

# TABLE OF CONTENTS

PAGE

ARTICLE I TITLE AND PURPOSE .....	5
101 Title .....	5
102 Purpose.....	5
103 Adoption and Effective Date .....	5
104 Interpretation and Application .....	5
105 Separability Clause.....	5
ARTICLE II INTERPRETATION, EXEMPTIONS, LIMITATIONS, AND CONFORMANCE .....	6
201 Agriculture Exempted .....	6
202 Repealed.....	6
203 Retail Establishments and Alcoholic Beverages .....	7
204 Oil and Gas Drilling .....	7
205 Outdoor Advertising .....	7
206 Submission to the Director of Transportation .....	7
207 Licensed Family Homes and Licensed Group Homes For Developmentally Disabled Persons .....	7
ARTICLE III DEFINITIONS .....	8
ARTICLE IV ESTABLISHMENT OF DISTRICTS, CONFORMANCE, PERMITS, AND ENFORCEMENT .....	22
401 Purpose.....	22
402 Establishment of Districts.....	22
403 Districts .....	22
404 Zoning District Map .....	22
405 Conformance .....	22
406 Interpretation of District Boundaries .....	23
407 Zoning Map Amendments .....	23
408 Flood Plain District .....	23
409 Enforcement .....	24
410 Zoning Permits Required.....	24
411 Application for Zoning Permit.....	24
412 Approval of Zoning Permit.....	25
413 Other Agency Approvals Required for Permit.....	25
414 Expiration of Zoning Permit .....	25
415 Certificate of Occupancy .....	25
416 Violation.....	26
417 Schedule of Fees, Charges, and Expenses .....	26
ARTICLE V NONCONFORMITIES.....	27
501 Purpose.....	27

502	Uses Under Conditional Use Provisions Not Nonconforming Uses .....	27
503	Incompatibility of Nonconformities .....	27
504	Avoidance of Undue Hardship .....	27
505	Certificates for Nonconforming Uses .....	27
506	Substitution of Nonconforming Uses.....	28
507	Single Nonconforming Lots of Record.....	28
508	Nonconforming Vacant Lots in Other Districts .....	28
509	Nonconforming Uses of Land .....	29
510	Nonconforming Structures .....	29
511	Nonconforming Uses of Structures or of Structures and Land in Combination .....	30
512	Termination of Use Through Discontinuance.....	30
513	Repairs and Maintenance.....	31
ARTICLE VI ZONING DISTRICT REGULATIONS.....		32
601	General Use Classification System.....	32
602	F-P Flood Plain District.....	33
603	R-R Rural Residential District.....	34
604	R-1 Suburban Single Family Residential District .....	37
605	R-2 One-and Two-Family Residential District .....	38
606	R-3 Multi-Family Suburban Residential District .....	39
607	P-D Planned Unit Development District (PUD) .....	40
608	R-MH Manufactured Home Park District.....	45
609	B-1 Limited Business and Suburban Office.....	47
610	B-2 Commercial Business District.....	49
611	Intensive and Motorist Services Business District .....	52
612	I-1 Light Industrial District.....	54
613	I-2 General Industrial District.....	56
614	Primary Agricultural Use District.....	59
ARTICLE VII LOT, YARD REQUIREMENTS, AND HEIGHT LIMITS .....		62
701	Lot, Yard, and Height Requirements .....	62
702	Exceptions .....	62
703	Projections into Yards .....	62
704	Height Limit Exceptions.....	63
SCHEDULE OF LOT, HEIGHT, AND YARD REQUIREMENTS .....		64
ARTICLE VIII PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS, SUBSTANTIALLY SIMILAR USES, ACCESSORY USES, HOME OCCUPATIONS, AND GROUP HOME RESIDENTIAL FACILITIES .....		65
801	Regulation of Conditional Uses.....	65
802	Purpose.....	65
803	Contents of Conditional Use Permit Application.....	65
804	General Standards for all Conditional Uses.....	66
805	Specific Criteria for Conditional Uses .....	66
806	Specific Regulations and Requirements for Conditionally Permitted Uses.....	67
807	Procedure and Requirements to Determine That a Use is Substantially Similar .....	72
808	Regulation of Accessory Uses .....	73

809	Home Occupations .....	76
810	Group Residential Facilities .....	77
811	Sexually Oriented Businesses .....	78
812	Satellite Dish Antennas .....	82
ARTICLE IX OFF-STREET PARKING AND LOADING REQUIREMENTS .....		93
901	General Parking Requirements .....	93
902	Offstreet Parking Design Standards .....	93
903	Determination of Required Spaces .....	94
904	Joint or Collective Parking Facilities .....	95
905	Off-street Storage Areas for Drive-In Services .....	95
906	Parking of Disabled Vehicles .....	95
907	Parking Space Requirements .....	96
908	Handicapped Parking .....	98
909	Elderly Housing Parking .....	98
910	Off-street Loading Space Requirements .....	99
911	Off-street Loading Design Standards .....	99
ARTICLE X SIGN REGULATIONS .....		100
1001	General .....	100
1002	Governmental Signs Excluded .....	100
1003	General Requirements for all Signs and Districts .....	100
1004	Permit Required .....	101
1005	Signs Permitted in all Districts Not Requiring a Permit .....	101
1006	Signs Permitted in Any District Requiring a Permit .....	102
1007	Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit .....	102
1008	Temporary Signs .....	102
1009	Free Standing Signs .....	102
1010	Wall Signs Pertaining to Nonconforming Uses .....	103
1011	Political Signs .....	103
1012	Sign Setback Requirements .....	103
1013	Increased Setback .....	103
1014	Setbacks for Off-Premises Signs .....	103
1015	Setbacks for Public and Quasipublic Signs .....	103
1016	Special Yard Provisions .....	103
1017	Limitation .....	103
1018	Nonconforming Signs and Structures .....	104
1019	Loss of Legal Nonconforming Status .....	104
1020	Violations .....	104
ARTICLE XI ADMINISTRATIVE PROCEDURES .....		105
1101	Procedures for Amendment or District Changes .....	105
1102	Authorization .....	105
1103	Procedure and Requirements for Appeals and Variances .....	107
1104	Procedure for Approval of Conditional Uses .....	110
ARTICLE XII ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITY .....		111

1201 Zoning Inspector ..... 111  
1202 Township Zoning Commission..... 111  
1203 Duties of the Zoning Commission ..... 111  
1204 Board of Zoning Appeals ..... 112  
1205 Duties of Zoning Inspector, Board of Zoning Appeals,  
Legislative Authority and Courts on Matters of Appeal ..... 113

ARTICLE I

TITLE, PURPOSE, ADOPTION AND APPLICATION

101 TITLE

This resolution shall be known as and shall be cited and referred to as the “Zoning Resolution of Bloom Township, Fairfield County, Ohio”.

102 PURPOSE

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

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

103 ADOPTION AND EFFECTIVE DATE

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

104 INTERPRETATION AND APPLICATION

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

It is not intended by this Resolution to interfere with, abrogate, or annul any easements, covenants or other agreements between parties which do not violate this Resolution. Where any specific provisions of this Resolution conflict, or conflicts with any other lawfully adopted rules, regulations, or resolutions, the most restrictive or those imposing a higher standard shall apply.

105 SEPARABILITY CLAUSE

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

## ARTICLE II

### EXEMPTIONS AND LIMITATIONS

#### 201 AGRICULTURE EXEMPTED

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

Division (B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

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

#### 202 REPEALED

203 RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES

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

204 OIL AND GAS DRILLING

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

205 OUTDOOR ADVERTISING

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

206 SUBMISSION TO THE DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three hundred feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the director of the Ohio Department of Transportation or any land within a radius of five hundred feet from the point of intersection of said centerline with any public road or highway, the zoning inspector shall give notice, by registered mail, to the director, and he shall not issue a zoning permit for one hundred and twenty days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, than a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred and twenty day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this Resolution. (O.R.C. 5511.01)

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

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

## ARTICLE III

### DEFINITIONS

Interpretation of terms or words: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied, constructed, altered, or converted”.
- E. The word “lot” includes the words “plot” or “parcel”.

**ACREAGE:** Any tract or parcel or land which has not been subdivided and/or platted.

**ACCESSORY USE OR STRUCTURE:** “Accessory use” means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure; is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, “accessory use” includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise regulated in this resolution, an “accessory use” shall be a permitted use.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal husbandry, poultry husbandry, and the produce; provided, however, that the operation of any such accessory use shall be secondary and incidental to the normal agricultural activities and provided that further, the above uses shall not include the commercial feeding of garbage or offal to swine.

**AIRPORT:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings, and open spaces.

**ALLEY:** A public or private right-of-way affording secondary means of access to abutting property.

**ALTERATIONS, STRUCTURAL:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**APARTMENT:** Two or more rooms, designed for, arranged for, intended for, or occupied, as a residence by one family with facilities for cooking therein.



**APARTMENT BUILDING:** Any building housing three or more dwelling units provided said units are the principal use of the building.

**AUTOMOTIVE REPAIR:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**AUTOMOTIVE, MOBILE, TRAVEL TRAILER, AND FARM IMPLEMENT SALES:** The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**AUTOMOTIVE WRECKING:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles of their parts.

**AUTOMOBILE SERVICE STATION:** A place where gasoline, kerosene, or any other motor vehicle fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into the motor vehicles, including greasing and oiling on the premises.

**BASEMENT:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. (See STORY)

**BILLBOARD OR SIGN:** Any structure or portion thereof, on which lettered, figured, or pictorial matter is displayed for advertising purposes. (See OUTDOOR ADVERTISING)

**BOARDING, LODGING OR ROOMING HOUSE:** A building or part thereof, other than a hotel, motel, or restaurant, where for compensation by the day, week, or month, meals and lodging are provided for at least three but not more than twenty persons, and where no cooking and dining facilities are provided in individual rooms. This definition shall also apply to a "tourist home", "bed and breakfast" or similar establishment.

**BUILDABLE AREA:** The building area of a lot is the space remaining after the minimum open space requirements have been complied with.

**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

**BUILDING, HEIGHT OF:** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

**BUILDING LINE (SETBACK):** A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure may be located above ground, except as may be provided by said resolution.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS, CONVENIENCE:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but shall not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

**BUSINESS, GENERAL:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, to also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

**BUSINESS, HIGHWAY:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

**BUSINESS, OFFICE TYPE:** Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

**BUSINESS SERVICES:** Any profit-making activity that renders services primarily to other commercial or industrial enterprises, or that services and repairs appliances and machines used in homes and businesses.

**BUSINESS, WHOLESALE:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**CELLAR:** Cellar means that portion of a building, the ceiling of which is entirely below or less than four and one-half feet above ground.

**CARPORT:** A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all provisions in these regulations for a private garage or accessory building.

**CEMETERY:** Land used for or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.

**CENTRAL SEWER SYSTEM:** A system where individual lots are connected to a common sewerage system whether publicly or privately owned and operated.

**CERTIFICATE OF OCCUPANCY:** A document issued by the zoning inspector which indicates that buildings, structures, or uses are consistent with this Resolution.

**CHILD DAY-CARE:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

- A. **CHILD DAY-CARE CENTER:** Any place in which child day-care is provided, with or without compensation, for thirteen or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 123 children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

- B. **TYPE A FAMILY DAY-CARE HOME:** A permanent residence of the administrator in which child day-care is provided for four to twelve children at any one time, if four or more children are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term “Type A family day-care home” does not include a residence in which all such children are siblings of the same immediate family and the residence is their home.
- C. **TYPE B FAMILY DAY-CARE HOME:** A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term “Type B family day-care home” does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

**CLUB:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**COMMERCIAL ENTERTAINMENT FACILITIES:** Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**COMPREHENSIVE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the appropriate authority, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**CONDITIONAL USE:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

**CONDITIONAL USE PERMIT:** A permit issued by the zoning administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**CONDOMINIUM:** A building or group of buildings in which units are individually owned by the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

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

**ELDERLY HOUSING FACILITY:** A building or buildings containing twelve or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, “elderly housing facility” shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

**ELDERLY PERSON:** Any person who is sixty-two years of age or older, or any person under sixty-two years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

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

**FACTORY-BUILT HOUSING:** “Factory-built housing” means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installations upon a site. For the purposes of this Resolution, “factory-built housing” shall include mobile homes, manufactured homes, and modular homes.

**FAMILY:** A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that “family” shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

**FLOOD PLAIN:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**FLOOD, REGIONAL:** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred year recurrence interval flood.

**FLOODWAY:** That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**FLOODWAY, FRINGE:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**FLOOR AREA OF A RESIDENTIAL BUILDING:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**FLOOR AREA OF A NONRESIDENTIAL BUILDING (To be Used in Calculating Parking Requirements):** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**FLOOR AREA, USABLE:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**FOOD PROCESSING:** The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**GARAGES, PRIVATE:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

- A. Not more than one space is rented for parking to persons not resident on the premises.
- B. No more than one commercial vehicle per dwelling unit is parked or stored.
- C. The commercial vehicle permitted does not exceed two tons capacity.

**GARAGE, PUBLIC:** A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**GARAGE, SERVICE STATION:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries, and distributors parts.
- B. Tire servicing and repair, but not recapping or regrooving.
- C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings mirrors, and the like.
- D. Radiator cleaning and flushing.
- E. Radiator welding and repair.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Minor servicing and repair of carburetors.
- I. Adjusting and repairing brakes.
- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
- K. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, and accessory and incidental to principal operations.
- L. Provisions of road maps and other informational material to customers, provision of restroom facilities.
- M. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

**GROUP RESIDENTIAL FACILITY:** A “group residential facility” is a community residential facility, licensed and/or approved and regulated by the state of Ohio, which provides rehabilitative or habilitation services. There are two classes of group residential facilities:

- A. **CLASS I:** Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.
- B. **CLASS II:** Any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. Class II Type A group residential facility contains six or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.

**HISTORIC AREA:** A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

**HOME OCCUPATION:** “Home occupation” means an accessory use that is an activity, profession, occupation, service, craft, or revenue-enhancing hobby that is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, without any significant adverse effect upon the surrounding neighborhood. A “home occupation” may be conducted only by the inhabitants thereof.

