

RICHLAND TOWNSHIP

ZONING RESOLUTION

FAIRFIELD COUNTY, OHIO

EFFECTIVE DATE: February 2008

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**ARTICLE I
TITLE, PURPOSE, AND CONFORMANCE**

1.1 TITLE.

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

1.2 PURPOSE.

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

*519.02 Township Trustees may regulate building and land use in unincorporated territory for public purpose: For the purpose of promoting the public health and safety 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.

For any activities permitted and regulated under Chapter 1513 or 1514 of the Revised Code and any related processing activities, the Board of Township Trustees may regulate under the authority conferred by this section only in the interest of public health and safety. ORC Section 519.02

1.3 CONFORMANCE

* 519.23 Prohibition against violating resolution: No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any resolution, or amendment or supplement to such resolution adopted by any Township Board of Trustees under Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code. Each day of continuation in violation of this section may be deemed a separate offense. ORC Section 519.23

ARTICLE II

INTERPRETATION OF STANDARDS - EXEMPTIONS AND LIMITATIONS

2.1 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.

2.2 SEPARABILITY CLAUSE

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

2.3 ADOPTION

This Resolution shall become effective upon certification by the Board of Elections that the Resolution was approved as set forth in ORC Section 519.11. Upon adoption of this Resolution all/or any previous zoning resolutions now in effect shall be deemed to be repealed.

USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL

2.4 AGRICULTURE EXEMPTED.

Use of land or buildings for agricultural purposes not affected. Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code confer no power on any Board of Township Trustees

or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structures. (NOTE: amended in 1981, also exempted viticulture) (ORC Section 519.21)

2.5 PUBLIC UTILITIES AND RAILROADS.

Except as otherwise provided in ORC Section 519.211(B) or (C), such sections confer no power on any Township Board of Trustees or Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. (ORC Section 519.21)

2.6 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. (ORC Section 519.21)

2.7 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. (ORC Section 519.21)

2.8 OUTDOOR ADVERTISING

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

2.9 SUBMISSION TO THE DIRECTOR OF TRANSPORTATION.

Before a zoning permit is issued affecting any land within three hundred (300) 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 Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public street or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation, and a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the office. If notified that the State is proceeding to acquire the land needed, then 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 twenty (120) 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. ORC Section 5511.01

2.10 LICENSED FAMILY HOMES AND LICENSES 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

For the purpose of this Resolution, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted" or "intended to be used," and a "person" shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

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

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building.

ADULT ARCADE: 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 anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE or ADULT VIDEO STORE: A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration anyone or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas".
2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

ADULT CABARET: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity.
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

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".

ADULT MOTEL: A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of considerations; 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.
2. Offers a sleeping room for rent for a period of time that is less than 10 (ten) hours.
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 (ten) hours.

ADULT MOTION PICTURE THEATER: 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".

ADULT THEATER: 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".

AGRICULTURE: The use of land for any of the following purposes: farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storing, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production (ORC Section 519.01).

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

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 (3) or more apartment units provided said units are the principle use of the building.

AUTOMOBILE OR TRAILER SALES AREA: An open area, other than a street, used for the display, sales, or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

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: That portion of a building, the floor of which is not less than two (2) feet below and the ceiling of which is not more than four (4) feet and six (6) inches above the average grade. A basement shall not be included in the calculation of livable floor area of a residential dwelling.

BILLBOARD OR SIGN: Any structure or portion thereof, on which lettered, figured, or pictorial matter is displayed for advertising purposes.

BOARDING HOME: A building or part thereof, other than a hotel, motel, or restaurant, where for compensation by the week or month, meals and lodging are provided for at least three (3) but not more than twenty (20) persons, and where no cooking and dining facilities are provided in individual rooms.

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

BUILDING: A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

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.

CELLAR: That portion of a building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above ground.

CARPORIT: 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.

CLINIC: Any building or other structure devoted to the medical diagnosis, treatment, and care of outpatients.

CONDITIONAL USE: A use permitted within a district other than the principally permitted uses, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed.

COURT: An open, unoccupied space other than a yard, on the same lot with a building, unobstructed from the lowest level to the sky.

