircraft for agricultural purposes, belonging to or used by the property owner or resident of the building or use to which it is accessory; and
    - (2) The use of the property for a private landing field shall meet the appropriate standards and requirements of the Federal Aviation Administration.
  - (e) Temporary buildings for uses incidental to construction work while construction is in progress.
  - (f) Private swimming pools used for the enjoyment of the occupants of the principal use of the property on which it is located, provided:
    - (1) It may not be located closer than ten (10) feet to any property line of the property on which it is located.
    - (2) A swimming pool, or the property upon which it is located, shall be walled or fenced in accordance with the provisions of Chapter 8, Section H.
    - (3) A Zoning Certificate shall not be required for swimming pools.
  - (g) Private satellite receiving equipment shall be permitted in any Zoning District subject to the following requirements:
    - (1) No such appurtenance shall exceed in height the horizontal distance measured from its base to the nearest property line, and no such appurtenance shall cover more than twenty-five (25) percent of the roof area.
    - (2) Such appurtenance shall be located behind the principal structure and at least ten (10) feet from any lot line.  
NOTE: A Zoning Certificate shall be required, however no fee shall be paid.
  - (h) Utility or storage building which occupies 120 square feet of area or more.
3. An accessory building may be erected as an integral part of a principal building, or it may be connected thereto by a breezeway or other similar structure, provided that all applicable yard requirements shall be complied with.
4. An accessory building may be erected detached from the principal building. No detached accessory building shall be erected in any required yard except a rear yard, except that a private detached garage may be erected in a rear or side yard. Where the natural grade of a lot at the front line of the principal building is such as to result in a driveway having a grade of twelve (12) percent or greater, a private detached garage may be erected within the front yard, but not within six (6) feet of any street right-of-way, provided that at least one-half (1/2) of the height of such detached garage shall be below the level of the yard, measured at the level of the front line of the principal building. No detached accessory building shall occupy more than twenty-five (25) percent of the area of the required side or rear yard, and such building shall be located a minimum of five (5) feet from all lot lines; except in the case of a private detached garage located in a side yard, which shall meet the minimum yard requirements for a principal building of the same height and other dimensions

Section B (continued)

as such detached garage. For computing the percentage of occupancy of a side or rear yard, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such a breezeway shall be considered as a part of the accessory building and shall be included in the computation.

5. Any accessory building, if not located in a side or rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be so placed as to meet all yard requirements for a principal building of the same height and other dimensions as said accessory building.
6. If located in a rear yard, an accessory building shall not exceed the maximum allowable height of the principal use as required in the respective zoning district and the distance of such building from other separate buildings on the same lot shall be at least six (6) feet, except that a breezeway, at least six (6) feet in length, may connect an accessory building with a principal building.
7. If located in a rear yard, no detached accessory building shall be located less than sixty (60) feet from the front street lot line on a lot in any "R" District or on a lot in any other District having a common side lot line with a lot in any "R" District.
8. Where a corner lot adjoins in the rear a lot located in an "R" District, either directly or across an alley, no part of an accessory building located in a rear yard within twenty-five (25) feet of the common lot line or centerline of the alley shall be nearer the side street lot line than the least depth of the front yard existing or required along such side street for a building on such adjoining lot; nor, regardless of location on the lot, shall such accessory building project into the side or front yard required for the principal building to which it is accessory.
9. Notwithstanding other provisions of these Regulations, a detached accessory building shall be located at least five (5) feet from a side or rear yard lot line.

Section C - Restricted Business or Industrial Accessory Parking Areas

The Board of Zoning Appeals may authorize, as a Conditional Use, the establishment and operation of any off-street parking area in such parts of any A-1 or "R" District that abut at least fifty (50) feet, either directly or across an alley, a "B", O-1, or I-1 District, subject to the following conditions and requirements:

1. The parking lot shall be accessory to and for use only in connection with one (1) or more business or industrial/warehouse/wholesale establishments located in an adjoining "B", O-1, or I-1 District.
2. Each entrance and exit to and from such parking lot shall be located only along a major or secondary thoroughfare, and shall be at least twenty (20) feet distant from any adjacent property located in any "R" District.
3. The parking lot shall be subject to the requirements for off-street parking contained in Chapter 5, and shall comply with all applicable requirements for fencing, screening, and landscaping contained in Section E of this Chapter. The parking lot shall further be subject to any other conditions or requirements with respect to development, maintenance, and operation which the Board of Zoning Appeals deems necessary or desirable for the protection of adjacent property or the public interest.

Section C (continued)

4. No sign of any kind, other than those designating entrances, exits, and conditions of use, shall be maintained on such parking lot.
5. The parking or storage of motor vehicles, recreational vehicles, or trailers of any type for periods of time exceeding twenty-four (24) hours shall not be permitted.

Section D - Regulations of Permitted Temporary Uses

1. The temporary use of a structure or premises for a purpose or use that does not conform to the requirements prescribed elsewhere in these Regulations for the District in which it is located, provided that such use be of a temporary nature and that the use does not involve the erection of a substantial structure, may be permitted subject to the requirements herein stated, and subject to such conditions as will safeguard the public health, safety, convenience, and general welfare. The Zoning Inspector may inspect any temporary use at any time and may request evidence from the property owner and/or occupant that they are in compliance with the required conditions as stated for each temporary use. A Zoning Certificate is not required for the following temporary uses:
  - (a) Orderly display at an automotive service station building of canned fluids, lubricants, and/or tires not required for immediate servicing of automobiles, and display of other products normally sold at service stations. Such display shall be set back not less than ten (10) feet from the front lot line and not less than five (5) feet from any side or rear lot line.
  - (b) Promotional activities of retail merchants, located in any Business District, involving the display of goods and merchandise may be conducted outside of enclosed buildings for a time period of not more than fourteen (14) days in any three (3) month period. Goods and merchandise that will be used in the promotional activity and are also for sale within the building may be displayed subject to the following conditions:
    - (1) No portion of the display shall be on or over publicly owned property, except for sidewalk sales. Public access shall be maintained throughout such sales.
    - (2) No food or drink shall be dispensed outside the building except in accordance with standards and prior written approval of the Clark County Health Department.
  - (c) Garage sales, yard sales, and rummage sales shall be permitted at individual dwellings in the A-1, "R", PUD and R-MHP Districts, not to exceed two (2) times per calendar year for a total time period not to exceed seven (7) days per calendar year. No more than two (2) signs (not to exceed 4 sq. ft. each) per sale shall be permitted.
  - (d) Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development, to continue only until the sale or lease of all dwelling units within the development.
  - (e) Contractor's office, trailer, and equipment shed (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
  - (f) Christmas tree sales in the Industrial District or in any "B" District for a time period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.



Section D (continued)

- (g) Open-air carnivals or tent circuses, but only in the Industrial or General Business District, and then only for a time period that does not exceed one (1) week. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.
  - (h) Festivals sponsored by non-profit organizations in any District for a time period of only three (3) days. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.
  - (i) The posting of portable signs and billboards announcing a special event or advertising a product or service for a time period not to exceed ninety (90) days per calendar year. The additional requirements contained in Chapter 6, Section B shall also apply.
2. All of the above described retail, office, and entertainment functions and operations shall be conducted and all merchandise displayed in an orderly and safe manner, free from injurious or offensive effects to the occupants of adjacent premises and to the public in general, and shall be effectively screened from adjoining "R" Districts where required by the Zoning Inspector.

Section E - Required Fencing, Screening, and Landscaping

1. Statement of Intent The intent of this Section is to outline the regulations of fencing, screening, and landscaping which will serve to provide for orderly transition between land uses, to protect and screen private property, to inhibit access to industrial and commercial sites, to give security and privacy to residents, to provide a physical and visual barrier, to reduce wind and modify climate, to define property lines, to identify and emphasize entrances, to create and define outdoor living space, and to generally improve the aesthetic appearance of a site.
2. Design Standards
- (a) No fence, wall, or screen may be located in any front yard except as provided below:
    - (1) Hedges not to exceed six (6) feet in height may be located in any front yard, but shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.
    - (2) A fence or wall may be located in any front yard as follows:
      - a) The height of any fence or wall shall not exceed four (4) feet above the ground at any point, except that in instances where single-family homes front on major or secondary thoroughfares, such ornamental fences or walls shall be not more than six (6) feet in height.
      - b) Such fence or wall shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.
      - c) Such fence or wall on a corner lot shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.

Section E (continued)

- (b) A fence, wall, or screen may be located in any rear or side yard, provided that:
  - (1) The height of the fence, wall, or screen shall not exceed six (6) feet above the ground.
  - (2) A fence or wall not to exceed ten (10) feet in height shall be permitted surrounding tennis courts in any rear yard.
- (c) A fence, wall, or screen shall be located between land uses according to the following:
  - (1) Whenever a business or industrial use is located on a lot which adjoins a Residential District, an effective buffer or screen consisting of a solid wall or fence, landscaped earthmound, or view-obscuring dense planting, or various combinations thereof, shall be provided at the lot lines adjoining residential uses. Such masonry wall, wooden fence, or earthmound shall not be less than five (5) nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy for the adjacent residential property owner, and shall be maintained in good condition by the owner. The proposed fencing, screening, and/or landscaping shall be subject to the approval of the Zoning Inspector.
  - (2) Any premise which is used or intended to be used, as permitted by these Regulations, for auto wrecking or for the open storage of auto bodies, or other metal, glass, bottles, rags, cans, sacks, rubber, paper, or other articles commonly known as junk, or for any articles known as secondhand goods, wares, or merchandise, must be enclosed with a masonry wall or tight board or similar fence not less than six (6) feet high, painted a neutral color, and continuously maintained in good and slightly condition. The fence is to be constructed of an opaque material.
- (d) When any open off-street parking or loading area used for any nonresidential purpose containing more than two (2) spaces is not separated from an "R" District by a dedicated street, an effective buffer or screen, consisting of a solid wall, fence, landscaped earthmound, or view-obscuring dense planting of evergreen shrubs, hedge treeline, mass tree planting, or various combinations thereof, shall be provided at the lot lines adjoining said "R" District. Such wall, fence, or earthmound shall be not less than four (4) nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy of the adjacent residential property owner, and shall be maintained in good condition by the owner. Exception to this height requirement occurs at the immediate exit point from the parking or loading/unloading area.
- (e) All open off-street parking or loading/unloading areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be maintained in good condition by the owner.
- (f) All commercial, industrial, multiple-family residential, and office uses that provide trash and/or garbage collection areas shall enclose such areas on at least three sides by a solid wall or fence at least five (5) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the Zoning Inspector, shall be required.
- (g) A security fence provided for a school, park, business, and/ or industry in any District shall be an open fence with a ratio of the open portion to the solid portion of not less than six-to-one (6:1), not more than ten (10) feet in height, and located in a side or rear yard.