**HOTEL:** A building occupied as primarily the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twenty sleeping rooms or apartments.

**JUNK:** Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, wood, iron, steel, and other old or scrap ferrous or non ferrous materials.

**JUNK YARD:** The use of any land, building, or structure, whether private or commercial, where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, including auto wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

**LOADING SPACE, OFFSTREET:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required offstreet parking spaces are filled. Required offstreet loading space is not to be included as offstreet parking space in computation of required offstreet parking space. All offstreet loading spaces shall be located totally outside of any street or alley right-of-way.

**LOT:** For purposes of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street. Legal nonconforming lots shall meet all provisions of Article V, and shall be subject to all requirements thereof.

**LOT AREA:** The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established right-of-way shall not be included as part of the lot area for the purpose of these regulations.

**LOT COVERAGE:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**LOT, DOUBLE FRONTAGE:** A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

**LOT FRONTAGE:** That portion of a lot which directly abuts the street or street right-of-way. Lot frontage shall be measured only from the front (address side) for the purpose of determining road frontage. All sides of a lot abutting a street shall be considered frontage for the purpose of determining yard requirements only on corner lots and double frontage lots.

**LOT LINES:** The property lines defining the limits of a lot.

**LOT LINE, FRONT:** The line separating a lot from the street on which it fronts and/or to which it is addressed.

**LOT LINE, REAR:** The line opposite and most distant from the front lot line.

**LOT LINE, SIDE:** Any lot line other than the front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

**LOT, MINIMUM AREA OF:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**LOT MEASUREMENTS:** A lot shall be measured as follows:

- A. **DEPTH:** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. **WIDTH:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the deed of which has been so recorded.

**LOT TYPES:** Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

- A. **CORNER LOT:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.

B. INTERIOR LOT: A lot with only one frontage on a street.

C. THROUGH LOT: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

D. REVERSED FRONTAGE LOT: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**MAINTENANCE AND STORAGE FACILITIES:** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**MANUFACTURE:** The process of making something from raw or semi-finished materials whether by hand or by mechanized process. Making in these regulations also includes producing, assembling, fabricating, alloying, metal and chrome plating.

**MANUFACTURED HOME:** Any non-self-propelled vehicle transportable in one (1) or more sections which, when erected on a site, is six hundred and fifty (650) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which is in compliance with Federal Manufactured Housing Construction and Safety Standards. A manufactured home located outside a Manufactured Home Park District shall be placed on a permanent foundation, shall be all indicia of mobility removed, and shall be subject to real property taxation. A “manufactured home” shall be located and erected only in a Manufactured Home Park zoning district.

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

**MANUFACTURING, HEAVY:** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large site; open storage and service areas; extensive services and facilities; ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**MANUFACTURING, LIGHT:** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**MANUFACTURING, EXTRACTIVE:** Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**MINI-WAREHOUSE OR STORAGE FACILITY:** A building or group of buildings in a controlled access and/or fenced compound containing individual storage compartments, stall, or lockers for the dead storage of customers' goods or wares.



**MINIMUM BUILDING SETBACK LINE:** (See BUILDING LINE)

**MOBILE HOME:** Any nonself-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or constructed so as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards.

**MODULAR HOME:** Factory-built housing certified as meeting the industrialized unit provisions contained in the Ohio Basic Building code. Once certified by the state, modular homes shall be subject to the same standards as site-built homes. A modular home shall be used with a permanent foundation and shall be subject to real property taxation once it has been placed on a permanent foundation.

**MOTEL:** Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed and originally constructed primarily as overnight sleeping quarters for tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

**NONCONFORMING USE (LEGAL):** Any building or parcel of land lawfully occupied by a use on the effective date of these regulations or any amendment thereto, which does not conform to the use regulations of the district in which it is situated.

**NONCONFORMITIES:** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated.

**NURSERY, NURSING HOME:** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**NURSERY, PLANT MATERIALS:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**OPEN SPACES:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities. Streets, parking areas, structures for habitation, and the like shall not be included.

**OUTDOOR ADVERTISING SIGN (BILLBOARD) (See SIGN):** A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected upon the ground, wall, or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, pictures, or other pictorial or reading matter for the benefit of a person, organization, business, or cause not residing or located on the lot or in the building or on a lot adjoining the lot or building where said appliance, structure, or surface is, or is to be located. An outdoor advertising sign shall include: any card, cloth, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term placed shall include as used in this definition, erecting, constructing, posting, painting, fixing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

**OWNER:** Owner of a parcel or lot of record according to records contained in the county offices.

**PARKING AREA:** An open area, other than a street or other public way, used for the parking of motor vehicles.

**PARKING LOT:** An offstreet parking area where the principal use of the tract or lot is for vehicular parking.

**PARKING SPACE:** An offstreet space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

**PATIO:** An uncovered area, other than a parking space, surface or constructed, the use of which is customarily incidental to that of the main use or structure.

**PERMANENTLY SITED MANUFACTURED HOME:** Any manufactured home that is placed on a permanent foundation and when erected has a minimum width of twenty-six (26) feet and minimum length of forty (40) feet and total living area of not less than eleven hundred fifty (1150) square feet excluding any additions, garages, porches, or attachments. A “Permanently Sited Manufactured Home” shall have a minimum three:twelve (3:12) residential roof pitch, conventional residential siding, and a fourteen (14) inch minimum eave overhang, including appropriate guttering, and shall have been manufactured after January 1, 1995. The “Permanently Sited Manufactured Home” shall be permitted in any district that allows single-family homes.

**PERSONAL SERVICES:** Any enterprise conducted for gain in which services are offered to the general public, such as shoe repair, watch repair, barber and beauty shops, and similar activities.

**PLANNED UNIT DEVELOPMENT (PUD):** A development which is planned to integrate residential, commercial, industrial or any other use consistent with Ohio Revised Code.

**PRINCIPAL BUILDING:** The principal building on a lot used to accommodate the primary use to which the premises are devoted.

**PROFESSIONAL ACTIVITIES:** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

**PUBLIC SERVICE FACILITY:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal of pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**PUBLIC USES:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**RECREATION FACILITIES:** Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums and bowling alleys.

**RESEARCH ACTIVITIES:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**RECYCLING TRANSFER FACILITY:** A facility for the collection of waste products, such as paper, glass, and metals.

**RIGHT-OF-WAY:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**ROADSIDE STAND (FARM MARKET):** A structure without foundation used for the sale of agricultural produce where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21.

**SATELLITE SIGNAL RECEIVER:** “Dish-type Satellite Signal-Receiving Antennas”, “earth stations” or “ground station”, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system.

**SEWERS, CENTRAL:** An approved sewage disposal system that provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**SEWERS, ON-SITE:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SIGN:** Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

- A. **SIGN, ON-PREMISES:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- B. **SIGN, OFF-PREMISES:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.
- C. **SIGN, ILLUMINATED:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- D. **SIGN, LIGHTING DEVICE:** Any light, string of light, or group of lights located or arranged so as to cast illumination on a sign.
- E. **SIGN, PROJECTING:** Any sign which projects from the exterior of a building.

**SINGLE FAMILY DWELLING:** Single family dwellings include site-built homes, modular homes, and manufactured homes, but do not include mobile homes or trailers as defined herein.

**STORY:** that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF:** A space under a sloping or pitched roof (i.e. gable, hip, gambrel) which has the line of intersection of the roof and wall face not more than four feet above the top floor level.

**STORY, FIRST:** The lowest story or the ground story of any building, the floor of which is not more than two feet below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker, shall be deemed the first story.

**STREET, COLLECTOR:** A street providing traffic movement between the major arterials and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

**STREET, MAJOR OR ARTERIAL:** A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic usually on a continuous route; for through traffic movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic. A major street shall be any street so designated on the approved Fairfield County Highway Thoroughfare Plan.

**STREET, PRIVATE:** A thoroughfare which afford principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements thereof.

**STREET, PUBLIC:** A public or private dedicated thoroughfare or thoroughfare subject to public easements thereof, and which affords the principal means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any similar term.

**STREET RIGHT-OF-WAY LINES:** A dividing line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.

**STRIP MINING:** Removal of overburden of extraction of soils and/or minerals.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

**SUBDIVISION:** The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

**SUPPLY YARDS:** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**SWIMMING POOL:** A pool, pond, lake, or open tank capable of containing at least three feet of water at any point and maintained by the owner or manager.

A. **PRIVATE:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

B. **COMMUNITY:** Operated with a charge for admission; a primary use.

**TOURIST DWELLING:** A dwelling where overnight accommodations are provided for tourists, other than a hotel boarding house, or motel; where lodging is provided by a resident family for compensation, primarily for transients, including "bed and breakfast" establishments.

**TRAILER:** Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conducting of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power, and that is not in compliance with the Federal Manufactured Housing Construction and Safety Standards.

**USE:** the specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**USE, TRANSITIONAL:** A use of land or building located or permitted to be located on certain lots abutting a zoning boundary line in the more restricted of two different zoning districts in accordance with provisions of this Resolution.

**VARIANCE:** A modification of the strict terms of the relevant regulations as provided herein in Section 1103.3.

**VETERINARY HOSPITAL:** A place used for care, grooming, diagnosis, and treatment of sick, ailing, or injured animals, including overnight accommodations and boarding if incidental to the primary activity.

**YARD:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- A. **YARD, FRONT:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. **YARD, REAR:** A yard extending between side lot lines across the rear of a lot and from the front lot line to the front of the principal building.
- C. **YARD, SIDE:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**ZONING, INSPECTOR:** The zoning inspector or his authorized representative, appointed by the township trustees.

**ZONING MAP:** The zoning maps of Bloom Township, Fairfield County, Ohio, dated as of the adoption of this resolution, together with all amendments subsequently adopted.

**ZONING CERTIFICATE OR PERMIT:** A document issued by the zoning inspector, authorizing the construction or alteration of buildings, structures, or uses consistent with the terms of this Resolution.

## ARTICLE IV

### ESTABLISHMENT OF DISTRICTS, CONFORMANCE, PERMITS, AND ENFORCEMENT

#### 401 PURPOSE

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

#### 402 ESTABLISHMENT OF DISTRICTS

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

#### 403 DISTRICTS

F-P Flood Plain District (overlay)  
R-R Rural Residential District  
R-1 Suburban Single Family Residential District  
R-2 One- and Two-Family Residential District  
R-3 Multi-family Suburban Residential District  
P-D Planned Unit Development (PUD) District  
R-MH Manufactured Home Park District  
B-1 Limited Business and Suburban Office District  
B-2 Commercial Business District  
B-3 Intensive and Motorist Services Business District  
I-1 Light Industrial District  
I-2 Heavy Industrial District

#### 404 ZONING DISTRICT MAP

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

#### 405 CONFORMANCE

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

406 INTERPRETATION OF DISTRICT BOUNDARIES

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

407 ZONING MAP AMENDMENTS

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

408 FLOOD PLAIN DISTRICT

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

409 ENFORCEMENT

It shall be the duty of the zoning inspector, as provided under Section 518.02 et seq of the Ohio Revised Code, to enforce this Resolution in accordance with the administrative and other provisions of this Resolution.

All officials and public employees of Bloom Township shall conform to the provisions of this Resolution and shall issue no permit or authorization for any use, building, or purpose in conflict with the provisions of this Resolution. Any permit or authorization issued in conflict with the provisions of this Resolution shall be null and void.

410 ZONING PERMITS REQUIRED

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

411 APPLICATION FOR ZONING PERMIT

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

- A. Name, address, and phone number of the applicant.
- B. Legal description of the property.
- C. Existing use.
- D. Proposed use.
- E. Zoning district.
- F. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot; if any, and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths.
- I. Number of dwelling units.
- J. Such other documents or materials as may be necessary to determine conformance with this Resolution.



412 APPROVAL OF ZONING PERMIT

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

413 OTHER AGENCY APPROVALS REQUIRED FOR PERMIT

- A. Fairfield County District Board of Health:  
Where a lot is not provided with sewer or water service, the zoning permit application shall be accompanied by appropriate documentation from the Fairfield County District Board of Health that the site is, or can be, approved for on-site septic disposal and/or water supply.
- B. Fairfield County Regional Planning Commission:
  - 1. Any zoning application for a residential, commercial, or industrial development subject to subdivision review pursuant to Section 711.001(B)(2) of the Ohio Revised Code shall be accompanied by a development permit indicating approval by the Fairfield County Regional Planning Commission. Such developments characteristically involve a structure or structures which will generally be leased or rented and which involve the allocation of land for common use by the owners, occupants, or leaseholders, or as easements for the extension of public facilities such as sewer, water, and storm drainage. Such uses include planned, integrated commercial developments involving two or more businesses.
  - 2. Any building located within a special flood hazard area, as designated by the Federal Emergency Management Agency, shall require a development permit issued by the Fairfield County Regional Planning Commission. When it is unclear if a structure is located within such an area, a flood hazard certification may be required. Certifications may be obtained from the Fairfield County Regional Planning Commission.

414 EXPIRATION OF ZONING PERMIT

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

415 CERTIFICATE OF OCCUPANCY

- A. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its structure until a certificate of occupancy shall have been issued by the zoning inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

- B. Certificates of occupancy shall be applied for with the application of a zoning permit, and shall be issued within ten days after notice by the applicant that the exterior erection or structural alteration of such building has been completed, if in conformity with the provisions of these regulations.
- C. Temporary Certificate of Occupancy.  
A temporary certificate of occupancy may be issued by the zoning inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion. In order for occupancy of a home there must be sewer, water, and culvert approval by appropriate authorities.
- D. Record of Certification of Occupancy.

The zoning inspector shall maintain a record of all certificates of occupancy and a copy of any individual certificate shall be furnished upon request to any occupant or his legally authorized representative.

416 VIOLATION

- A. Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Resolution.
- B. Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the zoning inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution.
- C. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the zoning inspector. He shall record properly such complaint, immediately investigate, and take such appropriate action thereof as may be necessary and as provided by this Resolution.
- D. Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of the Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or as permitted under Section 519.99 Ohio Revised Code, and, in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the township officials from taking such other lawful action as is necessary to prevent or remedy any violations.