DENSITY: The number of families residing on, or dwelling units developed on a gross acre of land:

DEVELOPMENTAL DISABILITY: A disability that originated before the attainment of eighteen years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. (Amended eff. 7/85, #399)

DISCARDED MOTOR VEHICLE: Any motor propelled vehicle, motor home, trailer, or accessory use to the same, which is being or is in the process of being wrecked, dismantled, or stored and which does not have a valid license plate on it and is being continuously left outside.

DISTRICT: A section or sections of the unincorporated territory of the Township for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

DRIVE-THROUGH FACILITIES: A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle. Drive-through facilities may be developed in conjunction with another use including but

not limited to a restaurant, pharmacy, bank, etc. or independently, such as a carry out, car wash, etc.

DWELLING: Any building, or portion thereof, which is designed or used primarily for residential purposes, including one and two family and multi-family units, but not including house trailer, hotels, motels, boarding homes, lodging houses, and tourist homes.

DWELLING, SINGLE FAMILY: A Separate building occupied or constructed to be occupied exclusively for residence purposes by one family or housekeeping unit.

DWELLING, TWO FAMILY: A separate building occupied or constructed to be occupied exclusively as a residence by two families or housekeeping units.

DWELLING, MULTI-FAMILY: A building or portion thereof occupied or constructed to be occupied by more than two families or housekeeping units.

DWELLINGS, GROUP: More than one (1) dwelling, whether single-family, two family, or multi-family or a combination, located on one lot and around a common court or courts.

DWELLING REAR: A building occupied or constructed to be occupied for residence purposes which does not have at least thirty (30) feet of frontage on a public street.

DWELLING UNIT: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who offers to model privately lingerie or to perform privately a striptease for another person.

ESCORT AGENCY: A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.

FLOOR AREA: The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FOUNDATION: A poured or block continuous structure that is 36" deep and the residence must sit upon it.

FRONTAGE: The address side of a building and/or the portion of a lot nearest the street. For the purposes of these regulations, corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage for the determining of yard requirements only.

GARAGE, PRIVATE: An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

GARAGE, PUBLIC: A building or portion of a building in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.

GARAGE, AUTO SERVICE SHOP: A building or portion of a building in which commercial repairs are made to motor vehicles, and in which there is no painting of cars or body work.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GROUP HOME: A residential facility that provides room and board, personal care, rehabilitation services, and supervision in a family setting for at least nine but not more than sixteen persons with developmental disabilities. (Amended eff. 7/85, #399)

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOSPITAL: An institution providing health and services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an intrinsic part of the facility. The term hospital shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or nursing homes.

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 (20) sleeping rooms or apartments.

JUNK YARD: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including 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.

LANDSCAPE: Sodded, seeded, and/or shrubbery materials or areas on a lot or tract of land.

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

LOT: A parcel of land occupied or intended to be occupied by a principle building or a group of such buildings and accessory buildings, or utilized for a principle use and uses accessory thereto, together with the open space as required by this ordinance and having frontage on a public street.

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 CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.

LOT COVERAGE: The portion of the lot area that is covered by any building.

LOT DEPTH: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

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 OF RECORD: A lot which is part of a subdivision, or a lot described by metes and bounds the map and/or description of which has been recorded in the office of the Fairfield County Recorder.

LOT, WIDTH: The mean width of the lot measured at right angles to its depth.

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: A building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label or tag permanently affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards (ORC Section 3781.06(C)(4)).

MANUFACTURED HOME PARK: Per ORC Section 3733.01(A), any tract of land upon which three (3) or more manufactured or mobile 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. Per Section ORC Section 3733.01(A), manufactured home park does not include any of the following:

1. A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in section 3729.01 of the Ohio Revised Code;
2. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;
3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

MANUFACTURED HOME, PERMANENTLY SITED: Per ORC Section 3781.06(C) (6), a manufactured home, as defined herein, that meets all of the following criteria:

1. The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
3. The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The structure was manufactured after January 1, 1995.
5. The structure is not located within a manufactured home park as defined in ORC Section 3733.01(A).

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

MINIMUM BUILDING SETBACK LINE: A line parallel to the street right-of-way line and at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot.

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

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

NUDE MODEL STUDIO: 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 other persons who pay money or any form of consideration.