Section E (continued)

- (h) Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements in this Section.
  - (i) Any and all plants required by these Regulations which become diseased or dead shall be removed and replaced with healthy specimens by and at the expense of the property owner.
  - (j) All fences, screens, and landscaping required by the provisions of this Section shall meet with the approval of the Township Zoning Inspector.
3. A fence or wall, not to exceed ten (10) feet in height may be required to confine dogs and provide security to residents.

Section F - Allowable Modifications of Yard Requirements

1. Supplementary Yard Requirements

- (a) In any "R" District in which the average existing front yard setback on two (2) or more lots located within one hundred (100) feet and in the same block as the lot in question is either less or greater than the minimum front yard requirement specified in the appropriate section of Chapter 2 of these Regulations, the front yard requirements shall be modified as follows:
  - (1) The modified front yard shall not be less than the average setback of the existing front yards of the two (2) lots immediately adjacent to the lot in question, or if a corner lot, then the same as the setback on the immediately adjacent lot; and
  - (2) In no case shall any front yard be modified to require less than ten (10) feet nor more than fifty (50) feet.
- (b) On all corner lots, all yards which front on streets shall be considered front yards, and as such, shall meet the minimum front yard requirement specified for the District in which such lot is located. Of the remaining yards, one yard shall meet the minimum rear yard setback requirements while the other remaining yard shall meet the minimum side yard setback requirements.
- (c) On all lots having frontage on two (2) streets which do not intersect, the minimum front yard setback specified for the District in which the lot is located shall apply to each yard with street frontage; such lots need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard.
- (d) In computing the depth of the rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (1/2) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.
- (e) Each side yard shall be increased in width by two (2) inches in any "R" District for each foot by which the length of the side wall of the building adjacent to the side yard exceeds forty (40) feet.

Section E (continued)

- (f) Side yard width may be varied where the side wall of a building is not parallel with one (1) side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall be not less than the otherwise required least width. Such side yard, however, shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than three (3) feet in any case. This requirement notwithstanding, no new addition to any building shall encroach upon the minimum required side yard.
- (g) The width of one (1) side yard may be reduced when authorized by the Board of Zoning Appeals in the case of a single-family or two-family dwelling, to a width not less than three (3) feet if the sum of the widths of the two (2) side yards is not less than the required minimum, and if the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than the required minimum sum of the widths of two (2) side yards. Such reduction may be authorized only when the Board of Zoning Appeals finds it to be warranted by the location of existing buildings or conducive to the desirable development of two (2) or more lots.
- (h) In all districts the minimum lot width requirement may be reduced by one-third if the lot has side lot lines radial to the center of a cul-de-sac as defined herein, but in no case shall the minimum lot width be less than forty (40) feet.
- (i) On a lot adjoining any Zoning District boundary line, which lot is situated in the less restricted Zoning District, any abutting side or rear yard shall have a minimum width and depth equal to the average of the required minimum width or depth for such side or rear yards in the two (2) Districts on either side of such Zoning District boundary line, unless subject to greater restrictions or requirements by other provisions of these Regulations. In case the height of a proposed structure on such lot in the less restricted District is greater than the maximum height permitted in the adjoining more restricted District, the minimum width or depth of the side or rear yard for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted District by one (1) foot for each two (2) feet by which the proposed structure exceed the maximum height permitted in said more restricted District.
- (j) For 1, 2, or 3 family dwelling units, the minimum side yards ("least width" and "sum of both") may be modified on an existing lot of record which has less than the minimum frontage of the District in which it is located. Said least width may be modified to not less than 10% of the lot width except as permitted by (g) above and the sum of both side yards may be modified to not less than 30% of the lot width. For 1, 2, or 3 family dwelling units located on existing lots having a lot depth which is less than the lot width, then the rear yard setback need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.

2. Projections Into Yards

- (a) There may be projections into required yard areas as follows:
  - (1) Architectural features such as canopies, cornices, eaves, other similar features may project a distance of not more than two (2) feet, six (6) inches.
  - (2) Outside stairs and landings without cover may project a distance not more than six (6) feet in front or rear yards but in no case shall any such outside stair or landing extend above the entrance.

Section F (continued)

- (3) Fire escapes may project not more than four (4) feet, six (6) inches.
  - (4) Patios and open porches may be located in side and rear yards provided they are not closer than six (6) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened by an evergreen hedge or fence not less than four (4) feet in height and maintained in good condition. In case of the corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard.
  - (5) Front porches may project into a front yard a distance not to exceed eight (8) feet, provided it is open on three (3) sides, except for railings or banisters.
  - (6) Bay windows, balconies, and chimneys may project into a yard for a distance not to exceed three (3) feet, provided, however, that the aggregated width of such projection does not exceed one-third ( $1/3$ ) of the length of the wall upon which it is located.
- (b) Subject to the limitations in Subsection 2(a) above, the above named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one-fifth ( $1/5$ ) of the required least width or such side yard, but not exceeding three (3) feet in any case.

Section G - Parking and Storage of Recreational Vehicles, Utility Trailers, Boats, Disabled Vehicles, School Buses, and Semitrailers

1. Recreational vehicles, utility trailers, and boats, not including mobile homes as herein defined, may be parked or stored only in an A-1, any "R" District, or PUD District subject to the following:
  - (a) Such camping and recreation equipment may be parked or stored entirely within an enclosed building, or if not within an enclosed building, shall be parked or stored in the side or rear yard not less than three (3) feet from any lot line. In the case of a corner lot, the street side yard shall be considered a front yard and no camping or other recreation equipment shall be parked or stored thereupon. In no case shall any camping or other recreation equipment be parked or stored on any public road.
  - (b) Notwithstanding the provisions of Subsection (a) above, camping and recreation equipment may be parked or stored in the front yard subject to all of the following:
    - (1) The Zoning Inspector finds that compliance with Subsection (a) above is not possible.
    - (2) Such equipment shall be parked or stored at least three (3) feet from adjoining property and at least five (5) feet from the street right-of-way, provided however in no case shall the visibility of vehicular traffic upon a public street or alley or visibility of vehicles entering or leaving properties in the area be hindered so as to create a hazardous condition as determined by the Zoning Inspector or other official.
    - (3) Such equipment is parked or stored on concrete, asphalt, gravel, or similar surface.
  - (c) Notwithstanding the provisions of this Subsection, camping and other recreation equipment may be parked at any point on a lot for loading and unloading purposes for a period of time not to exceed forty-eight (48) hours.

Section G (continued)

- (d) No such camping or recreation equipment shall have fixed connections to electricity, gas, water, or sanitary sewer facilities, nor shall such equipment be used as a dwelling in any case.
2. (a) No real property owner or occupant shall cause or permit a motor vehicle to be parked or stored in any district in the open for 7 days or longer when either of the following applies:
  - (1) The motor vehicle is apparently disabled as defined in Chapter 10.
  - (2) The motor vehicle does not bear a valid current license plate.
- (b) This section shall not apply to:
  - (1) Any vehicle stored in an enclosed building.
  - (2) Licensed junk yards or scrap metal processing facilities per Ohio Revised Code, Section 4737.05 to Section 4737.12.
  - (3) Collector's vehicles which bear a current validation sticker and a "Collector's Vehicle" license plate as described in Section 4503.45 of the Ohio Revised Code.
  - (4) Historical vehicles which bear a current validation sticker and a "Historic Vehicle - Ohio" license plate as described in Section 4503.181 of the Ohio Revised Code.
  - (5) Road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour, or less, threshing machinery, hay baling machinery, corn sheller, hammermill and agricultural tractors and machinery used in the production of horticultural, agricultural, and vegetable products.
- (c) Procedure:

Notification by certified mail that the real property owner or occupant shall have thirty (30) days after receipt of the letter to either:

  - (1) Remove the vehicle(s) from the premises,
  - (2) store or park said vehicle(s) in an enclosed building; or
  - (3) meet the standards for a non-disabled vehicle.
3. (a) School buses may be parked or stored in the A-1, O-1, and I-1 Districts or in any "B" District. If parked or stored in any "R" District, school buses may be parked or stored entirely within an enclosed building, or if not within an enclosed building, shall be parked or stored in the side or rear yard not less than three (3) feet from any lot line. In the case of a corner lot in an "R" District, the street side yard shall be considered a front yard and no school bus shall be parked or stored thereupon.

Section G (continued)

- (b) Semi-trailers and other commercial vehicles may be parked or stored in the I-1 District or in any B-3 or B-4 District. Whenever the adjoining lot is in the A-1, or any "R" District, the semi-trailers or other commercial vehicles shall be parked or stored a distance of thirty (30) feet from such lot line.

Section H - Miscellaneous

- 1. Frontage Required: All lots created after the adoption of these Regulations shall have frontage on a public dedicated and accepted thoroughfare other than a controlled or limited access thoroughfare.

- (a) The minimum frontage for each lot, parcel, or tract shall be as noted in Chapter 2.

- (b) Notwithstanding other sections of these regulations, lots, parcels, or tracts created after the adoption of these regulations shall have the minimum frontage (in accordance with 1. above) as follows:

<u>LOT SIZE:</u>	<u>MINIMUM FRONTAGE:</u>
5 to 10 Acres -	250'
More than 10 Acres -	350'

- 2. Unsafe Buildings: Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

- 3. Exceptions to Height Limitations: The building height limitations set forth in these Regulations shall not apply to structures such as church spires, domes, flag poles, windmills, chimneys, cooling towers, smokestacks, tanks, water towers, transmission and receiving towers, private radio and television antennas, observation towers, fire towers, barns, silos, or necessary mechanical appurtenances which may be erected to any safe and lawful height; or to parapet walls extending not more than four (4) feet above the limiting height of the building or structure; or to places of public assembly in churches, schools, or other permitted public and quasi-public buildings, provided that the places of public assembly are located on the first floor of such buildings and provided that, for each three (3) 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 in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the District. In no instance shall such structures occupy more than twenty-five (25) percent of the area of the lot, nor extend higher than the distance between the structure and any lot line of the lot upon which the structure is located. The Board of Zoning Appeals may permit the extension upward of a building existing at the time of enactment of these Regulations by the construction of additional stories above the height limit herein prescribed if the original plans approved by the Inspector of Buildings provided for such additional stories and such buildings were actually designed and constructed to carry such additional stories.