417 SCHEDULE OF FEES, CHARGES, AND EXPENSES

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

ARTICLE V  
NONCONFORMITIES

501 PURPOSE

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

502 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

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

503 INCOMPATIBILITY OF NONCONFORMITIES

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

504 AVOIDANCE OF UNDUE HARDSHIP

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

505 CERTIFICATES FOR NONCONFORMING USES

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

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

506 SUBSTITUTION OF NONCONFORMING USES

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

507 SINGLE NONCONFORMING LOTS OF RECORD

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

- A. The sum of the side yard widths on any such lot shall be at least 25 percent of the width of the lot.
- B. The width of any side yard shall not be less than 10 percent of the width of the lot, except that on a corner lot, the width of side yard adjoining the side street lot line shall be not less than ten feet.
- C. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but in no case shall it be less than twenty feet.
- D. Any nonconforming lot not served by central sewer shall have a minimum square feet of area as required by the Fairfield County District Board of Health.
- E. In areas of existing, established, unincorporated villages, setback lines and side yard spaces may be established in conformity to adjoining properties, but not less than five feet from any property line or 10 feet from buildings on the adjoining property.

508 NONCONFORMING VACANT LOTS IN OTHER DISTRICTS

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

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

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

509 NONCONFORMING USES OF LAND

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

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution, except as provided in Section 509 (E) and (F).
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
- C. If any such nonconforming uses of land are discontinued or abandoned for more than two years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.
- E. The Board of Zoning Appeals may permit a building containing a nonconforming use to be enlarged to an extent not exceeding 25 percent of the ground floor area of the existing building or buildings devoted to a nonconforming use at the time of enactment of this Resolution or at the time of its amendment making a use nonconforming. The Board shall not authorize any enlargement that would result in a violation of the provisions of this Resolution with respect to any adjoining premises, or that would occupy ground space required for meeting the yard or other requirements of this Resolution.

510 NONCONFORMING STRUCTURES

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

- A. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

- B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. An exception to the provisions of section 510 (A) and (B) above shall permit a nonconforming mobile home to be replaced with another mobile home for the sole purpose of upgrading the quality of the structure, upon approval by the Board of Zoning Appeals. If so permitted, the structure will conform to all setback and yard requirements.

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

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

- A. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located; except as provided in section 509 (C) and 510 (D).
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals be changed to another manufacturing use provided that the Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

512 TERMINATION OF USE THROUGH DISCONTINUANCE

When any nonconforming use is discontinued or abandoned for more than two years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and

the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

513 REPAIRS AND MAINTENANCE

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.
- B. Nonconforming residential buildings in a business or industrial district may be maintained, repaired, improved, modernized or enlarged; provided, however, that no increase in the number of dwelling units shall be permitted.

## ARTICLE VI

### ZONING DISTRICT REGULATIONS

#### 601 GENERAL USE CLASSIFICATION SYSTEM

For the purpose of this Resolution general use classifications are established to classify uses that will be permitted, conditionally permitted, regulated, or prohibited, and in determining that a specific use not listed is substantially similar.

Residential uses entail places where persons live or reside and are associated with dwelling units as defined in this Resolution.

Public uses are owned or operated by governmental agencies for administrative, educational, cultural, recreational, and similar activities that benefit or provide services to the public.

Quasi-public uses are activities of a religious, educational, charitable, social, philanthropic, and health nature, and non-profit membership organizations that have more limited public purposes than public uses, but which are not organized for profit.

Administrative and business office uses are primarily engaged in general administration, management, supervision, purchasing, and accounting. They involve no retail sales and stock no goods for distribution or sale.

Professional office uses deliver professional tangible and intangible services to the general public and are associated with normally recognized professions most of which are regulated, licensed or certified by the state of Ohio.

Retail uses primarily involve the sale of merchandise for personal and household consumption and rendering services clearly incidental to the sale of such goods.

Personal service uses generally are concerned with the care and maintenance of tangible property or the provision of intangible services.

Consumer service uses generally involve the care and maintenance of tangible property or the provision of intangible property or the provision of intangible services for personal consumption.

Trade service uses generally include establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.

Automobile uses include sales and services directly associated with motor vehicles and other types of transportation.

Food, lodging, and beverage service uses include commercial establishments and non-profit institutions engaged in furnishing food, beverages, or lodging for a fee or on a membership fee basis.

Research and development uses involve research related to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations.



Wholesaling and storage uses are associated with transporting, storing, handling or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations.

Recreation uses include activities used by persons during leisure time for entertainment for a fee or on a membership fee basis.

Manufacturing uses include all uses involving processing, fabrication, packaging, assembly and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related items.

## 602 F-P FLOOD PLAIN DISTRICT

### 602.1 Purpose

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

### 602.2 Establishment of District Boundaries

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

### 602.3 Permitted Uses

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

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

### 602.4 Conditionally Permitted Uses

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

- A. Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theatres, miniature

golf course, golf driving ranges, rifle ranges, skeet shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to subsections (1), (2), (3), (4), (5), (17), (30), (34), (35).

- B. Off-street parking as permitted and regulated in Article IX, and subject to section 806 (A) (3) and (5).
- C. Radio and television transmission facilities subject to subsections (17), (18), and (34).
- D. Transient amusement activities such as circuses, side shows, carnivals and festivals, provided all other appropriate permits have been issued and subject to subsections (1), (2), (3), (5), (7), and (17).
- E. Strip mining, including sand and gravel extraction, soil and peat moss removal, subject to subsections (5), (12), (13), (15), (16), and (17).
- F. Structures not designed for human habitation incidental or accessory to a permitted or conditionally permitted use.

#### 602.5 Fill

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

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

#### 603 R-R RURAL RESIDENTIAL DISTRICT

##### 603.1 Purpose

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

### 603.2 Permitted Uses

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

- A. Agricultural and the usual agricultural buildings and structures. The use of any trailer or other structure or building not normally intended to be used for an agricultural use, however, shall not be permitted.
- B. One single family detached dwelling per lot. Each single family dwelling shall have not less than 1,150 square feet of living area on the ground or first floor. However a dwelling designed with a total living area of at least 1,400 square feet or more on two levels separated in height from floor to ceiling by 7 feet 6 inches or more, the first floor area may be reduced to not less than 900 square feet. In no case shall any area less than 6 feet in height be considered living area. Rooms used exclusively for utilities, storage, and/or unheated rooms shall not be considered living area.
- C. Public buildings and facilities owned or operated by a general purpose unit of local government.
- D. Roadside stands and farm markets, subject to the provisions of Ohio Revised Code 519.21 (c).
- E. Accessory uses, subject to the provisions of section 808 of this Resolution.
- F. Home occupations as permitted and regulated in section 809 of this Resolution.
- G. Signs as permitted and regulated in Article X.
- H. Off-street parking as permitted and regulated in Article IX.
- I. Group residential facilities as permitted and regulated in Section 810 of this Resolution.

### 603.3 Conditionally Permitted Uses

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

- A. Strip mining, quarries, and commercial mining, mineral and water extraction, subject to subsections (5), (12), (13), (15), (16), and (17).
- B. Institutions for human medical care, including hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the elderly, and philanthropic institutions, private clubs, lodges, and fraternal organizations, subject to subsections (1), (2), (3), (5), (7), (9), and (11).
- C. Churches and other places of worship, including related buildings and parish houses, public and private schools; provided that such uses shall be not less than fifty feet from any other lot, subject to subsections (1), (2), (3), (5), (6), and (7).
- D. Kennels and animal hospitals provided that all buildings and outside runs shall be not less than seventy-five feet from any other lot, subject to subsections (5), (10), (11), (17), and (35).

- E. Private or governmentally owned or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar outdoor recreational facilities or uses, subject to subsections (1), (2), (3), (4), (5), (17), (29), (30), (34), and (35).
- F. Private or governmentally owned or operated parks, recreation areas, and campground where camping in tents, trailers, or other structures or vehicles is permitted for overnight or longer periods of time; and day camps, summer camps, and other types of outdoor and/or recreationally oriented uses which involve facilities for group activities and accommodations, subject to subsections (1), (2), (3), (4), (5), (17), (29), (31), (34), and (35).
- G. Parking lots accessory to a use permitted in an adjacent zoning district, subject to subsections (3) and (5).
- H. Airports and related facilities subject to subsections (1), (4), (5), and (24).
- I. Cemeteries, including mausoleums and crematories, subject to subsections (3), (7), and (27).
- J. Public libraries, museums, and similar public or quasi-public cultural facilities, provided no building is located less than thirty feet from any lot in the R-R Rural Residential district, subject to subsections (5), (7), and (46).
- K. Group residential facilities subject to the provisions of section 810.3.
- L. Radio, television, or any other transmission tower or mast and the usual accessory buildings, subject to approval by any appropriate governmental permitting agency and subject to the provisions of Section 812 of the Bloom Township Zoning Resolution.
- M. Boarding homes, tourist homes, and bed-and-breakfast establishments.
- N. Professional offices, trade services, and personal service business uses, including the following and substantially similar uses subject to subsections (5), (11), (19), (25), (30), and (34).
  - 1. Antique shop/restoration.
  - 2. Automotive repair.
  - 3. Barber/beauty shop.
  - 4. Craft shop.
  - 5. Day-care facility.
  - 6. Data processing/computer services.
  - 7. Drafting/graphic arts.
  - 8. Electrical and appliance repair service.
  - 9. Insurance, financial, investment services.

- 10. Landscaping service.
  - 11. Photography/art studio.
  - 12. Professional offices including accounting, architecture, bookkeeping, consulting services, engineering, legal, medical offices, real estate, and veterinary.
  - 13. Trade services including carpentry, electrical, plumbing, heating and cooling, well drilling and servicing.
- O. Two family residential structure.
  - P. Other uses as approved by the Zoning Board of Appeals or as described under Substantially Similar Uses, Article 807.

603.4 Minimum Lot Area and Yard Requirements

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

604 R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT

604.1 Purpose

This district is established to accommodate single family residential dwellings in areas within or adjacent to urbanizing areas of the community or in areas of existing similar development, thereby providing for an orderly and efficient extension of public utilities. Areas within this will be served by central sewer or water services or both.

604.2 Permitted Uses

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

- A. One single family detached dwelling per lot, subject to the provisions of section 603.2 (B).
- B. Agriculture, subject to section 603.2 (A), and the provisions of Section 519.21 (B) and (C) of Section 20 of the Ohio Revised Code (see Article II, of these regulations).
- C. Public buildings and facilities owned or operated by a general purpose unit of local government.
- D. Accessory uses, subject to the provisions of Section 808.
- E. Home occupations, subject to the provisions of section 809.
- F. Signs as permitted and regulated in Article X.
- G. Off-street parking subject to Article IX.
- H. Group residential facilities as permitted and regulated in section 810.

604.3 Conditionally Permitted Uses

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

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

604.4 Minimum Lot Area and Yard Requirements

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

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

605.1 Purpose

The purpose of this district is to permit single- and two-family dwellings on smaller lots in areas within or adjacent to urbanizing areas of the community or in areas of existing or anticipated development of a similar density where central sewer and water are provided. The uses listed in this section are the principal permitted uses within the R-2 district. A building or lot within the R-2 district shall only be used for such purposes, except as provided for the section 603.3.

605.2 Permitted Uses

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

- A. One single- or two-family dwelling may be located on any lot of not less than 20,000 square feet of area, exclusive of road right-of-way, having at least 100 feet of road frontage. The first floor living area of any single family dwelling unit within the R-2 district shall be not less than 1,000 square feet, or 750 square feet for a dwelling unit with at least 1,200 square feet of total living area on two levels. The first floor living area of a two family structure within the R-2 district shall be not less than 650 square feet per dwelling unit.
- B. Agriculture, subject to section 603.2 (A), and the provisions of Ohio Revised Code, Section 519.21 (c).
- C. Public buildings and facilities owned or operated by a general purpose unit of local government.
- D. Accessory uses, subject to the provisions of section 808.
- E. Home occupations, subject to the provisions of section 809.
- F. Signs as permitted and regulated in Article X.
- G. Off-street parking, subject to Article IX.
- H. Group residential facilities as permitted and regulated in section 810.

605.3 Conditionally Permitted Uses

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

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

605.4 Minimum Lot, Yard, and Height Requirements

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

606 R-3 MULTI-FAMILY SUBURBAN RESIDENTIAL DISTRICT

606.1 Purpose

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

606.2 Permitted Uses

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

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

606.3 Conditionally Permitted Uses

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

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

606.4 Minimum Lot, Yard, and Height Requirements

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

606.5 Site Plan Requirements

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

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

606.6 Minimum Square Footage

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

606.7 Open Space

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

607 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

- A. Intent. The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that may not be included within traditional zoning districts. It is further the purpose of the PUD District to encourage a more efficient land – use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features and providing for a variety of building styles, types and uses through the use of mixed – use, cluster, or alternative land designs.
- B. Conflict. Whenever there is a conflict or difference between other sections of the Zoning Code, the provisions of this Section shall prevail for the development of land within the PUD district. Subjects not addressed with shall be governed by the respective provisions found elsewhere in this zoning code.