NUDITY or a STATE OF NUDITY: The appearance of a human bare buttock, anus, male genitals, female genitals or female breast.

OPEN SPACE: The required portion of a lot which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreation and other leisure activities normally carried on outdoors. This space shall not be devoted to service driveways or off-street parking or loading spaces, and shall be twenty (20) feet in the least dimension on the ground.

OUTDOOR ADVERTISING SIGN (BILLBOARD): 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 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 off-street parking area where the principal use of the tract or lot is for vehicular parking.

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

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

PERSON: means an individual, proprietorship, partnership, corporation, association or other legal entity.

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

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

PUBLIC BUILDINGS: Any structure owned and operated by a governmental agency or public school or school which is certified and/or licensed by the State of Ohio.

PUBLIC UTILITY: Any person, firm, corporation, governmental agency, or board fully authorized to furnish and provide, electricity, gas, steam, telephone, telegraphy, transportation, water, and any other similar public utility.

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

RESIDENTIAL FACILITY: A home or facility in which a person with a developmental disability resides, except a home subject to Section 3721.011 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a developmental disability resides.

ROADSIDE STAND (FARM MARKET): A temporary vehicle or temporary stand without foundation used for the sale of agricultural produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farm(s) owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21, as amended June 29, 1982.

SATELLITE DISHES: Any antenna or 'earth station' designed, constructed or modified to bring in or receive satellite television signals. (Amended eff. 7/85, #399)

SEMI-NUDE: means a state of dress in which clothing covers no more than the genitals, pubic region and aureole of the female breast, as well as portions of the body covered by supporting straps or devices.

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.
2. Activities between male or female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

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.

SIGN: Any structure, whether fixed or portable, or natural object, such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business or which shall display or include any letter, work, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of these regulations, the word sign does not include the flag, pennant, badge, or insignia of any governmental agency or charitable, religious, educational, or similar organization.

SIGN, AREA OF: The area of a sign shall be the exterior surface computed in square feet. A sign projecting from a building which has two or more readable surfaces shall be deemed to have two (2) or more exterior surfaces.

SPECIFIED ANATOMICAL AREAS: means human genitals in a state of sexual arousal.

SPECIFIED SEXUAL ACTIVITIES: means and includes any of the following:

1. The fondling or 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.
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

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 (4) 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 (2) 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 arterial 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 movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic. A major street shall be any street so designated on the approved Fairfield County Highway Thoroughfare Plan.

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

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

STREET RIGHT -OF - WAY LINES: A dividing line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes, or if no right-of-way line is established, the right-of-way shall be assumed to be sixty (60) feet.

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

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, farmers' roadside stands.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

SWIMMING POOL, FAMILY: A swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

SWIMMING POOL COMMERCIAL: A body of water in an artificial or natural receptacle or other container, weather located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a family pool as defined herein, and shall include all

structures, appurtenance, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, and community associations.

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.

THOROUGHFARE PLAN: The official Thoroughfare Plan as adopted and as amended from time to time by the Fairfield County Regional Planning Commission establishing the general location and official right-of-way widths of the major and secondary highways and thoroughfares.

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 ordinance.

USE: The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended to be carried on, in a building or on premises, or the name of a building, place, or thing which name indicates the use or intended use.

VARIANCE: A modification of the strict terms of the Resolution, where such modification will not be contrary to the public interest and owing to conditions of the property and not the result of actions by the owner, a strict enforcement of the regulations would result in an unnecessary and undue hardship.

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

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD, FRONT: A yard extending across the full width of a lot and being the perpendicular distance between the right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot.

YARD, REAR: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. In both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

YARD, SIDE: An open area extending from the nearest portion of a building or structure existing or proposed to be constructed on a lot and the side lines of said lot and extending from the front yard to the rear yard, unoccupied and unobstructed from the ground upward.

SIDE YARD, MINIMUM WIDTH: The shortest distance measured horizontally between any part of a building and the nearest side lot line.

ZONING INSPECTOR: The Zoning Inspector or authorized representative appointed by the Township Board of Trustees.

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

ZONING CERTIFICATE: A document issued by the Zoning Inspector authorizing the construction or alteration of a building, structure, or use consistent with the terms of this Resolution.