- 4. Structure Separation: Shall be in accordance with the Building Code or other applicable regulations.

Section H (continued)

5. Sanitary Sewer Requirements and Pollution Control: All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Clark County Health Department. Prior to the issuance of any Zoning Certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.
  - (a) When a use is being connected to a public water and/or sewer system, proof that said utility is available and of sufficient size to accommodate the use is required by the appropriate authority and will be connected to approved utility prior to final inspection; or
  - (b) Where neither public water nor sewerage systems are accessible, the minimum lot area requirement shall be increased to one (1) acre and the minimum lot frontage requirement shall be increased to one hundred-fifty (150) feet, except in Zoning Districts where the lot area and/or frontage requirements are greater, in which case the more restrictive requirements shall govern.
6. Water Impoundments: All water impoundments such as ponds, lakes, or swimming pools shall be constructed and developed in compliance with the following standards:
  - (a) No impoundment shall be located closer than twenty-five (25) feet to the right-of-way line of any adjacent public right-of-way.
  - (b) No private swimming pool shall be located in a front yard.
  - (c) All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height measured from the finished grade, and shall be maintained in good condition with a gate and lock, and shall be constructed of such material so as to preclude penetration by any child or adult.
7. Keeping of Animals: No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the building housing said animals is at least ten (10) feet from any lot line. This Subsection shall apply only to those parcels where the total landholdings of the using party is five (5) acres or less, and shall not be construed to apply to individual pens, pastures, or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.
  - (a) Fencing shall be provided per Section E of this chapter or other approved methods as imposed by the Zoning Inspector.
8. Emergency Housing: The Zoning Inspector may, in times of emergency, permit the placement of not more than one (1) mobile home on a lot for use as temporary housing by any family or resident whose dwelling has been rendered uninhabitable by flooding, fire, wind, or other catastrophe. Such mobile home may remain on the lot for a period not to exceed one (1) year and may be occupied only as long as reconstruction of the original dwelling or construction of a new, permanent dwelling is underway.
9. Solar Access: The use of solar energy systems including solar collectors, storage facilities, and distribution components for the purpose of providing energy for heating and/or cooling is a Permitted Use within any Zoning District, whether as a part of a building or structure or incidental to a group of buildings or structures in the nearby vicinity. In any Zoning District, it is unlawful for the owner or possessor of real property to erect a building or structure, or to allow a tree, shrub,



Section H (continued)

or other flora to cast a shadow upon a solar collector which is greater than the shadow cast by a hypothetical wall seven (7) feet in height located along the property line, between the hours of eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. during the period of the year from September 21 to March 20 or between the hours of seven o'clock (7:00) A.M. and five o'clock (5:00) P.M. during the period of the year from March 21 to September 20. All times of the day used in this Subsection correspond to Eastern Standard Time.

10. Extension of Use on Border of District: The extension of a use or building into a more restricted Zoning District immediately adjacent thereto may be permitted by the Board of Zoning Appeals, upon proper application, under such conditions as will safeguard development in the more restricted District.
11. Single Dwelling Per Lot: Only one (1) single-family dwelling shall be permitted on a parcel of land in the A-1, R-1, R-1A, or R-2 Zoning District. This shall also apply to any PUD or R-MHP Zoning District in whole or in part which is designated for single-family type occupancy.
12. Traffic Visibility: Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede the vision of an operator of a motor vehicle on a public right-of-way.

Section I - Treatment, Storage, and Disposal of Hazardous Substances

PURPOSE - The purpose of this section of the Clark County Zoning Resolution is to regulate potential problem areas in dealing with hazardous substances that are not covered by Federal and State laws.

It is not the intent of this Resolution to override, displace, or negate any Federal or State laws that are or will be in effect concerning hazardous substances.

1. Rule by Reference: The Clark County Zoning Resolution shall comply with all regulations adopted by the Administrator of the United States Environmental Protection Agency under the "Resource Conservation and Recovery Act", 42 U.S.C. Sec 6901 et. seq., and the Director of Environmental Protection under Ohio Revised Code Section 3734.12. These regulations and all subsequent amendments are hereby incorporated by reference and made a part of this rule as if fully stated herein.

2. Definition: For the purposes of this section, the following words and phrases shall have the following meaning ascribed to them respectively:

(a) "Hazardous Substances" means any of the following:

- (1) Any Hazardous Waste
- (2) Any Radioactive Material
- (3) PCBs (polychlorinated biphenyls)

(b) "Hazardous Wastes" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the EPA, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

Section I (continued)

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness: OR
- (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

Hazardous wastes include any substance identified as a hazardous waste by the U.S. EPA, Ohio EPA, or is listed in the Code of Federal Regulations (CFR), Title 40, Part 261, Subpart A 261.3 and all other subparts that define, describe and identify hazardous waste. All subsequent amendments to the CFR, Title 40, Part 261 which define, describe and identify hazardous wastes will automatically become a part of this section as of the effective dates of each amendment, subject to the provisions of this section.

- (c) "PCB" and "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances, or mixture which contains chlorinated biphenyl molecules.
- (d) "PCB Article" means any manufactured article other than a PCB Container that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB Article" includes capacitors, transformers, electric motors, pumps, pipes, and any other manufactured item (1) which is formed to a specific shape or design during manufacture, (2) which has end use functions(s) dependent in whole or in part upon its shape or design during end use, and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.
- (e) "PCB Equipment" means any manufactured item, other than a PCB Container or a PCB Article Container, which contains a PCB Article or other PCB Equipment, and includes microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.
- (f) "PCB Container" means any package, can, bottle, barrel, drum, tank or other device exclusive of a "PCB Article" or "PCB Equipment" that contains PCB or PCBs Article and whose surface(s) has been in direct contact with PCBs.
- (g) "Chemical Substance" except as provided in subparagraph (3) of this paragraph, means any organic, or inorganic substance of a particular molecular identify, including:
  - (1) any combination of such substances occurring in whole or part as a result of a chemical reaction or occurring in nature, and
  - (2) Any element or uncombined radical.
  - (3) Such term does not include:
    - a) Any mixture,
    - b) Any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide.
    - c) Tobacco or any tobacco product.

Section I (continued)

- d) Any source material, special nuclear material, or by-product material (as such terms are defined in the Atomic Energy Act of 1954, as amended, and regulations issued under such Act, and Energy Reorganization Act of 1974 and any regulations issued under such Act.
  - e) Any article the sale of which is subject to the tax imposed by Section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by Section 4182 of Section 4221 or any provisions of such Code), and
  - f) Any food, food additive, drug, cosmetic, or device (as such terms are defined in Section 201 of the Federal Food, Drug, and Cosmetic Act when manufactured, processed, or distributed in commerce for use as a food additive, drug, cosmetic, or device.
- (h) "Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.
- (i) "By-product" means a chemical substance produced without separate commercial intent during the manufacturing or processing of another chemical substance(s) or mixture(s).
- (j) "Use" - putting into service to attain an end other than disposal.
- (k) "Store for Disposal" means to store, confine or contain for or incidental to discarding, destroying, decontaminating, degrading, reprocessing or recycling of substances whose useful life has been terminated or completed, or which have otherwise been taken out of service.
- (l) "Person" means any natural or legally created artificial person including any individual corporation, partnership, or association. "Person" includes any individual, partnership, association, or corporation engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarded, as those terms are used in the Interstate Commerce Act, as amended.
- (m) "Radioactive Material" means any material or combination of materials, which spontaneously emits ionizing radiation. Materials, in which the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radio-activity is essentially uniformly distributed, are not considered to be radioactive materials.
- (n) "Curie" means an expression of the quantity of radiation in terms of the number of atoms which disintegrate per second; a curie is that quantity of radioactive materials which decays such that 37 billion atoms disintegrate per second.
- (o) "Microcurie" means one millionth of a curie.
- (p) "Waste Oil" - used products primarily derived from petroleum, which includes, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids and dielectric fluids.

Section I (continued)

- (2) the PCB or PCBs being temporarily stored were previously placed into use and taken out of service within Clark County;
  - (3) the PCB or PCBs being temporarily stored remain in the possession, custody, control or ownership of the person who used the PCB or PCBs;
  - (4) the previous use of the PCBs being temporarily stored was in conformance with Section I, 5. of this Chapter;
  - (5) the PCB or PCBs being temporarily stored are separately containerized according to the date removed from service; and
  - (6) the date that the PCB or PCBs are taken out of service and an indication that the containerized substance or mixture is PCB or PCBs is clearly and indelibly marked on each respective storage container utilized whether a "PCB Container", or other container, or receptacle. The date so marked shall be prima facie evidence of the date the PCB or PCBs were taken out of service.
- (e) Notwithstanding the provisions of Section I, 8. (d) above, the provisions of Section I, 4. (d) of this Chapter shall not apply to the temporary storage or temporary accumulation of PCB or PCBs taken out of service and being temporarily stored or temporarily accumulated, prior to the effective date of this resolution, which storage or accumulation is prior to the movement of the PCB or PCBs off site for disposal at an other location outside Clark County.
- (1) the incidental temporary storage or accumulation does not exceed 60 days from the date that respective PCB or PCBs were taken out of service; and
  - (2) the date or dates the PCB or PCBs were taken out of service are clearly and indelibly marked on each respective storage container, whether a "PCB Container", or other container or receptacle in which the PCB or PCBs are being temporarily stored or temporarily accumulated, together with a clear and indelible indication that the particular containerized substance or mixture is PCB or PCBs. The date or dates so marked shall be prima facie evidence of the date or dates the PCB or PCBs were taken out of service.

9. Inspections

- (a) The law enforcement officer, or building, housing, or zoning inspector shall have the authority to inspect all structures and premises, as often as may be necessary for the purpose of ascertaining or causing to be corrected, any condition which may be a violation of this Section, or otherwise enforcing any of the provisions of this Section.