- C. Procedures for Rezoning to PUD. The procedures for rezoning a tract of land to a PUD district are provided in the Bloom Township Zoning Resolution.
- D. Permitted Uses. Single – family; multi – family; commercial including retail uses, neighborhood commercial uses, and personal services; public and semi – public uses, open space, recreational uses, and accessory structures shall be permitted within the PUD district, provided that the proposed locations of commercial uses do not adversely impact adjacent property or the public health and safety, and that the location of commercial uses are limited to the specific locations approved by the Township Trustees on the development plan.
- E. Minimum Project Area and Ownership. No tract of land shall be rezoned to the PUD district unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD district. A development plan shall be binding upon the applicant(s), successors and assigns.
- F. Development Standards. The following standards shall apply to development with the PUD district in addition to any requirements included in an approved development plan.
1. Arrangement of Areas. The location and arrangement of various densities within the PUD shall be distributed so that the more intense uses are balanced with open space and less intense development. Less intense uses and open spaces should be placed around critical resources areas, such as existing water bodies, drainage patterns, wetlands, wooded areas, etc.
  2. Open Space. A minimum of twenty (20) percent of the gross acreage of the tract of land shall be set aside as common open space. Yard space on individual lots shall not count towards the open space requirements. Open space shall be placed within a reserve or protected by deed, easements or covenants. Open space shall be maintained by a Homeowners’ or Property Owners’ Association for the development, unless other arrangements for maintenance are made with the Township Trustees during the rezoning process.
  3. Lot Area. No minimum lot area shall be required for an individual unit. However, the Township Trustees shall consider the type of water and waste disposal systems proposed when determining if sufficient lot area has been provided for individual units.
  4. Setbacks. Minimum front, side and rear setbacks for individual lots within the PUD shall be determined by the approved development plan.
  5. Height. No structure within a PUD shall exceed thirty-five (35) feet in height.
  6. Utilities. Potable water and adequate sewage facilities shall be provided to accommodate the development.
  7. Signs. Only those signs approved with the development plan shall be permitted within the PUD, except for political and real estate signs, which shall be permitted throughout the PUD.
  8. Parking. Parking, unless otherwise approved with a development plan shall be provided in accordance with this resolution.
  9. Landscaping. The Township Trustees, upon recommendation from the Township Zoning Commission, may require landscaping for non single-family developments within the PUD. The required landscaping shall be as approved by the development plan.

## **Procedures and Requirements for Amending to a Planned Unit Development**

- A. Procedure. Planned Unit Development (PUD) Districts shall be approved as a district on the zoning map in accordance with the procedures set forth in this section. It is the intent of this section to incorporate the review and approval of a development plan with the amendment process.
- B. Application. An application to amend a tract of land to the PUD designation shall be filed with the zoning inspector. The application shall be signed by all owners of parcels within the tract of land for which the PUD is proposed. At a minimum, the application shall contain the following information: \*(8 copies of the application and accompanying information must be provided to the zoning administrator).
1. Name(s), address(es), phone number(s) of all property owners for each parcel with the tract to be rezoned.
  2. Name, address, and phone number of registered surveyor, registered engineer and/or licensed landscape architect who prepared the development plan.
  3. Legal description of the tract of land to be rezoned.
  4. Present use(s).
  5. Proposed use(s).
  6. A vicinity map showing the property lines and streets.
  7. A development plan for the entire tract to be rezoned drawn to scale showing:
    - a. Layout of proposed lots and building setback lines, indicating dwelling unit types and the total number of dwelling units proposed in the development plan.
    - b. Layout, dimensions and names of existing and proposed streets and right-of-way.
    - c. Existing topography at two (2) foot or five (5) foot intervals.
    - d. Location, type, and size of commercial uses.
    - e. Utility easements.
    - f. Any existing features on the tract of land to be rezoned to PUD, including, but not limited to existing water bodies, building, utilities, rights-of-way or streets, wetlands, parks, wooded areas, and other significant topographic or natural features.
    - g. Proposed parks, community spaces, and open spaces and any proposed amenities included within these areas.
    - h. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.

- i. Any proposed landscaping
    - j. Any proposed signage.
    - k. The proposed schedule of site development.
  - 8. The required fee as established by the Board of Trustees.
  - 9. A list containing the names and mailing addresses of all owners of property within the contiguous to and directly across the street from the tract of land proposed for PUD zoning.
  - 10. Verification by at least one owner of the tract of land that all information in the application is true and correct to the best of his knowledge.
  - 11. A written statement from the property owners setting forth the reasons why, in the applicants' opinion, the planned unit development would be in the public interest and would be consistent with the stated intent of these planned unit development requirements.
- C. Notice to Fairfield County Regional Planning Commission. Within five (5) days of an application being filed for a PUD zoning, the Zoning Commission shall transmit a copy of the application including the development plan to the Fairfield County Regional Planning Commission. The Fairfield County Regional Planning Commission shall recommend approval, approval with conditions, or denial of the proposed zone change. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed zoning amendment.
- D. Zoning Commission Public Hearing. The Zoning Commission shall schedule a public hearing on the application for approval of the application, including the development plan, not less than twenty (20) not more than forty (40) days from the date the application is filed by the property owner(s).
- E. Notice of Public Hearing. The Zoning Commission shall give notice of the public hearing required by one publication in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing. The published notice of the public hearing shall state the information required in Section 519.12 of the Ohio Revised Code. Written notice of the public hearing shall also be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of the property within and contiguous to and directly across the street from such area proposed for rezoning to the addresses of such owners appearing on the county auditor's then current tax list. Notices to the individual property owners shall state the information required in Section 519.12 of the Ohio Revised Code.  
 \*Notices are also to be sent to property owners within 500 feet from the tract of land proposed for PUD Zoning.  
 The Zoning Commission shall follow the notification and review procedures established by the Fairfield County Regional Planning Commission for zoning amendments under provisions of this Resolution.
- F. Zoning Commission Finding Required. Prior to making its recommendation, the Zoning Commission shall determine if the facts submitted with the application/development plan and presented at the public hearing establish that:
- 1. The site has been designed in the most efficient manner possible.
  - 2. The proposed roads will be able to carry the traffic generated by the development.

3. The proposed development will not be detrimental to the existing road networks outside of the proposed district.
4. The land has been designed in a manner that protects existing critical resources and creates new, usable open spaces.
5. Adequate water and waste disposal systems have been provided to accommodate the proposed development.

The Zoning Commission will consider whether the proposed development advances the welfare of Bloom Township, and whether the benefits combination of various land uses and the inter-relationship of the land uses in the surrounding area justify the deviation from the standard district relations.

- G. Recommendation by Zoning Commission. Within thirty (30) days after the public hearing the Zoning Commission shall recommend to the Board of Township Trustees that the application, including the development plan, be approved as requested, approved with conditions, or denied.
- H. Township Trustees Public Hearing. Upon receipt of the Zoning Commission's recommendation, the Township Trustees shall schedule a public hearing on the application, including the development plan. The public hearing shall not be more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.
- I. Notice of Public Hearing. The Township Trustees shall give notice of the public hearing by one publication in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing. The published notice of the public hearing shall state the information required in Section 519.12 of the Ohio Revised Code. Written notice of the public hearing shall also be mailed by the Township Trustees, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of the property within the contiguous to and directly across the street from such area proposed for rezoning to the addresses of such owners appearing on the county auditor's then current tax list. Notices to the individual property owners shall state the information required in Section 519.12 of the Ohio Revised Code.
- J. Action by Township Trustees. Within twenty (20) days after such public hearing, the Township Trustees shall either adopt or deny the Zoning Commission's recommendations on the application and development plan or adopt some modification of them. If the board denies or substantially modifies the recommendation of the Zoning Commission, the unanimous vote of the Trustees shall be required. Substantially modified shall including any changes in use, density, open space, layout of roads, access, etc. If the application for rezoning is granted, the area of land included in the application shall be designated as a Planned Unit Development on the zoning map upon the effective date of the rezoning. The resolution passed by the Township Trustees approving the rezoning application shall incorporate the development plan, including any conditions that may be imposed by the Township Trustees. Any violation of such conditions when made part of the terms under which the development plan is approved, shall be deemed a violation of this Code.
- K. Zoning Permit. The Zoning Inspector shall not issue a zoning permit for any structure in any portion of a PUD for which a plat is required by the Fairfield County Subdivision Regulations until the plan has been approved by the applicable county agencies and is recorded. Any modifications to a development plan approved by the Township Trustees that may be required during the platting process must be approved by the Township Trustees.

- L. Modifications to Approved Development Plan. The Township Trustees may approve minor modifications to an approved development plan without a public hearing. If substantial modifications are proposed, such as a change in use, density, open space, layout of roads, access points, etc., the Township Trustees shall require the modification to be considered through the public hearing process followed in the original application for rezoning.
- M. Expiration. If construction has not commenced within two (2) years of development plan approval, the development plan shall be void and a new development plan shall be approved through the process followed in the original application for rezoning, unless an extension is granted by the Township Trustees.

608 MH MANUFACTURED HOME PARK DISTRICT

608.1 Purpose

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

608.2 Definition

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

608.3 Approval of Manufactured Home Parks and Districts

Manufactured home parks shall only be located in the R-MH Manufactured Home Park District. Manufactured home parks shall be developed according to the standards and regulations of sections 608.4 through 608.7, inclusive. The procedure for designating an R-MH district shall be as established for zoning amendments.

608.4 Permitted Uses

The uses listed in this section are the principal permitted uses within the R-MH district. A building or lot within the R-MH district shall only be used for such purposes, except as provided in section 608.5:

- A. Manufactured home.
- B. Manufactured home park.
- C. Agriculture, subject to section 603.2 (A), and the provisions of Section 519.21 (B) and (C) of the Ohio Revised Code.
- D. One single family dwelling may be located on a lot within the R-MH district as the principal use, subject to section 608.6 (A) (3).

- E. Public buildings and facilities owned or operated by a general purpose unit of local government.
- F. Accessory uses, subject to the provisions of section 808.
- G. Home occupations, subject to section 809.
- H. Signs as permitted and regulated in Article X.
- I. Off-street parking subject to Article IX.

608.5 Conditionally Permitted Uses

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

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

608.6 Lot Requirements

- A. Minimum area and frontage for:

1. Manufactured home park – 10 acres/200 feet.
2. Manufactured home lot in park – 4,000 square feet/50 feet.
3. Any lot not located within an approved manufactured home park shall meet the minimum lot size, frontage, and yard requirements of the existing zoning district prior to establishment of the R-MH district.

608.7 Standards and Requirements for Manufactured Home Parks

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

- A. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
- B. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.
- C. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance.
- D. The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.
- E. A manufactured home park shall consist of a minimum of three units or more.

- F. Each manufactured home shall have a minimum of 650 square feet of floor area. For the purpose of this section, floor area is defined as the outside dimensions of the manufactured home unit.
- G. The applicant shall have permission in writing from the state and county health departments approving the site and plans for the proposed manufactured home park.
- H. Approval by the Fairfield County Regional Planning Commission will be submitted indicating compliance with the Fairfield County Subdivision Regulations, as may be applicable.
- I. All manufactured home lots shall abut upon a public or private street having a pavement width of at least twenty-five feet.
- J. Each manufactured home lot shall provide underground services and utilities for each manufactured home and service center.
- K. Each manufactured home park operator shall provide parking spaces equal to two spaces per mobile home plus one space for every two mobile homes. All parking spaces shall be suitably paved.
- L. A usable recreation area shall be located in every park with its size being not less than 10 percent of the total of the manufactured home park.
- M. All manufactured homes must be enclosed from the ground to the floor level of the manufactured home with a solid or lattice type enclosure.
- N. All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 3733 of the Ohio Revised Code.

608.8 Expiration and Extension of Approval Period

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

609 B-1 LIMITED BUSINESS AND SUBURBAN OFFICE

609.1 Purpose

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

## 609.2 Permitted Uses

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

- A. Barber and beauty shop.
- B. Drug store.
- C. Dry cleaning and laundry agency.
- D. Florist and gift shop.
- E. Food sales including supermarket.
- F. Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain.
- G. Shoe repair shop
- H. Tailor and dressmaker.
- I. Administrative, business, or finance office and organization.
- J. Offices of organizations primarily engaged in accounting, architecture, advertising, art, correspondence, design, editing, engineering, insurance, photography, realty, research, and other similar uses.
- K. Professional office and clinic
- L. Radio and television broadcasting station, not including transmission towers.
- M. Public buildings and facilities owned or operated by a general purpose unit of local government.
- N. Other uses similar in character to those listed in this section.
- O. Accessory uses clearly incidental to the uses permitted on the same premises, subject to section 808.
- P. Signs, subject to Article X.
- Q. Off-street parking, subject to Article IX.
- R. Agriculture, subject to Ohio Revised Code 519.21 (B).

## 609.3 Conditionally Permitted Uses

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

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



- B. Planned integrated commercial developments subject to section 806 (A) (28) and (36).
- C. Clubs, lodges, fraternal, charitable, or social agencies.
- D. Banking facilities.
- E. Conditionally permitted dwelling unit shall be permitted if approved by the Board of Zoning Appeals providing the proposed unit is located either above or to the rear of the principally permitted use and if located on the first floor, occupies no more than 45% of the gross floor area of the principal structure.

609.4 Lot Requirements

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

609.5 Yard Requirements

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

609.6 Maximum Building Height

No structure shall exceed thirty-five feet in height.

609.7 Parking and Loading Requirements

As regulated by Article IX.

610 B-2 COMMERCIAL BUSINESS DISTRICT

610.1 Purpose

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

610.2 Permitted Uses

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

- A. All uses permitted in the B-1 district.
- B. Department store.
- C. Off-street public parking lot.
- D. Establishments engaged in retail trade of:
  - 1. Drugs.
  - 2. Book, stationery, toy, notion, art, antique, music and gift sales.
  - 3. Clothing apparel, shoe and variety store.
  - 4. Florist shop.
  - 5. Sporting goods store.
  - 6. Jewelry store.
  - 7. Optical goods store.
  - 8. Furniture, home furnishing, appliances and other major household goods.
  - 9. Office equipment and office supplies store.
  - 10. Eating and drinking establishments, but excluding drive-in restaurants.
  - 11. Hardware, paint, floor coverings, wallpaper, materials and objects for interior decorating, auto accessories, and repair of household appliances and bicycles.
- E. Establishment engaged primarily in the fields of finance, insurance, and real estate:
  - 1. Bank.
  - 2. Credit agency other than a bank.
  - 3. Investment firm.
  - 4. Insurance carrier.
  - 5. Real estate and insurance company.
  - 6. Investment company.