ARTICLE IV

ENFORCEMENT, PENALTIES, AND FEES

4.1 ENFORCEMENT.

It shall be the duty of the Zoning Inspector, as provided under Section 519.02 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 Richland Township shall conform to the provisions of this Resolution and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this Resolution. Any permit or license, issued in conflict with the provisions of this Resolution shall be null and void.

4.2 ZONING PERMITS REQUIRED

No buildings or other structure, excepting building or structure 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 therefore issued by the Zoning Inspector. The Zoning Inspector shall not issue a permit that does not conform with the provisions of this Resolution unless he receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, variance, planned unit development, or manufactured home park as provided by this Resolution.

4.3 APPLICATION FOR ZONING PERMIT

Three copies of an application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2 ½) 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 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 buildings or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths.
- I. Number of dwelling units.
- J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

4.4 APPROVAL OF ZONING PERMIT.

Within thirty (30) days after the 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, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plan, similarly marked, shall be retained by the Zoning Inspector. One copy of the application shall be forwarded by the Township Clerk to the County Auditor upon issuance of a Certificate of Occupancy. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Fairfield County of the proposed method of water supply and/or disposal of sanitary wastes prior to approval by the Zoning Inspector.

4.5 SUBMISSION TO THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION.

Before a zoning permit is issued affecting any land within three hundred (300) 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 Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public street or highway, the Zoning Inspector shall give notice, by certified mail,

to the Director of Transportation, and a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the office. If notified that the State is proceeding to acquire the land needed, then 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 twenty (120) 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. ORC Section 5511.01

4.6 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 substantially completed within two and one-half (2 ½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

4.7 CERTIFICATE OF OCCUPANCY.

- A. It shall be unlawful to use or 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 therefore 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 coincident with the application of zoning permit, and shall be issued within ten (10) days after notice by the applicant that the exterior erection or structural alteration of such building shall have been completed 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 (6) months during alterations or partial occupancy of a building pending its completion.

D. Record of Certificate 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.

4.8 VIOLATION.

A. Failure to Obtain a Zoning Permit or Certificate of Occupancy.

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Resolution and punishable under Section 4.08 D of this Resolution.

B. Construction and use to be as provided in Application, Plans, Permits, and Certificates.

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorized only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.8 D of this Resolution.

C. Complaints Regarding Violations.

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 thereon as may be necessary and as provided by this Resolution.

D. Penalties for Violation.

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 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 from taking such other lawful action as is necessary to prevent or remedy any violations.

4.9 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, certificates 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 of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**ARTICLE V
NON-CONFORMING USES**

5.1 INTENT

Within the districts established by this Resolution or amendments hereinafter adopted there exists lots, structures, uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival.

5.2 GRACE PERIOD

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Resolution, upon which property the work of changing or remodeling or construction of such non-conforming use has been legally commenced at the time of adoption of this Resolution, may be used for the non-conforming use for which such changing, remodeling, or construction was undertaken provided that such work is completed within two (2) years of the date of adoption of this Resolution or amendment thereto making said use nonconforming.

5.3 CONFORMANCE REQUIRED

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

5.4 NON-CONFORMING VACANT LOTS

5.41 Non-Conforming Vacant Lots in Residential District.

Subject to the provisions of Section 10.2 of this Resolution, 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 no lot shall be deemed to be less than forty (40) feet wide for the calculation of yard requirements and provided, further:

- A. The sum of the side yard widths on any such lot shall be at least twenty-five (25) percent of the width of the lot.
- B. In no case shall the width of any side yard be less than ten (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 (10) feet.
- C. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.
- D. If the width of such lot meets the standards of this Resolution but the depth is such that the total area is less than seven thousand five hundred (7,500) square feet, the rear yard for such lot shall have a minimum of thirty (30) percent of the depth of the lot but in no case shall it be less than thirty (30) feet.

5.42 Non-Conforming 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:

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

5.5 NON-CONFORMING STRUCTURES

5.51 Continuation

Any structure which is devoted to a use which is permitted in the zoning district in which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of Subsection 5.52 and 5.54.

5.52 Enlargement, Repair, Alterations

Any such structure described in Subsection 5.51 may be enlarged, maintained, repaired, or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional non-conformity or increase the degree of existing non-conformity of all or any part of such structures; except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by Subsection 5.41 or 5.42, whichever is applicable.