10. Right of Entry

Whenever necessary for the purpose of enforcing the provisions of this Section, or whenever any law enforcement officer, or any building, housing, or zoning inspector has reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this Section, said officials may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officials by law; provided that if said structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the official seeking entry shall have recourse to every remedy provided by law to secure entry.

## **CHAPTER 9**

# **ADMINISTRATION AND ENFORCEMENT**

## CHAPTER 9

### ADMINISTRATION AND ENFORCEMENT

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#### Section A - General Provisions

The formulation, administration, and enforcement of these Zoning Regulations is hereby vested in the following offices of Clark County:

1. Pike Township Zoning Commission
2. Zoning Inspector
3. Board of Zoning Appeals
4. Board of Township Trustees
5. County Planning Commission

All departments, officials, and public employees of Clark County which are vested with the duty or authority to issue permits, certificates, or licenses shall conform to the provisions of these Regulations and shall issue no permit, certificate, or license for any use, building, structure, or purpose if same is in conflict with the provisions of these Regulations. Any permit, certificate, or license issued in conflict with the provisions of these Regulations shall be deemed null and void.

#### Section B - Township Zoning Commission

1. Membership. The Township Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as members of the Board of Zoning Appeals) who are residents of the unincorporated area of the County that is subject to these Zoning Regulations.
  - (a) The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his/her successor is appointed and qualified.
  - (b) Members of the Township Zoning Commission shall be removable for non-performance 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 (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his/her 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.
2. Organization. The Township Zoning Board shall, organize, elect a chairperson, vice chairperson, secretary, and adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meeting of the Zoning Board shall be open to the public. The Zoning Board shall keep minutes of its proceeding showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of Board of Township Trustees and shall be a public record.
3. Powers and Duties. The powers and duties of the Township Zoning Commission shall be the following:

Section B (continued)

- (a) Request the County Planning Commission to prepare or make available a zoning plan, including text and map(s), for the unincorporated area of the County or any portion thereof.
  - (b) Hold required public hearings, notice of which shall be given in accordance with the Ohio Revised Code.
  - (c) Submit the proposed Zoning Regulations, including text and Official Zoning District Map(s), and all proposed zone changes, to the County Planning Commission, and then certify the proposed zoning or rezoning along with their recommendation and the County Planning Commission's recommendation, to the Board of Township Trustees.
  - (d) Initiate Official Zoning District Map changes, or changes in the text of the Zoning Regulations where same will promote the best interest of the public in general.
  - (e) Submit Plans for Development within the Planned Unit Development District, Planned Commercial Development District, and Residential Mobile Home Park District to the County Planning Commission, and then certify such plans, along with their recommendation and the County Planning Commission's recommendation regarding such plans, to the Board of Township Trustees.
  - (f) Employ or contract with such planning consultants and executive and other assistants as it deems necessary, within the limits of the monies appropriated by the Board of Township Trustees for the purpose. Such consultants and assistants shall be the same as those provided for the County Planning Commission if so ordered by the Board of Township Trustees.
  - (g) Organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.
  - (h) Make use of such information and counsel as is available from appropriate public officials, departments, and agencies; and such officials, departments, and agencies having information, maps, and data pertinent to County zoning shall make them available for the use of the Township Zoning Commission.
4. Meetings and Agenda of Township Zoning Commission. The Township Zoning Commission shall adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meetings of the Township Zoning Commission shall be open to the public.
  5. Minutes. The minutes of each meeting of the Township Zoning Commission shall be kept on file in the office of the Township Zoning Commission with the other zoning records. Said minutes shall be open for public inspection during Trustee meetings or by appointment.

Section C - Zoning Inspector

The Board of Township Trustees shall appoint a Zoning Inspector and affix his/her compensation, if any. It shall be the duty of the Zoning Inspector to:

1. Enforce the provisions of these Regulations.
2. Interpret the Zoning Regulations text and Official Zoning District Map(s).
3. Issue Zoning Certificates in accordance with these Regulations, and maintain a complete record of all Zoning Certificates issued.

Section C (continued)

4. Act upon all applications within ten (10) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said ten (10) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his/her request to the Board of Zoning Appeals.
5. Determine whether various uses of land within the unincorporated area of the Township are in compliance with these Regulations. Where violations exist, the Zoning Inspector shall notify in writing the person(s) responsible and specify the exact nature of the violation.
6. Maintain and keep the permanent records required by these Regulations, including but not limited to the Official Zoning District Map(s), Zoning Certificates, inspections, and all official zoning actions of the Board of Township Trustees. Such records shall be made available for use by the Board of Township Trustees, Township Zoning Commission, Board of Zoning Appeals, County Planning Commission, and the public.

Section D - Board of Zoning Appeals

1. Membership. The Board of Zoning Appeals shall be appointed by the Board of Township Trustees and shall consist of five (5) members who are residents of the unincorporated area of the Township that is subject to these Zoning Regulations. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member of the Board of Zoning Appeals shall serve until his/her successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for the reason specified and in compliance with the procedure established in the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.
2. Organization. The Board of Zoning Appeals shall organize, elect a chairperson, vice chairperson, and secretary, and adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.
3. Jurisdiction. The Board of Zoning Appeals shall have the following powers:
  - (a) Administrative Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the administration and enforcement of the provisions of these Regulations.
    - (1) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken, and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof.
    - (2) The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.



Section D (continued)

(3) The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney.

(b) Variances. To authorize upon appeal by reasons of exceptional narrowness, shallowness, shape, topographic conditions, or other extraordinary situation or condition of a lot, a Variance from strict application of the provisions of these Regulations to relieve exceptional difficulties or undue hardship, provided said relief can be granted without substantial detriment to the public good and does not substantially impair the intent of these Regulations. No Variance shall be granted unless the Board of Zoning Appeals finds that all of the following conditions exist:

(1) The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant, and do not apply generally to other land or buildings in the vicinity.

(2) The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.

(3) The proposed Variance will not constitute a change, including a variation in use, on the Official Zoning District Map(s). In no case shall the Board of Zoning Appeals approve a Variance for a use which is not a Permitted Use in the Zoning District in which the property, building, or structure is located.

Written application for a Variance shall be made to the Zoning Inspector who shall transmit said application, together with plans, specifications, and any papers pertaining to the application, to the Board of Zoning Appeals. The Board of Zoning Appeals shall cause a public hearing to be held. The Board of Zoning Appeals shall give written notice by ordinary mail to all adjoining property owners. An application for a Variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the Township. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney.

In granting any Variance under the provisions of this Section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the Variance is granted. In no case shall a Variance granted by the Board of Zoning Appeals violate existing subject easement provisions, or local or state health, fire, environmental, or other applicable codes.

(c) Conditional Uses. The Board of Zoning Appeals shall hear and decide upon, in accordance with the provisions of Chapter 7 of these Regulations, applications for Conditional Uses.

Section D (continued)

4. Interpretation of Zoning Text and Map(s). Upon appeal from a decision by the Zoning Inspector, the Board of Zoning Appeals shall have the power to decide any question involving the interpretation of the Zoning Text or Map(s) as set forth in Chapter 1, Sections J and K.
5. Decision of Board. In exercising the above-mentioned powers, the Board of Zoning Appeals may, in conformity with this Section, 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 all powers of the officer from whom the appeal is taken.
6. Public Information. All communications to members of the Board of Zoning Appeals, written or oral which shall be reduced to writing, pertaining to any matter before the Board, shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the office of the Board of Zoning Appeals, subject to the order of the Clark County Common Pleas Court, and available for inspection by the public.
7. Record. For any hearing at which the applicant desires a record to be made, the applicant shall provide a court reporter to make such record at the applicant's expense. In all hearings wherein no request has been made for a record, the minutes shall serve as the sole transcript of such hearing.
8. Fees to Accompany Notice of Appeal or Application for Variance or Conditional Use. For all actions of the Board of Zoning Appeals, the Board of Township Trustees shall establish fees to be deposited with each application. Such fees shall be required for each application to defray the costs of advertising, mailing, and other expenses.

Section E - Board of Township Trustees

The powers and duties of the Board of Township Trustees are the following:

1. Appoint five (5) members to a Township Zoning Commission whose function it is to initiate or review proposed text amendments or changes of Zoning Districts on the Official Zoning District Map(s), as specified in Sect. B.
2. Appoint a Zoning Inspector to administer and enforce the provisions of these Zoning Regulations, in accordance with the functions enumerated in Section C.
3. Appoint a five (5) member Board of Zoning Appeals to hear administrative appeals and requests for Variances and Conditional Uses, as specified in Section D.
4. Initiate or act upon suggested amendments to the Zoning Regulations text or Official Zoning District Map(s) following recommendations of the Township Zoning Commission and review by the County Planning Commission, as specified in Sections B and F.
5. Each written application for a Zoning Certificate shall be accompanied by a filing fee, which shall be forwarded to the Township, and shall be utilized to help cover the expenses of the Zoning Inspector, the Township Zoning Commission, the County Planning Commission, and the Board of Zoning Appeals.