- F. Establishments engaged in providing a variety of services to individuals and business establishments, such as:
  - 1. Personal services such as barber and beauty shops, shoe repair shops, laundries, and dry cleaning.
  - 2. Miscellaneous business services such as advertising news syndicate and employment agencies.
  - 3. Medical and other health services.
  - 4. Engineering and architectural services.
  - 5. Legal services.
  - 6. Accounting, auditing, and bookkeeping services.
  - 7. Nonprofit, professional, charitable, and labor organizations.
  - 8. Dance studio and school.
  - 9. Bowling alley.
  - 10. Motion picture and theatrical playhouse, but excluding drive-in theaters.
  - 11. Cultural, educational, or religious facilities.
  - 12. Mini-storage or mini-warehouse facilities.
- G. Other uses similar in character to those listed in this section.
- H. Public buildings and facilities owned or operated by a general purpose unit of local government.
- I. Accessory uses clearly incidental to the uses permitted on the premises, subject to section 808.
- J. Signs, subject to Article X.
- K. Off-street parking, subject to Article IX.

610.3 Conditionally Permitted Uses

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

- A. Any uses listed and as regulated in section 609.3 (A), (B), and (C).
- B. Drive-in banking facilities subject to section 806 (A) (3).
- C. Gasoline service stations subject to section 806 (A) (5), (7), (22), (25), and (37).
- D. Planned, integrated commercial developments subject to section 806 (A) (28) and (36).

610.4 Lot Requirements

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

610.5 Yard Requirements

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

610.5 Maximum Building Height

No structure shall exceed forty-five feet in height.

610.6 Parking and Loading Requirements

As required in Article IX.

611 B-3 INTENSIVE AND MOTORIST SERVICES BUSINESS DISTRICT

611.1 Purpose

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

611.2 Permitted Uses

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

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

### 611.3 Conditionally Permitted Uses

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

- A. Any uses listed and as regulated in section 609.3 (A), (B), and (C).
- B. Planned, integrated commercial development subject to section 806 (A) (28) and (36).
- C. Sexually oriented business will only be considered as a conditionally permitted use within B-3 district, subject to the requirements of section 811.

611.4 Lot Requirements

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

611.5 Yard Requirements

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

611.6 Maximum Building Height

No structure shall exceed forty-five feet in height.

611.7 Parking and Loading Requirements

As required by Article IX.

611.8 Outdoor Display Areas

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

612 I-1 LIGHT INDUSTRIAL DISTRICT

612.1 Purpose

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

612.2 Permitted Uses

- A. Experimental testing and research facilities, providing such testing or experimentation creates no hazard or nuisance beyond the confines of the building.
- B. Motor freight garage, truck or transfer terminal, warehousing and storage.
- C. Distributors’ warehouse and wholesale outlet, including such operations as bottling and/or packaging.
- D. The manufacture, compounding, processing, assembling, and packaging of such products as:

1. Bakery and dairy goods, candy, cosmetics, pharmaceuticals, toiletries, and other food products, except when such operation would create a hazard or nuisance beyond the confines of the building.
2. Electrical and electric appliances, instruments and devices, television sets, radios, electronic equipment, household appliances.
3. Precision instruments, toys, novelties, and other similar small rubber, plastic, or metal products.
4. Products from previously and elsewhere prepared materials such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax, or wood; all equipment and operations shall be within a completely enclosed building, and no operation shall create a hazard or nuisance beyond the confines of the building.
5. Professional, scientific and controlling instruments; clerical and office equipment, and similar products.

E. Printing, publishing and allied industries.

F. Accessory buildings and uses incidental to the principal uses and which do not include any activity conducted as a separate business.

G. All uses permitted in a B-3 Intensive and Motorists Services and Business District.

H. Other uses similar in character to those listed in this section.

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

J. Accessory uses clearly incidental to the uses permitted on the premises, subject to section 808.

K. Signs subject to Article X.

L. Agriculture.

### 612.3 Determination of Permitted Industrial Use

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

### 612.4 Conditionally Permitted Uses

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

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

612.5 Residential Uses Prohibited

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

612.6 Lot Requirements

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

612.7 Yard Requirements

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

612.8 Maximum Building Height

Forty-five feet.

612.9 Parking and Loading Requirements

As regulated in Article IX hereof.

613 I-2 GENERAL INDUSTRIAL DISTRICT

613.1 Purpose

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

613.2 Permitted Uses

- A. All types of warehousing and wholesale distribution facilities.
- B. The following types of manufacturing, processing, cleaning, servicing, testing, or repair activities which will not be materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat, or electromagnetic disturbances:



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

### 613.3 Determination of Permitted Industrial Uses

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

613.4 Conditionally Permitted Uses

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

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

613.5 Residential Uses Prohibited

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

613.6 Lot Requirements

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

613.7 Yard Requirements

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

613.8 Maximum Building Height

The maximum building height – forty-five feet.

613.9 Parking and Loading Requirements

As regulated in Article IX hereof.

## SECTION 614 PRIMARY AGRICULTURAL USE DISTRICT

### Section A. **PURPOSE**

The Primary Agricultural Use District is intended to provide for protection of agricultural economic uses within the Township for incompatible land uses and more intense development patterns which would deteriorate agricultural viability. The district is intended to provide an environment which encourages residents to continue farming investments. This district permits uses compatible with, and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting, as well as direct marketing of farm products and services in conjunction with farm operations. Residential development compatible with agriculture is permitted on sites of 40 acres or larger. The Primary Agricultural Use District is totally voluntary. This District is intended to provide for continued farm use and investment for a minimum of 10 years. To be considered for the Primary Agricultural Use District, all parcels with the exception of existing platted lots must be registered and continue to be certified under the State of Ohio CAUV program.

### Section B. **PRINCIPAL PERMITTED USES**

The following uses are considered principal permitted uses subject to compliance with all the requirements set forth in the Zoning Resolution and all application review and approval procedures:

1. Residential Uses
  - a. Single Family Detached (Principal Farm Dwelling)
  - b. Lot of Record Dwelling
  - c. Relative Farm Help Dwelling (limit 2)
  
2. Commercial Uses
  - a. General Agricultural Operations
  - b. Forestry including sale operations and lease\*
  - c. Veterinary clinics and services
  - d. Home Occupations
  - e. Commercial nurseries (including Retail)\*
  - f. Private kennel or stables
  - g. Farmers Market roadside stands\*
  - h. Community supported agriculture

\*subject to existing requirements that 50% of sales be generated from local agriculture
  
3. Institutional/Civic/Public
  - a. Government Facilities and Services
  - b. Public Park or Recreation Areas
  
4. All principal permitted uses must demonstrate that adequate parking on a case by case basis during the site plan review or thereafter and that safe access standards are met.

### Section C **CONDITIONAL USES**

1. Residential Uses
  - a. Development transfer area dwellings limited to 3 per 40 acres if land owned for 10 consecutive previous years
  - b. Farm Help Dwelling (limit 1)

- c. Bed and Breakfast providing such use contains no more than four (4) lodging rooms
  - d. Homestead Retention Dwelling: when entire parcel has been under single ownership for a least 10 consecutive preceding years and the parcel is not less than 40 acres. This use will permit owners to convey the parcel but retain a leasehold interest in the residence and the land underlying the residence up to ten (10) acres. In no case shall another residence be constructed on the parcel. The leasehold interest and its restrictions extend to succeeding owners.
- 2. Commercial Uses
    - Communication Towers
    - Agricultural tourism/education
    - U-Pick or cut operations
    - Family Business
    - Agricultural financial and management support services
    - Exotic animal uses
  - 3. Institutional/Civic/Public Uses
    - Churches

**Section D ACCESSORY USES AND STRUCTURES**

Accessory uses and structures are those that are necessarily and customarily incidental and subordinate to the principal uses allowed in the district. Accessory uses, structure and activities shall be subject to the same regulations that apply to principal permitted uses.

- 1. Television/Communication Satellite Dishes
- 2. Antennas that are designed to receive television broadcast signals
- 3. On-premises signs – as set forth in Article X of this Resolution
- 4. Off-street parking areas for employees, customers and visitors of the principal use.
- 5. Fences, walls, and hedges limited to a maximum height of eight (8) feet
- 6. Agricultural buildings

**Section E MINIMUM PROJECT AREA FOR PRIMARY AGRICULTURAL USE**

The minimum area required to establish a Primary Agricultural Use District is 300 contiguous acres. An Application for Primary Agricultural Use designation must be accompanied by an affidavit declaring purpose to remain in agriculture for a minimum of ten (10) years. Multiple land owners may combine property to meet the 300 acre minimum. Additional parcels may be added to the Primary Agricultural Use District after initial creation. Land included in a Primary Agricultural Use District may seek rezoning to Residential Conservation District with the 10 year period with up to 16 acres per 300 acre increments. Requests for Rezoning to residential conservation must be supported by others in the District in writing. Owners within a Primary Agricultural District may withdraw from the District through a rezoning request and upon notice to other district owners.

**Section F AREA, SETBACK AND HEIGHT REQUIREMENTS**

All uses must comply with the following. In addition, the Site Plan Review procedures as required by the Bloom Township Zoning Administrator are applicable for all non-residential conditional use

## Farm Dwelling Requirements

1. Single Family residential use is considered allowable (principal farm dwelling) in conjunction with farm use if:

A dwelling approved under this section shall be converted to an allowable use within one year of the date the farm dwelling no longer meets the criteria of this section

### Minimum Lot Sizes

#### Commercial Uses

Veterinary Clinics and Services: 5 acres

Kennels and Stables: 5 acres

Agricultural Financial and Management Services: 2 acres

Communication towers: 1 acre

#### Institutional/Civic/Public Uses

Churches: 5 acres

#### Minimum Lot Frontage:

Commercial and Institutional/Civic Uses: 500 feet

#### Minimum Lot Depth:

300 feet

#### Maximum Building Height:

35 feet (excluding agricultural building and uses)

#### Maximum Floor Access to Lot

#### Ratio:

Commercial and Institutional Uses: 0:25

## Section G **SITE PLAN REVIEW AND PERFORMANCE STANDARDS**

Prior to obtaining a Zoning Certificate, all commercial, institutional conditional uses as well as farm accessory dwelling shall be subject to site plan review standards.

## ARTICLE VII

### LOT, YARD, AND HEIGHT REQUIREMENTS – EXCEPTIONS AND MEASUREMENTS

#### 701 LOT, YARD, AND HEIGHT REQUIREMENTS

##### 701.1 Schedule of Requirements

Lots over 10 acres are permitted to have a minimum of 60 feet of road frontage however there shall be no more than two lots per every 210 feet of road frontage.

See Schedule of Requirements.

##### 701.2 Front Yard Depth

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

##### 701.3 Side Yard Width

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

#### 702 EXCEPTIONS

##### 702.1 Side Yard Exceptions

The only side yard modifications and exceptions shall be:

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

#### 703 PROJECTIONS INTO YARDS

A wall or fence not over six feet high may be erected in any yard or court, except a front yard or side street side yard in which case the height of the wall or fence shall not be over four feet, and further excepting that fence required in section 806.18. If the wall is a retaining, the height shall be measured on the highest (fill) side. No fence, trees, or foliage shall be maintained on a lot that will materially obstruct the view of a driver of a vehicle.

704 HEIGHT LIMIT EXCEPTIONS

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

**Section 701.1**  
**SCHEDULE OF LOT, HEIGHT, AND YARD REQUIREMENTS**

DISTRICT	NUMBER OF FAMILIES	HEIGHT LIMIT AND STORIES	LOT FRONTAGE WIDTH AT BUILDING LINE (FT.)	MINIMUM LOT AREA (SQ. FT.)	MINIMUM LOT AREA PER FAMILY (FT.)	FRONT YARD DEPTH FROM LOT LINE (FT.)	SIDE YARD LEFT/RIGHT WIDTH (FT.)	REAR SETBACK (FT.)
R-R	1	1 TO 2 ½	150	2 ACRES	2 ACRES	50	25	50
R-1	1	1 TO 2 ½	120	30,000	30,000	50	20	50
R-2	1 AND 2	1 TO 2 ½	100	20,000	10,000	50	20	50
R-3	1	1 TO 2 ½	80	10,000	10,000	30	10	25
	2	1 TO 2 ½	80	12,000	6,000	30	10	25
	Multi-family	35 ft.	80	12,000 + 3,500 Sq .ft. for each unit over 3		30	10	25
R-MH	Manufactured home park		200	10 acres	4,000	Per approved site plan		
	Single Family	1 to 2 ½	As per prior district requirement					

Lot Frontage Exception

Lots over 10 acres shall be permitted to have a minimum of 60' road frontage however there shall be no more than two lots per every 210 feet of road frontage.
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Business and Industrial Districts

B-1	N/A	35 ft.	100	20,000	N/A	(per Section 609.5)
B-2	N/A	45 ft.	100	20,000	N/A	(per Section 610.5)
B-3	N/A	45 ft.	60	15,000	N/A	(per Section 611.5)
I-1	N/A	45 ft.	125	30,000	N/A	(per Section 612.7)
I-2	N/A	45 ft.	125	30,000	N/A	(per Section 613.7)



## ARTICLE VIII

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

#### 801 REGULATION OF CONDITIONAL USES

The provisions of sections 804 to 811.1 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses, accessory uses, and home occupations.