5.53 Damage or Destruction

In the event that any such structure described in described in Subsection 5.51 is damaged or destroyed, by any means, to the extent of more than seventy-five (75) percent of the current replacement cost of the entire structure, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided, that structures located on a lot that does not comply with the applicable lot size requirements shall not in any event. be required to provide a side yard that exceeds the yard requirements in Subsection 5.41 or 5.42, whichever is applicable. When a structure is damaged to the extent of seventy-five (75) percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one year after the date of such partial destruction.

5.54 Moving

No structure described in Subsection 5.51 shall be moved in whole or in part for any distance whatever, to any other location on the same or any lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it will be located after being moved.

5.6 NON-CONFORMING USES.

5.61 Continuation.

Any lawfully existing non-conforming use of part or all of a structure or any lawfully existing non-conforming use of land, not involving a structure, may be continued, so long as otherwise lawful, subject to the restrictions of the following subsections.

5.7 SUBSTITUTION OR EXTENSION.

5.71 A non-conforming use may be changed to another nonconforming use only by the Board of Zoning Appeals, provided:

- A. The Board may allow another non-conforming use which is first allowed in the same use district in which the previous non-conforming use was first allowed and may allow a use permitted in a more restricted district but shall not allow a use which is first permitted in a less restricted district.
- B. The Board must determine that any change of use will be no more detrimental to the neighborhood than the prior or existing use.

5.72 Except as hereinafter specifically provided, no nonconforming use, except when required to so by law, shall be enlarged, extended, reconstructed or structurally altered.

- A. The Board of Zoning Appeals may permit a building containing a nonconforming use to be enlarged to an extent not exceeding twenty-five (25) percent of the ground floor area of the existing building or buildings devoted to a non-conforming 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 which would result in a violation of the provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Resolution.
- B. No non-conforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of this district in which such building or structure is to be located.

- C. The Board may authorize the expansion of non-conforming uses of open space upon the land in ownership at the effective date of this Resolution or the date of any amendments making such use non-conforming, provided that such extension is necessary and incidental to the existing properties and shall involve no structure or buildings.

5.8 DISCONTINUANCE.

A non-conforming use which has been discontinued or abandoned shall not thereafter be returned to a non-conforming use. A non-conforming use shall be considered abandoned whenever anyone of the following conditions exists:

- A. When the intent of the owner to discontinue the use is apparent.
- B. When the use has been discontinued for a period of two (2) years.
- C. When the non-conforming use has been replaced by a conforming use
- D. When it has been changed to another non-conforming use under permit from the Board of Zoning Appeals.

5.9 REPAIR AND MAINTENANCE.

- A. Work may be done on ordinary maintenance and repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing; provided, however, that this paragraph shall not be deemed to authorize any violation of other Subsections of these regulations.
- B. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of Subsection 5.11) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.
- C. Non-conforming 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.

5.10 STRUCTURAL ALTERATION.

No structural alteration shall be made unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which such structure is located except as provided in Subsection 5.7 and 5.11.

5.11 DAMAGE OR DESTRUCTION.

In the event that any building or other structures that is devoted in whole or in part to a non-conforming use is damaged or destroyed, by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds seventy-five (75) percent of the current replacement cost of the entire building or other structure, exclusive of foundation, such building or other structure shall not be restored unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located. Moreover, even if such damage is seventy-five (75) percent or less, no repair or restoration shall be made unless a building permit is obtained, and restoration is actually begun, within one year after the date of such partial destruction.

5.12 MOVING.

No structure devoted in whole or in part to a non-conforming use shall be moved to any other location on the same lot or any other lot unless the entire structure and the use thereof, shall thereafter conform to the regulations of the district in which it will be located after being so moved. Moreover, no non-conforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

ARTICLE VI
ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

6.1 ZONING INSPECTOR.

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

- A. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violations), ordering the action necessary to correct such violations.
- B. Order discontinuance of illegal zoning, uses of land, buildings, or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural 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 violations of this Resolution. This includes the issuance of any permits and such similar administrative duties as are permissible under the law.