## Section F - Administrative Procedures

### 1. Zoning Certificates

- (a) Requirements. No person shall use, permit use of, locate, erect, construct, reconstruct, enlarge, or structurally alter any non-farm building or structure nor shall any land use be established or changed without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building, structure, or use fully comply with all the provisions of these Regulations, or unless a written order is obtained from the Board of Zoning Appeals deciding an appeal, Conditional Use, or Variance, as provided by these Regulations. Such Zoning Certificate shall be issued by the Zoning Inspector, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of these Regulations. Failure to obtain a Zoning Certificate prior to such use, location, erection, construction, reconstruction, enlargement, alteration, or change in use shall be deemed a violation of these Regulations and punishable under Section H of this Chapter.
- (b) Application. Application for a Zoning Certificate shall be made in writing to the Zoning Inspector or his/her authorized agent. Each written application shall be signed by the owner or authorized agent attesting to the truthfulness and exactness of all information supplied on the application, and shall indicate the applicant's name, address, and phone number. The application shall contain the following information:
- (1) One (1) copy of a scale drawing, to be retained by the Zoning Inspector, showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
  - (2) The location of the lot, existing zoning, and land use, including the immediately surrounding area;
  - (3) The location, size, and height of existing buildings or structures on the lot, if any;
  - (4) The location, size, and height of any building or structure to be erected or altered;

Section F (continued)

- (5) The existing or intended use of each building, structure or use of land where no buildings are included;
  - (6) The number of families or dwelling units each building is designed to accommodate, if applicable;
  - (7) The number of off-street parking spaces or loading/unloading berths, if applicable; and
  - (8) Such other information as may be necessary to determine conformance with, and provide for the enforcement of these Regulations.
  - (9) In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers the proposed method of water supply and/or disposal of wastes shall have written approval from the Clark County Health Department.
- (c) Exemption for Agricultural Buildings. Zoning Certificates shall not be required for 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 provided such buildings or structures are not used in the business of retail trade, per O.R.C. 3781.061. Application for an agricultural use exemption shall be made to the Zoning Inspector on such form as prescribed by the Zoning Inspector. Upon determination by the Zoning Inspector that an agricultural use exemption is warranted, a Zoning Certificate shall be issued, without fee, setting forth the agricultural use exemption. Upon determination by the Zoning Inspector that an agricultural use exemption is not warranted, a certificate and application fee shall be required for the structure, building, or use.
- (d) Time Limit. If a Zoning Certificate is issued for the purpose of constructing a new building or structure and such construction is not begun within a one (1) year time period, then said Zoning Certificate shall be null and void.
- (e) Temporary Zoning Certificate. A temporary Zoning Certificate may be issued by the Zoning Inspector for those permitted Temporary Uses specified in Chapter 8, Section D of these Regulations, subject to the conditions therein stated.
- (f) Zoning Certificate (Change of Use). No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged, or structurally altered except for agricultural purposes, without a Zoning Certificate being issued by the Zoning Inspector. No Zoning Certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of these Zoning Regulations, or unless a Variance or special permit has been granted by the Board of Zoning Appeals.
- (g) Non-conforming Uses. Nothing in these Regulations shall prevent the continuance of a Non-conforming Use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.
- (h) Records. A record of all Zoning Certificates shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section F (continued)

- (i) Fees. The Board of Township Trustees shall establish fees, charges, and expenses for Zoning Certificates, applications for appeals, variances, etc., and for rezoning and other matters pertaining to this resolution. The fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. No final action shall be taken on any application until all applicable fee, charges, or expenses have been paid in full.

2. Text Amendments and Changes of Zoning Districts

- (a) Amendments to the Zoning Regulations may be initiated by motion of the Township Zoning Commission, by the passage of a resolution by the Board of Township Trustees, or by the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment, with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission. The Township Zoning Commission and Board of Township Trustees shall consider an application for an amendment, whether to the Zoning Regulations text or to the Official Zoning District Map(s) only if the request for a change of zoning meets the following conditions:

- (i) Manifest error in the original Zoning Regulations text and/or designations on the Official Zoning District Map(s).
- (ii) Accordance with, or more appropriate conformance to, any existing Official Land Use Plans for the area under consideration.
- (iii) Substantial change in area conditions.
- (iv) Legitimate requirement for additional land area for the particular Zoning District.

The Board of Township Trustees may require the owner or lessee of property filing an application to amend the Zoning Regulation: to pay a fee to defray the cost of advertising, mailing, and other expenses. If the Board of Township Trustees requires such a fee, it shall be required generally, for each application. The Board of Township Trustees shall, upon the passage of such resolution, certify it to the Township Zoning Commission.

- (1) Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing.
- (2) If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Township Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within the contiguous to and directly across the street from such area propose to be rezoned or redistricted to the addresses of such owner appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

Section F (continued)

- (3) The published and mailed notices shall contain those items as specified in the Ohio Revised Code.
- (4) Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map(s) pertaining thereto to the County Planning Commission.
- (5) The County 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 Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.
- (6) The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and shall certify and submit such recommendation together with such application or resolution, the text and map(s) pertaining thereto, and the recommendation of the County Planning Commission to the Board of Township Trustees.
- (7) The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.
- (8) The published and mailed notices shall contain those items as specified in the Ohio Revised Code.
- (9) Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Township Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.
- (10) Such amendment adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption, unless within thirty (30) days after 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 eight (8) percent of the total vote 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 a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment, resolution, motion, or application, furnishing the name by which the amendment proposal is known and a brief summary of its contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in the Ohio Revised Code.
- (11) The form of the petition calling for a zoning referendum and the statement of the circulator shall be governed by the rules specified in the Ohio Revised Code.

Section F (continued)

- (12) No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote 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.
- (13) All procedures thereafter shall be in strict compliance with the requirements of the Ohio Revised Code.
- (b) On any application for an amendment to the Zoning Regulations at which the applicant desires a record to be made, the applicant shall provide a court reporter to make such record at the applicant's expense. In all hearings where no request has been made for such record, the minutes shall serve as the sole transcript of such hearings.
- (c) The owner or lessee of property filing an application to amend these Zoning Regulations shall deposit with such application a fee, as prescribed by the Board of Township Trustees, to defray the cost of advertising, mailing, and other expenses: This fee shall be required for each application and the amount of such fee shall be established by the Board of Township Trustees.

3. Non-conforming Uses, Buildings, and Lots

- (a) Continuance. The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of these Zoning Regulations or any amendments hereto, may be continued, although such use does not conform with these Zoning Regulations or amendments hereto, but if any such Non-conforming Use is voluntarily discontinued for two (2) years or more, any future use shall be in conformity with these Zoning Regulations and amendments hereto.
  - (b) Restoration. When a structure, the use of which does not conform to the provisions of these Zoning Regulations, is damaged by fire, explosion, flood, earthquake, tornado, or other calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than fifty (50) percent of its replacement value, it shall not be restored unless in conformity with the provisions set forth in these Zoning Regulations for the District in which it is located. When a structure has not been damaged to the extent of fifty (50) percent, such restoration shall be commenced within two (2) years of such calamity and diligently continued until completed. When a structure has been damaged to the extent of fifty (50) percent or more, such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed. Replacement value shall be based upon the replacement cost of the structure prior to the calamity. Replacement value shall be based upon the replacement cost of the structure prior to the calamity, and shall be determined by an independent appraiser hired by the owner. In case of any uncertainty as to the replacement value of a particular structure, the determination of the Clark County Building Official or his/ her representative shall be final.
  - (c) Enlargement. No Non-conforming building or use may be enlarged, extended, or otherwise expanded except upon the granting of a Conditional Use by the Board of Zoning Appeals pursuant to this Section.
- (1) A Non-conforming Use of a less objectionable nature may be substituted for an existing Non-conforming Use.

Section F (continued)

- (2) An existing, legal Non-conforming Use which occupied only a portion of an existing structure or premises may be extended throughout such structure or premises.
- (3) The alteration or reconstruction of a Non-conforming Use or building provided that such will make the Non-conforming Use substantially more in character with its surroundings.
- (4) The extension of a Non-conforming Use when such extension will substantially make the Non-conforming Use more in character with its surroundings.

The Board of Zoning Appeals may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties in the public interest.

- (d) Non-conforming Lots. The construction of a conforming structure and/or the conduct of a Permitted Use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or Permitted Use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of this Chapter. Such Non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Regulations. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

Section G - Enforcement Procedures

1. Enforcement. These Regulations shall be enforced by the Zoning Inspector as may be designated by the Board of Township Trustees. The Zoning Inspector is hereby authorized to enter upon any property or premises to ascertain whether the provisions of these Regulations are being complied with. The Zoning Inspector is hereby authorized to refuse, deny, and/or void any use, application, material, data, request, or certificate which circumvents, or attempts to circumvent, the intent of these regulations or any approval which was granted based on false, misleading, or misrepresented information.
2. Revocation of Zoning Certificate. Any Zoning Certificate issued upon a false statement shall be void, and such false statement shall be deemed a violation of these Regulations. Zoning Certificates 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, and construction at variance with that authorized shall be deemed a violation of these Regulations. Whenever the fact of such unauthorized variance in plans or false statement shall be established to the satisfaction of the Zoning Inspector, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with these Regulations, shall be deemed guilty of a separate violation thereof. Violations shall be punishable as provided in Part 6 of this Section.
3. Invalidity of a Part. If any chapter, section, subsection, paragraph, sentence, or phrase of these Regulations is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Regulations.



Section G (continued)

4. Repeal of Existing Resolutions. All resolutions, regulations, or parts thereof inconsistent with or in conflict with these Zoning Regulations and all additions and amendments thereto, are hereby repealed by the adoption of these Regulations.
5. Violation. In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used in violation of these Regulations or any amendment or supplement thereto, the Board of Township Trustees, the County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
6. Fine. Any person, firm, or corporation violating any provision of these Regulations or amendments or supplements thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense.

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## **CHAPTER 10**

# **GLOSSARY OF DEFINITIONS**

## CHAPTER 10

### GLOSSARY OF DEFINITIONS

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Unless a contrary meaning is required by the context or is specifically prescribed, the following definitions shall be used in the interpretation and construction of these Regulations. Terms not herein defined shall have the meaning customarily assigned to them. In case there is further question as to the meaning of terms not herein defined, the definitions cited in the latest edition of Webster's New International Dictionary of the English Language (G. and C. Merriam Company, publisher) shall apply.

Accessory Building or Use: An accessory building or use is one which:

- (a) is subordinate to & serves the principal building or principal use;
- (b) is subordinate in area, extent, or purpose to the principal building or principal use served;
- (c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
- (d) is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served; and
- (e) does not contain more than sixteen hundred (1600) square feet when located in a Residential ("R") District.

Accountability: The provision that a governmental agency is legally responsible for the welfare of the clientele of a group care home and as such can exercise control over the operator of such facilities in order to insure that the provisions of these Regulations are being met and that adequate operational and occupancy standards are being maintained.

Acre: A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Establishment: Any establishment involved in the sale or service of products characterized by the exposure or presentation of specified anatomical areas as defined herein, or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment establishments are photography, dancing, reading, massage, and/or similar functions which utilize activities as specified above; and such establishments include specifically adult bookstores, adult motion picture theatres, and adult mini-motion picture theatres, as defined herein.

Adult Mini-Motion Picture Theatre: A facility with a capacity of less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.

Adult Motion Picture Theatre: A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.

Agricultural Purposes: See "Agriculture".