#### 802 PURPOSE

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

#### 803 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

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

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

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

804 GENERAL STANDARDS FOR ALL CONDITIONAL USES

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

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

805 SPECIFIC CRITERIA FOR CONDITIONAL USES

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

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

806 SPECIFIC REGULATIONS AND REQUIREMENTS OF CONDITIONALLY PERMITTED USES

- A. The specific regulations and requirements for conditionally permitted uses are as follows:
1. All structures and activity area should be located at least one hundred feet from any adjoining residential structures.
  2. Loud speakers which cause a hazard or annoyance shall not be permitted.
  3. All points of vehicular entrance or exit should be located no closer than two hundred feet from the intersection of two major thoroughfares; or no closer than one hundred feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
  4. There shall be no more than one advertisement oriented to each abutting road identifying the activity.
  5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
  6. Elementary school structures should be located on a collector thoroughfare.
  7. Such developments should be located on a major thoroughfare or at intersections of a major and/or collector thoroughfares.
  8. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial or commercial districts.
  9. Such uses shall not require uneconomic extensions of utility services at the expense of the community.
  10. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
  11. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
  12. No sand, gravel, minerals, or water shall be removed or stored or overburden stored within one hundred feet of any lot line not owned or controlled by the developer or operator of said business or his agent nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent hereto do not have adequate lateral support.
  13. No rehabilitated slope shall exceed an angle with the horizontal of forty-five degrees.
  14. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
  15. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other

- potential deterioration. Such operations shall be conducted so as not to leave or cause to exist spoil banks.
16. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
  17. All permitted installation shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to insure that this provision will be met.
  18. The area of use shall be completely enclosed by a six foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
  19. Such uses shall be permitted subject to the following conditions:
    - a. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
    - b. Shall not employ more than one nonresident employee.
    - c. There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
    - d. One unlighted name plate not more than four square feet in area announcing the name and occupation shall be permitted.
    - e. Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.
  20. Such developments should be located on or immediately adjacent to state highways.
  21. Special provisions for group dwellings.
    - a. Group dwelling shall be considered as one building for the purpose of determining front, side, and rear yard requirements, the entire group as a unit requiring one front and rear and two side yards as specified for dwellings in the propriety district.
    - b. Each two or two and one-half story group dwelling development shall have a minimum court of forty feet in width and forty feet in length, in addition to its required yards, and each one story group dwelling development shall have a minimum court of thirty feet in width and thirty feet in length, in addition to its requirement yards.
    - c. In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen feet.
    - d. The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles, or other street improvements.
    - e. The court shall have an unobstructed opening, not less than thirty feet wide, onto the front yard of a lot which has a width not less than that required in the district in which it is located.

- f. All dwelling structures of the group except those facing a public street shall face upon the court.
22. Such uses shall be permitted under the following conditions:
- a. No more than two driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty feet in width at the property line.
  - b. If the property fronts on two or more streets, the driveways shall be located as far from the street intersections as is practical.
  - c. At least six-inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
23. Any temporary structures must be indicated as such on site plans submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Board of Zoning Appeals.
24. Such uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
25. Such uses shall be conducted not closer than one hundred feet from any “R” district lot. Where the use abuts upon but is separated from any “R” district lot by a street, the width of the street may be considered a part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious, or offensive due to the emissions of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters, or water- carried wastes.
26. Truck parking areas, maneuvering lanes, and accessways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four hours.
27. The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - b. Minimum area required for a cemetery site to be ten acres.
  - c. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
  - d. Pavement width of driveways shall be at least twenty feet (ten feet per moving lane).
  - e. Drives shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.

- f. Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Board of Zoning Appeals.
  - g. Adequate screening with shrubs, trees, or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees, and hedges shall not be less than two feet in height and must be maintained in good condition.
  - h. Provisions shall be made for landscaping throughout the cemetery.
  - i. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
  - j. No grave sites shall be located within one hundred feet of the right-of-way lines of any publicly dedicated thoroughfare.
  - k. A grave site shall not be within two hundred feet of an existing residence.
28. An integrated planned commercial development which is a grouping of two or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
- a. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
  - b. The minimum setback building line shall be one hundred feet measured from the street right-of-way line.
  - c. Side yards and rear yards shall be required only on the perimeter of the planned development and shall be fifty feet except that where the business development is adjacent to a residential zone the side and/or rear yard shall be seventy-five feet on the side(s) abutting the residential zone only.
  - d. All points of entrance and/or exit shall be located no closer than two hundred feet from the intersection of intersecting highways.
  - e. The minimum site size to be considered for an integrated planned shopping development shall be two acres.
  - f. Approval of the site development plan by the Fairfield County Regional Planning Commission.
29. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.
30. A conditional zoning certificate for a use permitted under these regulations shall be issued for a one year period only and are to be renewed annually. The fee shall be as determined by the Township Trustees. A new conditional zoning certificate shall be required and be issued provided the Zoning Board of Appeals and the zoning inspector determine the said use has been and is operated to the specifications of the Zoning Resolutions and the previous conditional

- zoning certificate. Such re-application shall be accompanied by a fee as determined by the Township Trustees. If necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite for the re-issuance of the conditional zoning certificate.
31. Campsite, cabins, lodges, rooms or other accommodations shall be used on a seasonal basis only. No permanent or year-round occupancy shall be permitted.
  32. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.
  33. Reserved.
  34. All facilities and structures shall meet all county and/or state of Ohio health, building, electrical and other applicable codes.
  35. All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
  36. A performance bond or other financial guarantee acceptable to the Board of Trustees shall be placed with the Board to insure that the landscaping be installed, that the hard surfacing of the access drives and parking and service areas be installed, and that adequate storm water drainage be installed, in accordance with the approved plans.
  37. All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.
  38. In the interests of the health, safety, general welfare, and the protection of property values of the community, the area and adjoining land uses, and the other industries within the I-2 district, the Board of Zoning Appeals may require any conditions deemed necessary; and in regard to an industrial operation whose effects on adjacent premises, the area, or the community are not readily known, the Board may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.
  39. All sanitary landfill sites shall be subject to approval by the appropriate county and state agencies with authority and subject to their requirements governing landfills.
  40. The scrap or junk yard use shall only be permitted under the following conditions:
    - a. All sites, procedures, and processes shall be subject to the approval of the appropriate county and state agencies; no conditional zoning certificate shall be issued until the necessary county and/or state approvals are obtained.
    - b. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to urbanized or urbanizing areas.
    - c. Suitable control measure shall be taken whenever dust is a problem or potential problem.

- d. There shall be no burning of refuse, garbage, or other waste materials.
  - e. Scrap yards or junk yards shall be located no closer than two hundred feet to any “R” district and/or public street right-of-way line, and shall otherwise have front, side, and rear setbacks of at least one hundred fifty feet. At least a fifty foot wide strip in the two hundred foot setback shall be planted for camouflaging purposes according to the following specifications:
    - 1. The fifty foot wide strip shall be planted with pine, Norway Spruce or other plants of similar screening value.
    - 2. Said trees shall be planted on a staggered pattern with no more than 10 feet between trees.
    - 3. The fifty foot wide planting strip shall be so located as to achieve the greatest screening or camouflaging effect and no visual openings shall exist.
    - 4. Trees should be planted that are at the optimum transplanting size and age while still being as large as possible.
  - f. A minimum area of twenty acres shall be required for a use proposed under this category.
41. Sufficient parking and “drop off and pick up” areas shall be provided off the public roadway.
42. The architectural design and site layout of a group home licensed under Ohio Revised Code Section 5123.19 and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
- Minimum lot and yard requirements for a group home shall be the same as required for multifamily dwelling as listed in section 406.3 and 406.4 for R-4 Multifamily Urban Residential District.
43. No such family or group home shall be located within a one thousand foot radius of another residential facility for the developmentally disabled under Ohio Revised Code Section 5123.19.

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

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

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township trustees of its decision. Unless the decision is rejected within thirty days of its receipt by the Township trustee, such



substantially similar use determination by the Board shall become effective. Any rejection of said determination shall be by unanimous vote of the Trustees.

#### 807.1 Remedy by Application for Amendment

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

#### 807.2 Standards for Consideration of Substantially Similar Uses

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

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

#### 807.3 Effect of Determination that a Use is Substantially Similar

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

#### 807.4 Record of Substantially Similar Uses

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

### 808 REGULATION OF ACCESSORY USES

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

#### 808.1 Purpose

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

808.2 Definition

“Accessory Use” means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or services the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, “Accessory Use” includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise regulated in this resolution, an accessory use shall be a permitted use.

808.3 General Requirements

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

- A. It shall not contain or be used as a dwelling unit.
- B. It shall not exceed twenty-five feet in height.
- C. It shall meet all yard requirements of the principle use, except that:
  - 1. An accessory building attached to the principle building on a lot shall comply in all respects with requirements of these regulations applicable to the principle building.
  - 2. Accessory buildings, structures and uses which are not part of the main building shall not be located closer than ten (10) feet from the main building, may be built within five (5) feet of the rear lot line, and must conform to the front yard building setback line and side yard width\*. An accessory building which is not a part of the main building shall not occupy more than 30 percent of the required rear yard.
- D. Sun porches that are fully enclosed must meet the same requirements as an accessory building.
- E. No accessory buildings shall exceed more than 30 feet beyond the front of the principal structure of any required front yard and shall meet all side, front, and rear setbacks as set forth in this zoning resolution.
- F. For lots less than three (3) acres, the total area for all accessory buildings shall not exceed the total gross floor area of the principal structure. The gross floor area is the sum of the floor areas of the spaces within the building, including basements. The amount of accessory buildings for lots under 3 acres shall not exceed 4 structures.

**\*SETBACKS FOR ACCESSORY BUILDINGS:**

Twelve (12) feet from each side

Fifty (50) from the front

Five (5) feet from the rear

808.4 Dwellings as Accessory Uses

Dwellings as Accessory Uses: Dwellings may be accessory uses in residential districts if located inside the principal home or if located in a detached garage with minimum side setbacks of 25 feet for the dwelling unit, only if used as a residence by relatives, caregivers, or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses. No more than one Accessory Dwelling Unit shall be permitted on a parcel. The living space of the accessory dwelling unit shall not exceed 50 percent of the gross square footage of the proposed or existing accessory dwelling and the size of the accessory dwelling shall abide by the current zoning resolution size restrictions. For example, a 30x30 feet accessory structure shall not have more than 30 x 15 feet living space.

808.5 Retail Sales and Services as Accessory Uses

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

808.6 Accessory Uses Not Permitted

Accessory Uses Not Permitted: The outdoor storage of junk, unlicensed motor vehicles, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted principal use. Violations of this section will also be referred to the Department of Health and Litter Deputy Sheriff for further investigation.

808.7 Temporary Buildings

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

808.8 Driveway Access

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

Two property owners may apply for a shared driveway permit. Each property must have the required road frontage per parcel, and approval is required by the Bloom Township Zoning Administrator and Road Superintendent. Approval will be based upon safety and/or other factors and a scaled site plan will be required.

808.9 Restrictions on the Parking and Storing of Vehicles

Vehicles of any type without current registration shall not be permitted. Vehicles shall not be parked or stored on any property other than in a structure, or hidden from public view, unless otherwise specifically permitted by these regulations.

#### 808.10 Private Swimming Pools

No private swimming pool, exclusive of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

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

#### 808.11 Community or Club Swimming Pools

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

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

#### 809 HOME OCCUPATIONS

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

##### 809.1 Definition

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

809.2 Home Occupation as a Permitted Use

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

- A. The external appearance of the structure in which the use is conducted shall not be altered. There shall be only one sign, not to exceed 4 square feet (sign permit required), on the premises denoting the presence of the home occupation.
- B. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
- C. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the public street.
- D. Not more than 25 percent of the gross floor area of the principal dwelling shall be devoted to the use. (For example: If you have an office that is located in a bedroom of your home or in a section of an accessory building on your property the total area used for business purposes must not exceed more than 25% of the gross floor area of the home.)
- E. No additional parking demand shall be created.
- F. One person who is not a resident of the premises may participate in the home occupation as a full-time employee or volunteer.

810 GROUP RESIDENTIAL FACILITIES

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

810.1 Purpose

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

810.2 Definition

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

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

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and

residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six or more resident exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.

### 810.3 Conditional Use Permit Required

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

- A. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
- B. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- C. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
- D. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. No such facility may be located within one thousand feet of another such facility.
- F. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
- G. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvements required by code or necessitated by licensing requirements shall not be deemed incompatible.

### 811 SEXUALLY ORIENTED BUSINESSES

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

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

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

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

#### 811.1 Issuance of Conditional Use Permit

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

- A. The proposes sexually oriented business is located more than 700 feet from:
  - 1. A church
  - 2. A public or private elementary or secondary school
  - 3. Boundary of a residential district as established by the Board of Township Trustees
  - 4. Public park adjacent to a residential district as established by the Board of Township Trustees
  - 5. The lot line of a lot devoted to residential use
  - 6. From an already existing sexually oriented business or one that has received a conditional use permit
- B. The proposed use meets all other requirements of this Resolution.

#### 811.2 Definitions

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

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



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

## 812 TELECOMMUNICATION TOWERS, ANTENNAE AND RELATED FACILITIES

### 812.1 Purpose and Intent

The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennae and related facilities (hereinafter "telecommunication towers"). The regulations contained herein are designed to protect, and promote public health, safety, community welfare and the aesthetic quality of Bloom Township within Fairfield County, as set forth within the goals, objectives and policies of the Zoning code, while at the same time permitting the development of needed telecommunications facilities and to encourage managed development of the telecommunications infrastructure.

It is furthermore intended that Bloom Township shall apply these regulations to accomplish the following:

- (1) To promote the health, safety and community welfare and to minimize adverse visual effects of telecommunication towers and facilities through design, landscaping and siting standards;
- (2) To ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided to serve the community, as well as serve as an important and effective part of Bloom Township and the Fairfield County's emergency response network;
- (3) To provide a process for obtaining necessary permits for telecommunication towers while at the same time protecting the legitimate interests of Bloom Township and its citizens;
- (4) To conserve the platted residential areas within the unincorporated areas of Bloom Township with appropriate zoning and land use coordination in the siting of telecommunications towers;
- (5) To protect residential areas and land uses from potential adverse impacts of towers and telecommunication facilities;
- (6) To protect environmentally sensitive areas of Bloom Township by regulating the location, design and operation of telecommunications facilities;
- (7) To encourage the use of alternative support structures, co-location of new telecommunication towers on existing telecommunication towers, camouflaged towers, monopoles, and construction of towers with the ability to locate three or more providers, respectively; and

### 812.2 Certain Uses Not Covered

The following shall be permitted without Township zoning approvals provided that the primary use of the property is not a telecommunications facility; that the antenna use is accessory to the primary use of the property; and that the tower or facility is not limited or prohibited by deed restrictions:

- (a) The personal use of all television antennae and satellite dishes.
- (b) All citizens band radio antenna operated by a federally licensed amateur radio operator.(Ham Radio)
- (c) The personal use of short wave, AM or FM radio antennae.

- (d) Mobile services providing public information coverage of news events of a temporary nature.

812.3 Areas in Which Telecommunication Towers are Permitted with Conditional Use Approval

Telecommunications facilities may be permitted in the following zoning districts in the Township subject to Conditional Use review and approval by the Bloom Township Board of Zoning Appeals pursuant to Section VII of this Zoning Code:

- A. In residential areas that are zoned RR, R-1, and R-2 that are not, at the time of the hearing on the application, platted or subdivided of record in the Fairfield County Recorder's Office;
- B. In residential areas zoned R-3, R-MH, whether platted or unplatted;
- C. In all districts zoned B-1, B-2, B-3, I-1, P-D, I-2;
- D. As an attachment or accessory use to a nonresidential building or structure that is subject to a Conditional Use permit for use as a church, hospital, school, governmental building or a building owned by another public utility.

812.4 Areas in Which Telecommunication Towers are Prohibited

No telecommunication towers, except exempt facilities as defined in Ohio Revised Code, shall be permitted within:

- Historic sites and districts listed on the National Register of Historic Places
- 1 mile radius of a public/private airport landing strips or runways
- Flood plains, unless located on governmental properties
- Platted subdivisions within RR, R-1, R-2, and P-D zoning districts

All maps identifying the prohibited areas are located within the Bloom Township Zoning Administrator's Office.

812.5 Conditional Use Application

Locating and constructing a telecommunication tower or a new alternative support structure, including the buildings or other supporting equipment used in connection with said tower, shall require a Conditional Use Permit. After a public hearing takes place, and all application materials submitted are in accordance and found to be sufficient by the Board of Zoning Appeals with the purpose and intent of this Section and the general criteria for such permits contained in this Zoning Code, a Conditional Use Permit may be issued.

- (1) Submittal Information and Criteria for Conditional Use: For all telecommunication towers subject to zoning, the following information shall accompany every application:
- Completed conditional use applications and a fee to be determined by the Board of township Trustees in its general zoning and building permit fee schedule;
  - Original signature of the owner of the property (if the telecommunication is located in an easement, the beneficiaries of the easement and underlying property owner must authorize the application);
  - The identity of the carrier and/or provider of the telecommunication services;

- The name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application;
- A current survey, showing the parcel boundaries, tower, facilities, location, access, landscaping and fencing;
- A written legal description of the site;
- In the case of a leased site, a lease agreement or a binding lease memorandum which shows in its face that it does not preclude the site owner from entering into leases on the site with other provider(s) and the legal description and amount of property leased;
- A description of the telecommunications services that the registrant intends to offer and/or provide, or is currently offering or providing, to persons, firms, businesses or institutions;
- Written explanation as to why a newly-constructed tower is necessary because co-location on an existing tower is not feasible, the reason it is not feasible, and the reasons why non-residential areas are not available to service the applicant's service area;
- Copies of approvals from the Federal Communications Commission and a statement that the facility complies with the limits of radio frequency emissions standard set by the Federal Communications Commission. The statement shall list the particular Federal Communication Commission emission limits the site and the tested or designed limit for the telecommunications facility;
- Copies of approvals from the Federal Aviation Administration including any aeronautical study determination if applicable;
- Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854 submitted to the Federal Communications Commission, if applicable;
- Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communications Commission, if applicable;
- An analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in zoning resolution subject to the review and approval of the Board of Zoning Appeals, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunications service. The intention of the alternative analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the Township. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The Township may require independent verification of this analysis at the applicant's expense;
- Plans indicating security measures for the site and the tower (i.e. access, fencing, lighting, fire prevention);
- A definitive landscaping plan that demonstrates how the facilities will be screened from the adjoining property owners;
- A report prepared by an Engineer licensed by the State of Ohio certifying the structural design of the tower and its ability to accommodate additional antenna.
- When it deems it necessary to have assistance in understanding and analyzing technical issues, the Board of Zoning Appeals is explicitly authorized at its discretion to employ on behalf of the Township an independent technical expert to review any technical materials submitted, including but not limited to, those required under this Section, and in those cases where a technical

demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay the reasonable fees and expenses of the consultant or engineer performing said review. The payment shall be due prior to the issuance of a Conditional Use Permit.

- (2) Co-location. All towers shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever practicable, giving due consideration to factors of competition, proprietary interests and physical space requirements.
- (3) Amendment. Each registrant shall inform the Township Zoning Administrator within sixty (60) days of a change of the information regarding the ownership or with regard to changes in the availability of co-location space or face penalties and sanctions of \$200.00 a day assessed until such correct information of the registrant is received and verified by written order from the Bloom Township Zoning Administrator.

#### 812.6 Conditional Use Annual Review

- (1) Conditional Use Annual Review.
  - (a) All telecommunication carriers and providers of any new or existing telecommunication towers shall submit annually, on or before January 31 of each year, with the Bloom Township Zoning Administrator, a Telecommunications Facility Annual Review Report. The Annual Review Report shall include the owner and operators names, address, phone numbers, contact person(s), type of antennae applicable FCC license numbers, applicable FAA licenses, annual registration fee, type of support structure (tower, alternative support), Bloom Township Permit approval numbers, and any other appropriate information deemed necessary by the Township Zoning Administrator. Tower owners and operators shall also supply the number of co-locations positions designated, occupied, or vacant.
  - (b) Structural certification of existing telecommunications towers shall be submitted with the Telecommunications Facility tenth (10th) Annual Review Report for the tower and facility. The structural certification shall state general structural conditions and the ability to add additional antennae to the tower. The Telecommunications Facility Annual Review Report shall include a structural certification every five (5) years thereafter.
- (2) Conditional Use Annual Registration Fee. Following the initial conditional use approval, every year thereafter all telecommunications carriers or providers shall submit, on or before January 31 of each year, to the Zoning Administrator an annual registration fee pursuant to schedule of zoning fees to be adopted by the Board of Trustees. The fee submittal is the responsibility of each telecommunication carrier or provider. The fee shall be used to cover the costs and expenses of the Township in reviewing the annual reports and the structural certifications, including the fees and expenses of engineers or consultants who are retained to perform such review.
- (3) Proof of Bond. Satisfactory proof of the continuation of the Bond or Letter of Credit shall be submitted each year.

## 812.7 Non-Conforming Telecommunications Towers and Antennae

Non-conforming existing telecommunications towers may add, move or replace antennae upon the existing structure. A non-conforming existing telecommunication towers may be increased in height a maximum of fifty (50) feet, or relocated or reconstructed within fifty (50) feet of its existing location to accommodate co-location. Routine maintenance and repair on the non-conforming existing telecommunication towers is permitted. Any other alteration, change, relocation or replacement of a non- conforming existing tower shall be subject to the Conditional Use Permit procedures that apply to new telecommunication towers.

## 812.8 Compliance

- (1) Revocation. Grounds for revocation of the Conditional Use Permit shall be limited to one of the following findings:
  - (a) The facility fails to comply with the relevant requirements of this section as they exist at the time of annual registration and the permittee has failed to supply assurances acceptable to the Zoning Administrator that the facility will be brought into compliance within one hundred and twenty (120) days of the Zoning Administrator's finding of non- compliance, which shall be evidenced by written notice to the owner;
  - (b) The permittee has failed to comply with the conditions of approval imposed; or
  - (c) The facility has not been properly maintained.
- (2) Abandonment. It is the express policy of Bloom Township and this Zoning Code that telecommunication towers shall be removed following their abandonment. The determination of abandonment shall be made by the Zoning Administrator when the telecommunication tower has not been operated for a continuous period of 180 days, or the owner has failed to comply with the Annual Registration procedures. The owner and the telecommunication provider shall be jointly responsible for the removal of the facilities and restoration of the site. Restoration shall return the site to its original condition, including the removal of any subsurface structure or foundation used to support the facility. In such circumstances, the following shall apply:
  - (a) The owner of such antenna or tower shall remove said antenna and or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such abandonment. The owner of the antenna or the real property may request a hearing before the Board of Zoning Appeals if it wishes to challenge the Zoning Administrator's determination of abandonment. If the removal, to the satisfaction of the Zoning Administrator, does not occur within the said ninety (90) days, the Township may order removal and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense.
  - (b) The applicant for a Conditional Use Permit under this section shall submit a copy of a signed agreement between the property owner and the operator or owner of the tower, antenna(s) and supporting equipment and buildings detailing requirements for abandonment and subsequent removal based on the above section (a). The property owner shall also execute and deliver to the Township a recordable license on a form approved by the Township granting to the Township the right to enter upon the property

to perform its rights to remove the abandoned tower, antenna(s) and supporting equipment and buildings.

- (c) If the owner fails to remove the abandoned tower or fails to restore the property to its original condition pursuant to this Section, the Township shall have all right and authority to proceed against the surety issuing the bond to cover the costs and expenses of such removal and restoration.

#### 812.9 Structural, Design and Environmental Standards

- (1) Tower, Antenna and Facilities Requirements. All telecommunication facilities, except exempt facilities as defined by O.R.C. shall be designed to be safe, have structural integrity, and blend into its surrounding environment to the greatest extent reasonably practicable. To this end, the following standards shall be applicable:
  - (a) All telecommunications facilities shall comply at all times with all Federal Communications Commission rules, regulations and standards. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communications Commission adopted standards for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the Federal Government. All telecommunication towers and antennae shall meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the Federal Government with the authority to regulate towers and antennae;
  - (b) Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically conditioned by the Board of Zoning Appeals to be otherwise;
  - (c) All ground-mounted telecommunication towers shall be self-supporting monopoles except where satisfactory evidence is submitted to the Board of Zoning Appeals that a guyed/lattice tower is required;
  - (d) Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence acceptable to the Board of Zoning Appeals is submitted showing that this is infeasible. Satellite dish and parabolic antennae shall be situated as close to the ground as possible to reduce visual impact without compromising their function;
  - (e) Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only). Telecommunication support facilities shall be no taller than one story, fifteen (15) feet in height and shall be designed to blend with existing architecture in the area and shall be screened from sight from adjacent properties by mature landscaping, and shall be located or designed to minimize their visibility to adjacent properties;
  - (f) All buildings, poles, towers, antenna supports, antennae, and other components of each telecommunications facility shall be initially painted and thereafter repainted as necessary with a "flat" green or blue paint so as to reduce visual obtrusiveness and blend in to the natural setting and environment of the surrounding area. As an alternative, the Board of Zoning Appeals may accept the natural, unpainted poles constructed of galvanized steel

or concrete or other material which is non-reflective and which blends into the natural setting and environment of the surrounding area. No signage shall be permitted on the poles, towers or facilities unless mandated by federal or state law;

- (g) All telecommunications towers shall be designed to collapse within a designated falldown radius. The falldown radius for a telecommunications tower shall be contained within the leased parcel and shall be identified in the initial application materials supporting the request for a Conditional Use Permit;
- (h) The falldown radius shall equal one hundred and twenty-five (125) percent of the tower height, unless an engineering certification shows that in the event of collapse, the telecommunication tower is designed to collapse within a smaller area;
- (i) Telecommunications support facilities shall be the only structure, building, or use allowed within the falldown radius. Said facilities shall be surrounded by adequate fencing for security purposes. A small 1' by 1' sign with an emergency telephone number shall be posted on the fence;
- (j) Telecommunications facilities, towers and antennae shall be designed and constructed in accordance with the applicable building code for the jurisdiction. Upon notice of a violation of applicable building standards, the owner shall have thirty (30) days to bring the facilities into compliance. Failure to do so shall constitute grounds for the removal of the tower and facilities at owner's expense;
- (k) If the tower is to be located on a rooftop site:
  - (1) The maximum high of an antenna platform and antennae located on a roof top shall be ten (10) feet above the roof. All platforms and antennae shall be screened by parapet or other approved methods from major collector or higher roads, recreational areas, and adjacent residential district or uses;
  - (2) Telecommunications facilities located on roofs shall not occupy more than fifty (50) percent of the roof surface of a building; and
  - (3) The roof area where a telecommunications facility is located shall be secured from the remaining roof area to prevent unauthorized access.
- (l) Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety, fire protection or SCADA operation telecommunication facilities. Any alleged interference and or obstruction shall be corrected by the applicant at no cost to the Township;
- (m) All ladders or climbing devices shall be removed to a height of twenty-five feet (25') from the base of the structure.
- (n) When the telecommunication support facility is located within 300 feet of an adjacent property line or public roadway, such facility shall be screened from sight from that adjacent property or public roadway utilizing material which shall be installed and planted in a manner that provides immediate, year-round opacity of 75%. Landscape materials used must be an evergreen species having a minimum height immediately after planting of 8 feet and minimum trunk caliper of 2 inches.



- (2) Height. The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crankup" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.
- (3) Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design which would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit, except for security lighting, or when authorized personnel are present.
- (4) Site Development. All telecommunication towers leased parcel lots shall be a minimum of five thousand (5000) square feet in size. The owner of the tower shall own or control by lease the land in every direction from the outer edge of the base of the telecommunications tower a distance equal to the tower height or falldown radius as described above. This area is referred to in this Code as the "leased parcel." The entire falldown radius shall be contained within the leased parcel. Telecommunication Facilities sites shall not be used for the outside storage of materials or equipment, or for the repair or servicing of vehicles or equipment.
- (5) Fire Prevention. All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end all of the following measures shall be implemented for all telecommunication towers, when determined necessary by the Bloom Township Fire Chief:
  - (a) At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
  - (b) Monitored automatic fire alarm systems approved by the Bloom Township Fire Chief shall be installed in all equipment buildings and enclosures;
  - (c) Rapid entry (KNOX) systems shall be installed as required by the Bloom Township Fire Department;
  - (d) All tree trimmings and trash generated by construction of the facility shall be removed promptly from the property and properly disposed of.
- (6) Noise and Traffic. All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby residential properties. To that end all the following measures shall be implemented for all telecommunication towers:
  - (a) Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 8:00 a.m. and 7:00 p.m.; and
  - (b) Backup generators shall only be operated during power outages and for testing and maintenance purposes.

#### 812.10 Separation and Setback Requirements

Separation from Off-Site Uses for all telecommunication towers shall be located in accordance with the following standards:

- 1) Setbacks. All setbacks shall be measured from the base of the tower or structure to the applicable property or zoning district line;
  - (a) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions a distance of 100 feet.
  - (b) Setbacks for all historic sites and districts. All new towers shall be setback from the closest property line of the historic site or district a distance of 100 feet.
  - (c) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of 100 feet.
  - (d) Setback from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of 100 feet.
  - (e) Guy Wires Separation. All guy wires shall be at least one hundred (100) feet from all property lines.