Agricultural Related Processing and Marketing: Those commercial activities which provide direct primary support to the farm community, including, but not limited to feed, fuel, agricultural chemicals, farm supply sales and repair, custom butcher shop, and animal health. Agricultural related processing and marketing shall not be construed to include farm markets as defined herein.

Agricultural Use: See "Agriculture".

Agriculture: Includes agriculture, dairying, farming, floriculture, apiculture, horticulture, ornamental horticulture, pasturage, viticulture, aquaculture, olericulture, pomiculture, and animal and poultry husbandry.

Airport: A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft, including specifically a paved strip on which airplanes land and take-off. An airport shall not be construed to be a private landing field as defined herein.

Alley: A public or private way with a right-of-way not more than thirty (30) feet wide, affording only secondary means of access to abutting property.

Apartment: A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

Automotive Body Shop: Any structure or use intended for collision service, repair or painting of motor vehicles.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, and steam cleaning of vehicles in association with a repair garage.

Automotive Repair Garage: A building or structure used or intended to be used for the care, repair or similar major or mechanical work, with or without provisions for the dispensing of oil, gasoline, or similar products for the servicing of such vehicles, for profit.

Automotive Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicles accessories may be supplied and dispensed at retail; and where minor mechanical work including motor tune-up, tire servicing, replacement of mufflers, radiator cleaning, repairing brakes and other minor work not involving removal of the vehicle motor, the motor head or crank case, and not involving body work, painting, welding or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found on filling stations. A filling station is not a repair garage as defined herein. Other permitted uses include sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.

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 or their parts.

Balcony: A platform, enclosed by a parapet or railing, projecting from a wall.

Banks and Financial Institutions: Commercial banks, savings and loan associations, brokerage offices, and other similar financial institutions, but not including pawn shops.

Bar or Tavern: Any establishment, public or private, which provides alcoholic beverages for consideration as its primary function. Food may or may not be served on the premises and entertainment may or may not be provided as a secondary function.

Basement: A story whose floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height below the average level of the adjoining ground, as distinguished from a "cellar" which is a story more than one-half (1/2) below such level. A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement. A cellar shall be counted as a story for the purposes of height measurement only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

Bed and Breakfast Facilities: Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient.

Beginning of Construction: The incorporation of labor and material on a building site.

Billboard: See "Sign".

Board of Zoning Appeals: The Board of Zoning Appeals of Pike Township, Clark County, Ohio. Also referred to as the "Board".

Breezeway: A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. This definition shall not be construed to include mobile homes.

Building, Alteration of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one (1) location to another.

Building, Enlargement of: Any increase in the cubic content of a building.

Building, Height of: The vertical distance measured from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building, Principal: The building in which the main or chief use permitted on the zoning lot is conducted.

Building Line: A line defining the minimum front, side, and rear yard requirements.

Building Permit: A permit issued for the construction or alteration of any building or structure.

Building Setback Line: The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line; or the front line of the foundation of enclosed porches or vestibules if nearer the front line than the main foundation, not including steps.

Buildings, Inspector of: The Inspector of Buildings of Clark County, Ohio.

Bulkhead: A retaining wall or structure constructed along fill slopes in order to resist soil slippage and deter erosion.

Business: An occupation, enterprise, undertaking, or employment which engages in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.

Campground: An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days, either free of charge or for a fee. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Certify: To attest with a signature or seal.

Child Day-Care: Care provided for any part of the twenty-four-hour day for 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, in a place or residence other than the child's own home. Places of worship during religious services are not included.

Child Day-Care Centers: Any place in which child day care is provided with or without compensation, for thirteen or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided for more than six children.

Child Day-Care Home: Any place in which child day care is provided in the permanent residence of the administrator for seven to twelve children or four to twelve children, if four or more are under two years of age.

Churches and Similar Places of Worship: A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

Clinic: A place used for the diagnosis and treatment of sick, ailing, infirm, and injured persons and animals and those who are in need of medical or surgical attention, but limited to outpatients only and not including the sale of drugs or medical supplies.

Commercial Establishment: See "Business".

Commercial Recreation Establishment: Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.

Commission, Planning: The Clark County Planning Commission.

Commission, Township Zoning: The Township Zoning Commission of Pike Township, Clark County, Ohio.

Commissioners, County: The Board of County Commissioners of Clark County, Ohio.

Community Facilities: Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring application for a Conditional Use and approval by the Board of Zoning Appeals that all prior conditions for approval have been met.

Conditioned Use: A use permitted within a district other than a conditionally permitted use, requiring compliance to requirements as specified in chapter 7.

County: Clark County, Ohio.

County Recorder: The Recorder of Clark County, Ohio.

Cul-de-sac: That portion of a dead-end street which is located at the opposite end of a street from the outlet and is formed by a circle, the diameter of which is greater than the street right-of-way. The purpose of a cul-de-sac is to permit ease in reversing vehicular direction.

Custom Butcher Shop: The incidental keeping and processing of farm animals for retail trade.

Deed Restriction: A legal restriction on the use of land, contained in the deed to the property.

Demolition Disposal Facility: Means a site that is used to bury concrete, cement, stone, rubble, glass, wallboard, framing and finishing lumber, wiring, insulation material, roofing material and the like which results from the razing of buildings for accumulation during remodeling or construction. Also brush which includes tree limbs, tree mulch, tree stumps and residue from maintaining trees and shrubbery, also grass and material accumulated from landscaping operations. However, notwithstanding the previously mentioned items, no material which is considered hazardous and/or toxic under any Federal, state, or local regulation, shall be permitted to be buried or placed in a demolition disposal facility.

Density: A unit of measurement; the number of dwelling units per acre of land.

Density, Gross: The number of dwelling units per acre of the total land to be developed, including public ways and open space.

Density, Net: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Detached: Not connected in any manner by walls or other structural supports.



Development Plan: A plan showing uses and structures proposed for a parcel of land, as required by the regulations involved.

Development Standards: Standards controlling the size of structures and the relationships of structures and uses to each other and to open spaces and lot lines. Development standards include but are not limited to regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum density.

Disabled Motor Vehicle: Any vehicle not capable of providing its own motive power, or any vehicle unable to pass an Ohio State Highway Patrol safety inspection.

District: See "Zoning District".

Dwelling: Is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, but not including a tent, cabin, shed, hotel, or motel.

Dwelling, Attached: The sharing of a common wall by two (2) or more dwelling units.

Dwelling, Cluster: A single-family dwelling which is located on a lot having side yard dimensions which vary according to the width of the lot to be developed. Cluster dwellings may or may not be attached in some fashion by common walls without openings. Cluster dwellings are intended to allow for imaginative site planning and arrangement of buildings.

Dwelling, Detached: A dwelling unit having no wall in common with another dwelling unit.

Dwelling, Semi-Detached: The partial sharing of a common wall by two (2) or more dwelling units.

Dwelling, Single-Family: A detached building designed for or occupied exclusively for residence purposes by one (1) family or housekeeping unit.

Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families or housekeeping units living independently of each other.

Dwelling, Three-Family: A building designed for or occupied exclusively by three (3) families or housekeeping units living independently of each other.

Dwelling, Four-Family: A building designed for or occupied exclusively by four (4) families or housekeeping units living independently of each other.

Dwelling, Multiple-Family: A building or portion thereof designed for or occupied by five (5) or more families or housekeeping units living independently of each other.

Dwelling, Zero Lot Line: A single-family dwelling which is located on a lot having side yard dimensions which vary according to the width of the lot to be developed, and which dimension may be reduced to zero (0) feet on one (1) side of the dwelling subject to regulations contained herein. Zero lot line dwellings are intended to allow for imaginative site planning and arrangement of buildings.

Dwelling Unit: Is any building which contains complete living facilities and intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which is occupied for living purposes.

Earth Berm: A low, usually linear, mound of earth covered with grass or other landscape materials used to define, screen, protect, and/or enhance the appearance of a particular space or area of land.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

Eating and Drinking Place: See "Restaurant".

Enclosed Building: Any permanent structure having a roof supported by columns and walls which are opaque.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or county or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems or collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or county or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: A person living alone, or two (2) or more persons related by blood, marriage, or adoption, or unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a, motel or hotel, fraternity or sorority house, or other types of contractual living quarters.

Farm: An area which is used for the growing of the usual farm products, such as grain, fruit, vegetables, and tobacco, and their packing or storage within the area, as well as used for the raising and breeding of farm animals and poultry, including but not limited to cattle, sheep, horses, and swine, but not constituting a commercial feed lot as defined herein. The necessary accessory uses shall be secondary to that of the normal farming activities.

Farm Market: A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator.

Feed lot: The operation or maintenance of a commercial stockyard or feedyard.

Fence: A barrier constructed of materials other than evergreen shrubbery erected for purposes of protection, confinement, enclosure, or privacy.

Fence, Privacy: A fence erected or constructed with the intention of blocking views into the property from the outside.

Fence, Security: A fence erected or constructed to serve as a barrier to persons, animals, or vehicles entering the property.

Finished Grade: The elevation of the surface of the ground adjoining the building after construction of required parking areas or driveways and after the planting of lawn and shrubbery, or other required improvements.

Filling Station: A filling station is not a repair garage as defined herein. Other permitted uses include sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.

Flood Plain: That area of Clark County which has been determined to be subject to a temporary rise in stream level that results in inundation of the area, whether or not the area is ordinarily covered by water.

Floor Area: The total horizontal area of all floors finished as usable area including roofed porches and roofed terraces. Measurements of floor area shall be taken to the outside of the exterior walls. Floor area shall not include: cellar or basement space; elevator or stair bulkheads; attic space; breezeways, patios, or open porches; uncovered stairs or steps; garages.

Frontage: The property on one (1) side of a street between two (2) intersection streets (crossing or terminating) measured at the building line, or if the street is dead-ended, then all of the property abutting on one (1) end of the street.

Garage: A structure used primarily but not exclusively for the storage of motor vehicles.

Garage Sale: The selling of used or unused household goods normally accumulated in the process of housekeeping. Includes yard sales, porch sales, and rummage sales.

Group Care Home: A facility housing six (6) or more individuals on a twenty-four hour basis who, because of age, mental, or physical disability or other reasons, must live in a supervised environment but are capable of responding to an emergency situation without personal assistance.

Handicapped Person: Means any person subject to a physiological impairment regardless of its cause, nature, or extent, and includes all such persons whether ambulatory or confined to a wheelchair.

Hedge: A linear massing of closely-spaced shrubs which combine to form a relatively solid vegetative wall.

Home Occupation: An accessory use which is an activity, profession, occupations, 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 neighborhood. Activities such as teaching, tutoring, tax consulting and the like shall involve not more than three receivers of such services at any one time with the exception of certified Type B family day-care homes, which constitute a residential use and not an accessory use.

Homeowner's Association: A private, non-profit corporation of homeowners established by a developer with local government approval, whose purpose it is to own, operate, and maintain various common properties, including but not limited to open space, private streets, and recreation facilities. Title to common property is held by the corporation.

Hospital: An establishment with a formal organization of physicians, with permanent beds where both sick and accident patients may remain in excess of twenty-four (24) hours, which provides facilities for both medical and surgical diagnosis and treatment, with at least one (1) operating room where major surgery is performed. Such establishment must be certified by the State Department of Health and be accredited by the Joint Commission of Accreditation of Hospitals.

Hospital, Animal: Any building or other enclosed structure containing spaces for any animals not belonging to the operator of such facility which allows for overnight or continuous care, diagnosis and treatment of animal illnesses or injuries.

Household Pet: A domesticated animal kept for pleasure rather than utility.

Housekeeping Unit: One (1) or more persons living in a dwelling unit who are not a family.

Identification: That by which a person, thing, product, etc., can be identified or recognized - and those specific symbols, traits, trademarks, characteristics, etc., which provide such recognition.

In the Open: Not located in an enclosed building.

Industry: Storage, repair, manufacture, preparation, or treatment of any article, substance, or commodity.

Institution: A building occupied by a non-profit corporation or establishment for a public use.

Junkyard: A place or structure where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, or any combination thereof, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including used cars in operable condition, or salvaged materials incidental to manufacturing operations, and not including such places where such uses are conducted entirely within a completely enclosed building or structure.

Kennel: A building or structure which may also include outdoor pens or runs for dogs or other animals which are housed or boarded for a fee, or an establishment for the breeding or training of such animals, or any structure or premise on which five (5) or more dogs over four (4) months of age are kept.

Land Use Plan: The long-range plan for the desirable use of land area of Clark County as officially adopted and as amended from time to time by the County Planning Commission. The purpose of such plan is, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for such public purposes as streets, parks, schools, and public buildings.

Landscaping: Landscaping shall consist of any of the following or combination thereof: materials such as but not limited to grass, hardy ground covers, shrubs, vines, hedges, and trees; and non-living durable material commonly utilized in landscaping, such as but not limited to rocks, pebbles, sand, walls, and fences, but not including paving as a principal design element.

Livable Area: That totally enclosed space within the principal structure having an average ceiling height of a minimum of four (4) feet above the finished grade.

Livable Floor Area: The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

Loading/Unloading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot: A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare rights-of-way shall be included.

Lot, Corner: A lot abutting upon two (2) or more roads or streets at their intersection or upon two (2) parts of the same road or street and in either case forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets.

Lot, Interior: A lot other than a corner lot with only one (1) frontage on a street.

Lot, Non-Conforming: A legally recorded lot which has less than the required minimum lot size, width, depth, or any combination thereof as specified by the zoning district in which it is located.

Lot, Zoning: A parcel of land abutting a dedicated street, occupied or intended to be occupied by a principally permitted or conditionally permitted use and/or accessory use or a principal or accessory building, as a unit, together with such open spaces as are required by these Zoning Regulations and it may or may not coincide with a lot of record.

Lot Area: The computed area contained within the lot lines, excluding rights-of-way, measured in square feet or acres.

Lot Coverage: That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves, cornices, balconies, canopies, bay windows, fire escapes, patios, open porches, chimneys, outside stairs and landings, and similar structures.

Lot Depth: The mean horizontal distance between the front and the rear lot lines.

Lot Lines: The property lines bounding a lot.

Lot Line, Front: The line separating a lot from a street right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A side lot line separating a lot from a 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 Line, Street or Alley: A lot line separating a lot from a street or alley.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the County Recorder's Office or on which the recording has been delayed by mutual consent of the subdivider/developer, and the County.

Lot Split: The division of any parcel of land so as to create two (2) parcels or lots, either of which is less than five (5) acres in size, for the immediate or future purpose of transfer of ownership.

Lot Width: The mean width of the lot measured at right angles to its depth.

Manufactured Farm Home (Mobile Home): A structure transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling without a permanent foundation and without conversion to real estate. For the purpose of these provisions, a mobile home shall be considered a manufactured farm home with a certification from HUD.

Manufactured Home (Mobile): A structure transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation and with conversion to real estate. For the purpose of these provisions, a mobile home shall be considered a manufactured home with a certification from HUD.

Manufactured Home Park (Mobile Home): A tract of land under unified control containing five (5) or more acres of land or existing nonconforming lots divided into three (3) or more lots for the accommodation of occupied manufactured mobile homes used for single-family dwelling purposes, and including any roadway, building, structure, or utility used or intended for use as part of the facilities of such parks.

Manufacturing: A production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.

Manufacturing Retail Outlet: An accessory use to a principally permitted manufacturing use where goods produced on the premises of the manufacturing establishment are offered for sale directly to consumers. The manufacturing retail outlet shall not occupy greater than twenty-five (25) percent of the total floor area of the manufacturing establishment.

Maximum Lot Coverage: The greatest percentage of the total zoning lot which may be occupied by principal and accessory buildings or structures.

Motel or Hotel: A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and subject to such restrictions as may be specified in the district where located.

Motor Home: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, for cooking and consuming of food, and for sleeping.

Nonconforming Use of Land and Buildings: The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolutions.

Non-Conformities: A building, structure, premises, or use thereof, legally existing and/or used at the time of adoption of these Regulations or any amendment thereto, which does not conform with the use regulations of the district in which it is located.

Nursing Homes, Convalescent Homes, Rest Homes, and similar facilities: A facility housing three (3) or more individuals when those individuals are not capable of responding in an emergency situation without personal assistance.

Open Space: An open, uncovered area on the same lot with a building. Also an undeveloped or developed area used for recreation (whether passive or active) such as parks, wildlife areas, etc. or other undeveloped areas which should remain undeveloped due to their unique characteristics such as wetlands, geological features, etc..

Original Tract: A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.

Parcel: An individual lot held under common ownership.

Parking Area, Off-Street: Any open area other than a street or other public right-of-way used for the temporary storage of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers. All off-street parking areas shall conform to the design standards presented in these Regulations and no required off-street parking area shall charge a fee of any type to its users.

Parking Area, Private: An open area for the same use as a private garage.

Parking Area, Public: An open area other than a street or public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Parking Space: An off-street space, either within a structure or in the open, available for the parking of one (1) motor vehicle, and having an area of not less than one hundred eighty (180) square feet, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct access to a street or alley.

Patio: An uncovered area permanently surfaced or constructed as a single, solid slab and usually raised slightly above the lawn surface, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

Performance Bond: An agreement by a developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement.

Performance Standards: Criteria established to control dust, smoke, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious matter, vibrations, and other conditions created by or inherent in uses of land or buildings.

Permitted Use: A use which is specifically authorized by these Zoning Regulations in a particular zoning district.

Person: A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

Planned Unit Development (PUD) or Planned Commercial Development (PCD): Land under unified control, planned and developed as a whole in a single development operation or a definitely programmed series of development operations including all lands and buildings. Planned Unit Developments and Planned Commercial Developments are designed and developed subject to the provisions of these Regulations.

Porch: An entrance or structure attached to the outside of an outer wall of a building, one (1) or two (2) stories in height, with integral foundations, which is open on three (3) sides, and which may have railings and banisters or a parapet, and which is roofed.

Porch, Open: A porch without a roof and sometimes without railings.

Private Garage: A garage for four or less passenger motor vehicles without provisions for repairing or servicing such vehicles for profit; see automotive repair garage.

Private Landing Field: A tract of land which is used or intended to be used for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo; and which is an accessory use that is used primarily for non-commercial aircraft belonging to or used by the property owner or resident of the building or use to which it is accessory. A private landing field shall not be construed to be an airport as defined herein.

Private or Public Outdoor Recreation Area: Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motorcross or snowmobile circuits, or campgrounds.

Professional Office: Any building or structure, the use of which is limited to providing professional services such as doctors, lawyers, accountants, architects, engineers, photographers, city planners, government and public service agencies and utilities, and similar professions.

Public Facilities: Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

Public Use: Uses including public parking, schools, and administrative, cultural, and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Public Utility: Any building, power plant, substation, water treatment plant, pumping station, sewage treatment and disposal plant, or other similar public structure, including the furnishing of electrical, gas, telephone, water, and sewerage services.

Reconstruction: See "Substantial Improvement".

Replacement Cost: The construction cost at current prices of the property, less depreciation, that is not necessarily an exact duplicate of the subject property, but serves the same function as the original.

Resource and Mineral Extraction: Any mining, quarrying, excavating process, storing, separating, cleaning, or marketing of any mineral natural resource.

Rest Home: See "Convalescent Home".

Restaurant, Carry-Out: An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually pack-aged to be carried and consumed off the premises, but may be consumed within the restaurant building or on the premises.

Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.



Restaurant, Fast Food: Any structure where cooked food and beverages primarily intended for immediate consumption are available upon a short waiting time, and are packaged or presented in such a manner that they can be readily eaten outside the premises where they are sold; and where the facilities for on-premises consumption of the food and beverages are insufficient for the volume of food sold in the place.

Restaurant, Sit-Down: Any structure whose principal use is the sale of foods and beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which said items are consumed; or 2) a cafeteria-type operation where foods and beverages are consumed within the structure.

Retail Establishment: Any business normally found in a business district, where goods or services are offered for sale in small quantities directly to consumers.

Retail Establishment, Drive-Through: A retail business which is laid out, equipped, maintained, advertised, or held out to the public as a place where a limited variety of primarily ready-to-consume foods, beverages, and household or party supplies are offered directly to customers in motor vehicles. Drive-through retail establishments are arranged so that customers may drive through the establishment and be served without leaving their vehicles, and as such, goods sold on the premises shall not be consumed thereupon.