#### 812.11 Bond Requirements:

- (1) For each telecommunications tower, the owner or operator shall provide to the Township, and for its express benefit, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Bloom Township are performed and complied with, including necessary repairs and the costs and expenses of removal in the event of abandonment. The bond or letter of credit shall be issued by a surety or bank that is acceptable to the Township Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than 50% of the construction value of the tower. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, cancellation of other event of non-renewal no later than 120 days prior to the date of such event.
- (2) The Bloom Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township which arise out of the violations of this resolution or the abandonment or discontinuance of the use of a tower.
- (3) No Conditional Use Permit issued hereunder shall become operative and effective until said performance bond has been delivered to the Township Clerk.
- (4) The requirement to maintain this performance bond shall cease only upon a written determination by the Township Board of Trustees that it is no longer necessary.

#### 812.12 Definitions

The following terms and phrases shall have the meaning ascribed to them in this section:

- (1) "Alternative Support Structure" shall mean clock towers, steeples, silos, light poles, building or structures that may support telecommunication facilities.
- (2) "Antenna" shall mean any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennae shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.
- (3) "Antenna building mounted" shall mean any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, water tower or structure other than a telecommunications tower.
- (4) "Camouflaged Tower" shall mean any telecommunication tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennae.
- (5) "Falldown Radius" shall mean the designated area of a telecommunication facility surrounding a telecommunication tower, which, in the event of a structural failure or all or part of the telecommunications tower, would likely contain the failed or collapsed telecommunication tower. This area may also be called the collapse zone.
- (6) "Guyed Tower" shall mean a telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.
- (7) "Height, telecommunications Tower" shall mean the distance measured from ground level to the highest point of the tower. This measurement excludes any attached antennae, and lighting.
- (8) "Lattice Tower" shall mean a telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.
- (9) "Monopole" shall mean a telecommunication tower of a single pole design.
- (10) "NIER" shall mean nonionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).
- (11) "Platted" or "platted subdivision" means any subdivision plat that has been filed for record in the Fairfield County Recorder's Office prior to the hearing on the application for a Conditional Use Permit for the telecommunications tower.
- (12) "Platform" shall mean a support system that may be used to connect antennae and antenna arrays to telecommunication towers or alternative support structures.
- (13) "Public Service Use or Facility" shall mean a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, emergency response network, solid waste management, or utilities.

- (14) "Satellite Dish" means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennae.
- (15) "Telecommunications Equipment Building" shall mean the telecommunication support facility structure located on a tower site, which houses the electronic receiving and relay equipment.
- (16) "Telecommunication Facility" shall mean a facility, site, or location that contains one or more antennae, telecommunication towers, alternative support structures, satellite dish antennae, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals.
- (17) "Telecommunication Facility Co-Located" shall mean a telecommunication facility comprised of a single telecommunication tower or building supporting three or more antennae, dishes, or similar devices owned or used by more than one public or private entity.
- (18) "Telecommunication Support Facility" shall mean the telecommunication support equipment and cabinets located on a tower site.
- (19) "Telecommunications Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including camouflaged towers, lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, and common carrier towers. The term shall exclude alternative support structures and those facilities exempted under O.R.C.
- (20) "Utility Pole Mounted Antenna" shall mean an antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

#### 812.13 Severability

If any section, subsection, clause or phrase of this resolution is for any reason held to be unconstitutional, such decision shall not effect the remaining portions of this ordinance. The Bloom Township Board of Trustees declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional.

#### 812.14 Effective Date

This Section shall become effective at the earliest period allowed by law.

## ARTICLE IX

### OFF-STREET PARKING AND LOADING FACILITIES

#### 901 GENERAL PARKING REQUIREMENTS

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

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

#### 902 OFF-STREET PARKING DESIGN STANDARDS

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

- A. Parking space dimensions: Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. Access: there shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
  1. For one single-, two- or three-family residential dwelling, the access drive shall be a minimum of nine feet in width.
  2. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen feet in width.
  3. All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into public street or alley shall be traveling in a forward motion.
- C. Setbacks: The location of off-street parking facilities for more than five vehicles may be located in required yards as specified elsewhere in this Resolution. In no case, however, shall the parking area be located closer than three feet to any street or alley.
- D. Screening: In addition to the setback requirements specified in this Resolution for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any residential district.

- E. Paving: All required parking spaces, except for uses with any “I” district if said parking area is at least seven hundred feet from any residential district, together with driveways, and other circulation areas, shall be hard-surfaced with a pavement having an asphalt, bituminous, or concrete binder, provided, however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for twenty or more spaces shall be marked with paint lines, curb stones, or in some other manner.
- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any “R” district.

903 DETERMINATION OF REQUIRED SPACES

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

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

904 JOINT OR COLLECTIVE PARKING FACILITIES

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

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

905 OFFSTREET STORAGE AREAS FOR DRIVE-IN SERVICES

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

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

906 PARKING OF DISABLED VEHICLES

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

907 PARKING SPACE REQUIREMENTS

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

A. Residential Uses

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

B. Business Related Uses

1. Animal hospitals and kennels – one for each four hundred square feet of floor area and one for each two employees.
2. Motor vehicle repair station – one for each four hundred square feet of floor area and one for each employee.
3. Motor vehicle salesroom – one for each four hundred square feet of floor area and one for each employee.
4. Motor vehicle service station – two for each service bay and one for every two gasoline pumps.
5. Car washing facilities – one for each employee.
6. Banks, financial institutions, post offices, and similar uses – one for each two hundred and fifty square feet of floor area and one for each employee.
7. Barber and beauty shops – three for each barber or beauty operator.
8. Carry-out restaurants – one for each two hundred square feet of floor area and one for each two employees.
9. Drive-in restaurants – one for each one hundred and twenty-five square feet of floor area and one per each two employees.
10. Hotels, motels – one for each sleeping room plus one space for each two employees.
11. Boarding, rooming tourist and bed/breakfast home – one for each sleeping room.
12. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments – two plus one additional space for each two hundred square feet of floor area over one thousand square feet.
13. Consumer and trade service uses not otherwise specified – one for each employee.



14. Funeral homes, mortuaries and similar type uses – one for each fifty square feet of floor area in slumber rooms, parlor or service rooms.
15. Laundromats – one for every two washing machines.
16. Administrative, business and professional office uses – one for each two hundred square feet of floor area.
17. Sit-down restaurants, taverns, night clubs, and similar uses – one for each three persons of capacity.
18. Retail stores – one for each one hundred and fifty square feet of floor area.
19. All other types of business or commercial uses permitted in any business district – one for each one hundred and fifty square feet of floor area.

#### C. Recreational and Entertainment Uses

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

#### D. Institutional Uses

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

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

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

F. Manufacturing Uses

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

908 HANDICAPPED PARKING

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

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

909 ELDERLY HOUSING PARKING

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

910 OFFSTREET LOADING SPACE REQUIREMENTS

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

911 OFFSTREET LOADING DESIGN STANDARDS

All off-street loading spaces shall be in accordance with the following standards and specifications:

- A. Loading space dimensions: Each loading space shall have minimum dimensions not less than twelve feet in width, sixty-five feet in length, and a vertical clearance of not less than fourteen feet.
- B. Setbacks: Notwithstanding other provisions of these regulations, off-street loading spaces may be located in the required rear or side yard of any business or industrial district provided that not more than 90 percent of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than fifty feet to any "R" district nor closer than five feet from any street or alley.
- C. Screening: In addition to the setback requirement specified above, screening shall be provided on each side of an off-street loading space that abuts any "R" district.
- D. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- E. Paving: All required off-street loading spaces, except for uses with any "M" district if said loading spaces are at least 200 feet from any "R" district, together with driveways, aisle, and other circulation areas, shall be surfaces with an asphaltic or Portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
- G. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

## ARTICLE X

### SIGNS

#### 1001 GENERAL

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

#### 1002 GOVERNMENTAL SIGNS EXCLUDED

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

#### 1003 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

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

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (A) and (B) of this 1003 shall not apply to any sign performing a public service function indicating time, temperature, or similar services;
- C. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
- D. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two feet, including those projecting from the face of any theater, hotel, or motel marquee;
- E. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- F. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1008 herein;

- G. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
- H. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20 percent of the window surface;
- I. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
- J. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the zoning inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;
- K. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
- L. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter;
- M. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing;
- N. No sign shall be located nearer than eight feet vertically or four feet horizontally from any overhead electrical wires, conductors, or guy wires;
- O. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

#### 1004 PERMIT REQUIRED

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

#### 1005 SIGNS NOT REQUIRING A PERMIT

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve square feet in area, except in all residential districts where the area of the sign shall not be more than six square feet;

- B. Professional name plates not to exceed four square feet in area;
- C. Signs denoting the name and address of the occupants of the premises, not to exceed two square feet in area.

1006 SIGNS REQUIRING A PERMIT

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

1007 SIGNS PERMITTED IN COMMERCIAL AND MANUFACTURING DISTRICTS REQUIRING A PERMIT

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

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

1008 TEMPORARY SIGNS

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

1009 FREE STANDING SIGNS

Free-standing on-premises signs not over thirty feet in height, having a maximum total sign area of one hundred square feet per display area and located not closer than ten feet to any street right-of-way line and not closer than thirty feet to any adjoining lot line may be erected to serve a group of business

establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

1010 WALL SIGNS PERTAINING TO NONCONFORMING USES

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

1011 POLITICAL SIGNS

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day. Political signs must not exceed nine (9) square feet and must not exceed four (4) feet in height from the ground.

1012 SIGN SETBACK REQUIREMENTS

Except as modified in Sections 1013, 1014, and 1015, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

1013 INCREASED SETBACK

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

1014 SETBACKS FOR OFF-PREMISES SIGNS

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

1015 SETBACKS FOR PUBLIC AND QUASIPUBLIC SIGNS

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

1016 SPECIAL YARD PROVISIONS

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

1017 LIMITATION

For the purposes of this Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all district zoned for manufacturing or business or lands used for agricultural

purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

#### 1018 NONCONFORMING SIGNS AND STRUCTURES

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

#### 1019 LOSS OF LEGAL NONCONFORMING STATUS

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

#### 1020 VIOLATIONS

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



## ARTICLE XI

### ADMINISTRATIVE PROCEDURES

#### 1101 PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES

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

#### 1102 AUTHORIZATION

Whenever the public necessity, general welfare, or good zoning practice require, the Board of Township Trustees may by resolution after receipt of recommendations thereof from the Township Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property.

##### 1102.1 Initiation of Zoning Amendments

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

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

##### 1102.2 Contents of Application

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

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A vicinity map at a scale approved by the zoning inspector showing property lines, streets, existing and proposed zoning, and such other items as the zoning inspector may require.
- F. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the county auditor's current tax list. The requirement for addresses may be waived by the zoning inspector when more than ten parcels are proposed to be rezoned.

G. A statement on how the proposed amendment relates to the Fairfield County Comprehensive Development Plan, when and if adopted, and to the neighborhood properties.

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

#### 1102.3 Transmittal to Zoning Commission

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

#### 1102.4 Submission to Regional Planning Commission

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

#### 1102.5 Public Hearing by Zoning Commission

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

#### 1102.6 Notice of Public Hearing in Newspaper

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

#### 1102.7 Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in section 1102.6.

#### 1102.8 Recommendation by Zoning Commission

Within thirty days after the public hearing required by section 1102.5, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may

recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

#### 1102.9 Public Hearing by Board of Township Trustees

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

#### 1102.10 Notice of Public Hearing

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

#### 1102.11 Notice of Property Owners by Board of Township Trustees

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

#### 1102.12 Action by Board of Township Trustees

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

#### 1102.13 Effective Date and Referendum

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

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

#### 1103 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

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

### 1103.1 Appeals Procedures

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

### 1103.2 Stay of Proceedings

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

### 1103.3 Variance Procedures

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest, but only in the case of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved, but in no other case. Provided, however, no variances from the strict application of any provision of this Resolution shall be granted by the Board unless it finds, beyond reasonable doubt, that all the following facts and conditions exist:

- A. That there are special circumstances or conditions, fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provision of this code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land and building.
- B. That the variance as granted by the Board of Zoning Appeals is the minimum variance that will accomplish the reasonable use of the subject land or building.
- C. That the granting of the variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity
- D. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonable practicable the formation as a part of this code of a general regulations for such condition or situation.

E. No variance will be granted for a hardship created by the actions of the applicant.

#### 1103.4 Application for Variance and Appeals: Procedure

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

#### 1103.5 Contents of Application

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

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

#### 1103.6 Supplementary Conditions and Safeguards

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

#### 1103.7 Public Hearing by the Board of Zoning Appeals

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

#### 1103.8 Notice of Public Hearing in Newspaper

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

#### 1103.9 Notice of Parties of Interest

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

#### 1103.10 Adjournment of Hearings

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

#### 1103.11 Decisions of the Board of Zoning Appeals

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

#### 1104 PROCEDURE FOR APPROVAL OF CONDITIONAL USES

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

## ARTICLE XII

### ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

#### 1201 ZONING INSPECTOR

A zoning inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Board may direct. The township zoning inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code. The duties shall be:

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

#### 1202 TOWNSHIP ZONING COMMISSION

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

#### 1203 DUTIES OF THE ZONING COMMISSION

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

- A. Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees
- B. Review all proposed planned unit developments and make recommendations to the Board of Township Trustees.

## 1204 BOARD OF ZONING APPEALS

### 1204.1 Creation and Appointment

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

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

### 1204.2 Proceedings of the Board of Zoning Appeals

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

### 1204.3 Duties of the Board of Zoning Appeals

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

- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the zoning inspector.
- B. To authorize such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.



C. To grant conditional zoning permits as specified elsewhere in this Resolution and under the conditions specified and such additional safeguards as will uphold the intent of this Resolution.

D. To determine substantially similar uses in conformance with applicable provisions of this Resolution.

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

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