Retaining Wall: A bulkhead or structure constructed along fill slopes in order to resist soil slippage and deter erosion.

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.

Right-of-Way, Proposed: A right-of-way that is proposed for acquisition in order to implement the Official Thoroughfare Plan of Clark County, together with all amendments thereto subsequently adopted.

Rip-Rap: An assemblage of broken or crushed stones erected in water, along stream banks, or on fill slopes in order to strengthen the slope, resist slippage, and deter erosion. The stones shall be reinforced and/or sufficiently anchored to hold them in place.

Rural Farm Housing: The principal residence on a farm.

Rural Non-Farm Housing: A single-family dwelling located in an Agricultural District that is not a principal dwelling on a farm, and that is located on a lot that has been split from a larger tract of land (a "lot split").

School, Primary or Secondary: An institution which offers instruction in the several branches of learning and study required to be taught in the public schools by the Ohio Common School Laws. (Secondary includes both junior and senior high).

School Bus: A bus designed for carrying more than nine (9) passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function.

Screening: To provide privacy of adjoining uses, including masonry walls, solid preservatively treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants.

Semitrailer: A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

Service Establishment: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, barber shops, beauty parlors, and similar activities.

Setback: The minimum distance at which a building may be constructed from a lot line.

Sewerage System, Off-Site: Any wastewater disposal system, such as a septic tank or similar installation which uses an aerobic bacteriological processor equally satisfactory process for the elimination and safe disposal of sewage for a single development, and which is not located on a lot that is to be served by the system. Off-site sewerage systems are subject to approval by the Clark County Health Department.

Sewerage System, Public: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Shrub: A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like nor single-stemmed.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign or Billboard: Any writing, name, identification, description, display, flag, emblem, insignia, or graphic representation which is contained on a structure or part thereof, or is attached to or painted on a building or structure; said sign being used to advertise direct attention to or announce an object, place, product, person, activity, organization, or business. This definition shall not include any flag, pennant, or insignia of any nation, state, city, or other political units, as well as any sign, board, or surface used to display or announce official notice of such political units.

Sign, Building Mounted: A sign which is affixed to or painted on any exterior wall.

Sign, Free Standing: A sign which is supported by one (1) or more columns, in or upon the ground.

Sign, Ground: A sign erected on a free standing frame, mast, or pole and not attached to any building.

Sign, Political: A sign which announces the candidacy of a person or slate or persons running for elective office, a political party, or issue or slate of issues.

Sign, Portable: A sign which is designed to be easily movable.

Sign Area: The entire area within a single, continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of a sign having more than one (1) display surface shall be computed as the total of the exposed exterior display surface area.

Sign Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.

Similar Use or Establishment: A use not specifically listed but similar to any of the permitted building or use classifications of any district.

Site Plan: See "Development Plan".

Slaughterhouse: The butchering of livestock for market, not to be considered custom butcher shop.

Solar Collector: Any device or combination of devices or other elements which relies upon direct solar radiation and that is employed in the collection of solar radiation for one (1) or more of the following purposes:

- (a) heating and/or cooling of a building or structure;
- (b) heating of water;
- (c) use in industrial, commercial, or agricultural processes; or
- (d) the generation of electricity.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts, whether real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic regions, buttock, or female breasts.

Store: As used in these Regulations, "store" shall mean to put away, reserve, or park for future use. "Storage" shall mean the act of storing, the state of being stored, or a building or place for storing goods.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or if there is no floor above, the portion between the floor and the ceiling above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as story unless more than one-half (1/2) of the basement height is above grade level at the front of the building.

Story, First: The lowest story or the ground story of any building, the floor of which is not more than four (4) feet below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.

Street: A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of these Regulations. Street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Structural Alteration: Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure: An assembly of materials which forms a construction for occupancy for use, including but not limited to: buildings, antennas, overhead transmission lines, tents, platforms, stages, observation towers, radio and television and telephone towers, water storage tanks, trestles, piers, open sheds, smokestacks, steeples, shelters, fences, display signs, and the like, which shall be construed to mean the whole or parts thereof.

Subdivision Regulations: The regulations pertaining to the division of parcels of land within Clark County into smaller buildable sites, blocks, streets, open spaces, and public areas, as officially adopted and as amended from time to time by the County Planning Commission. The purpose of such regulations is, among other things, to provide an adequate urban pattern by allocating sufficient and convenient open areas for traffic, utilities, recreation, light, air, and the avoidance of congestion of population.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds sixty (60) percent of the market value of the structure either, 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or 2) any alteration of a structure listed on the National Register of Historic Places, or a State Inventory of Historic Places.

Swimming Pool: Any pool, pond, or open tank above or below grade level and not located within a wholly enclosed building, and containing or normally capable of containing at any point, water to a depth of greater than twenty-four (24) inches deep or having a surface area greater than two-hundred fifty (250) square feet.

Temporary Use: Any non-permanent or intermittent use of land, building, or structure which is permitted by these Regulations.

Thoroughfare, Controlled or Limited Access: A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary: An officially designated Federal or state numbered highway or county or other road designated as a major thoroughfare on the Official Thoroughfare Plan of Clark County, or a county or other road designated as a secondary thoroughfare on said Plan, respectively.

Thoroughfare Plan: The Official Thoroughfare Plan of, and as adopted by, the Clark County Planning Commission, establishing the location and official right-of-way widths of principal highways and streets in the County, on file in the office of the County Recorder and the County Planning Commission, together with all amendments thereto subsequently adopted.

Tract: See "Parcel".

Trailer: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct 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 other motor power.

Trailer, Construction: A large trailer which is used for the storage and conveyance of tools, machinery, or equipment on, to, or from a construction site and which may be left on the site for the duration of construction as provided by these Regulations.

Trailer, Tent-Type Fold Out Camping: Any non-self-propelled recreational vehicle intended to be used, when stationary, as temporary shelter with living and sleeping facilities.

Trailer, Travel: A non-self-propelled recreational vehicle not exceeding an overall length of thirty (30) feet, exclusive of bumper and tongue or coupling.

Trailer, Utility: A small trailer designed to be towed by a motor vehicle and used primarily for the transportation of commercial or personal goods and/or wares.

Transient: A person, who is usually a boarder, whose stay at a facility is less than thirty (30) days.

Transmission/Receiving Tower, Radio or Television or Telecommunication: Any tower-like structure used principally by commercial, non-profit, or public broadcast and telecommunications organizations to transmit or receive communication waves of varying frequencies. Such structures shall not be permitted for private use.

Tree: Any self-supporting woody plant which usually produces one main trunk, and a more or less distinct and elevated head with many branches.

Truck Camper: A non-self-propelled recreational vehicle without wheels, for road use and designed to be placed upon and attached to a motor vehicle. Truck camper shall not be construed to include truck covers or shells which consist of walls and a roof but do not have floors and facilities for using same as temporary shelter.

Trustees, Township: Board of Trustees of Pike Township, Clark County, Ohio.

Use: The activity conducted on or in a particular parcel of land or structure.

Use By Right: A principal permitted use in a particular zoning district which is permitted in that district as legal right under the terms of these Regulations.

Variance: A modification of the literal provisions of these Regulations granted when strict enforcement of these Regulations would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Vehicle: All automobiles, trucks, motorcycles, trailers, truck campers, recreational vehicles, buses, and boats.

Vehicle, Commercial: Any vehicle commonly used for profit.

Vehicle, Motor: Anything on wheels propelled or drawn by power other than muscular power.

Vehicle, Recreational: Any vehicle or appurtenance thereof, self-propelled or non-self-propelled, which is designed, constructed, used, or intended for use primarily as temporary shelter, and whose principal function is to serve a recreational and/or entertainment purpose. Recreational vehicles include travel trailers, motor homes, truck campers, and tent-type fold out camping trailers.

Videogame, Pinball, and Other Amusement Game Arcades: Any business location in which there are four (4) or more coin-operated amusement devices, coin-operated games of skill, or any combination thereof available for use by the public and/or invitees.

Wall: A boundary enclosure or separating barrier which is usually opaque.

Wall, Common: A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or higher, and which separates contiguous buildings but is in joint use for each building.

Warehouse: A building or structure which use is limited to the storage of equipment or material.

Water System, Off-Site: See "Water System, Public".

Water System, Public: An approved water supply system which provides a distribution system and water treatment facility for a single development, community, or region.

Wholesale Establishment: An establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser.

Yard: A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in these Regulations.

Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least perpendicular distance between the front lot line and the front of the main building.

Yard, Front (Least Depth): The shortest distance, measured horizontally between any part of a building and the right-of-way line of the existing street on which the lot fronts, i.e. the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as established on the Official Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the Official Thoroughfare Plan.

Yard, Rear: A yard extending the full width of the lot between the rear-most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building. Where a rear lot line abuts an alley, one-half (1/2) of the alley width may be considered as part of the rear yard.

Yard, Rear (Least Depth): An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified.

Yard, Side: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the side lot line toward the nearest part of the main building. Where a side lot line abuts an alley, one-half (1/2) of the alley width may be counted toward the side yard requirement.

Yard, Side (Least Width): The shortest distance, measured horizontally, between any part of a building, other than such parts herein excepted, and the nearest side lot line.

Yard, Side (Least Width, How Measured): Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Official Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Official Thoroughfare Plan.

Yard Sale: See "Garage Sale".

Zoning Certificate: A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of these Regulations and for the purpose of carrying out and enforcing its provisions.

Zoning District: A portion of the unincorporated area of Pike Township of which certain uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces are herein established. The term "A" District shall mean any A-1 District; the term "R" District shall mean any R-1, R-1A, R-2, R-3, or R-4 District; the term "B" District shall mean any B-1, B-2, B-3, or B-4 District; the term "O" District shall mean any O-1 District; and the term "I" District shall mean any I-1 District.

Zoning District, Overlay: A zoning district, the requirements for which are imposed in addition to those of the underlying zoning district.

Zoning Inspector: The officer or his/her authorized representative, appointed by the Board of Township Trustees, charged with the interpretation, administration, and enforcement of these Regulations.

Zoning Map: The Zoning Map or Maps of Clark County, together with all amendments subsequently adopted.

Zoning Regulations or These Regulations: This document in its entirety, any subsequent amendments, and all maps, figures, drawings, and any other clarifications appurtenant.

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