6.2 TOWNSHIP ZONING COMMISSION.

The Township Board of 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 Township Zoning 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 will all be of such length and so arranged that the term of one member will expire each year. The Board of Township Trustees may appoint two alternative members to the Township Zoning Commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission,

according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. 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 regular and alternate member shall serve until a successor is appointed and qualified. Members of the Township 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 (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the 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.

6.21 PROCEEDING OF ZONING COMMISSION.

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be a public record and be immediately filed in the office of the Commission.

6.22 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 in accordance with Section 7.1 and make recommendations to the Board of Township Trustees.
- B. Review all proposed new zoning resolutions and make recommendations to the Board of Township Trustees.

6.3 BOARD OF ZONING APPEALS.

6.31 CREATION AND APPOINTMENT

A Board of Zoning Appeals is hereby established having the powers as hereinafter indicated. Said board shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be legal resident of Richland Township. Members shall be appointed for the term of five (5) years, except that the initial appointment shall be, one for a term 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 non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the Board of 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 (10) 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.

6.32 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

The township board of zoning appeals shall organize and adopt rules in accordance with the 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.

6.33 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 (4) 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.

6.34 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 4.9 of this Resolution.

ARTICLE VII

ADMINISTRATIVE PROCEDURES

7.1 PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES.

This Resolution may be amended by utilizing the procedure specified in Section 7.101-7.115, inclusive, of this Resolution.

7.101 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.

7.102 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 (1) owner or lessee of property within the area proposed or affected by said amendment.

7.103 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 (10) parcels are proposed to be rezoned.
- G. A statement on how the proposed amendment relates to the Fairfield County Comprehensive Plan, when and if adopted, and to the neighboring properties.
- H. A fee as established by the Board of Township Trustees.

7.104 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 (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

7.105 Submission to Regional Planning Commission.

Within five (5) 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.

7.106 Submission to the Director of the Department of Transportation.

Before the any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by

the Director of the Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public street or highway, the Commission shall give notice, by registered mail or certified mail to the Director of the Department of Transportation. The Zoning Commission may proceed as required by law. However, the Township Board of Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Township Board of Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Department of Transportation and the property owner, the Township Board of Trustees shall proceed as required by law. ORC Section 5511.01

7.107 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 (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

7.108 Notice of Public Hearing in Newspaper.

Before holding the public hearing as required in Section 7.107, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the Township at least ten (10) 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.

7.109 Notice of Property Owners by Zoning Commission.

If the proposed amendment intends to rezone or redistrict ten (10) 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 (10) 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 7.108.

7.11 RECOMMENDATION BY ZONING COMMISSION.

Within thirty (30) days after the public hearing required by Section 7.107, 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.

7.111 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 (30) days from the receipt of the recommendation from the Zoning Commission.

7.112 Notice of Public Hearing.

Notice of the public hearing required in Section 7.111 shall be given by the Board of Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township affected. Said notice shall be published at least ten (10) 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.

7.113 Notice of Property Owners by Board of Township Trustees.

If the proposed amendment intends to rezone or redistrict ten (10) 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 twenty (20) 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 7.112.

7.114 Action by Board of Township Trustees.

Within twenty (20) days after the public hearing required in Section 7.111, 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.

7.11 5 Effective Date and Referendum.

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) 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 eight (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.

7.2 PROCEEDER AND REQUIREMENTS FOR APPEALS AND VARIANCES.

Appeals and variances shall conform to the procedures and requirements of Section 7.201 - 7.211 inclusive.

7.201 Appeals.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any officer of the legislative authority of the Township affected by any decision of the Zoning Inspector.

7.202

An appeal shall stall all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice

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

7 .203 Variance.

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 provisions 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 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 person; 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 formulation as a part of this code of a general regulations for such condition or situation.

7.204 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.

7.205 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 7.203.

7.206 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 Section 4.8 (D) 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.

7.207 Public Hearing by the Board of Zoning Appeals.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

7.208 Notice of Public Hearing in Newspaper.

Before holding the public hearing required in Section 7.207, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) 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.

7.209 Notice of Parties of Interest.

Before holding the public hearing required in Section 7.207, written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) 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 7.208. Parties of interest shall include owners of property contiguous to, and directly across the street from the property being considered.

7.210 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 decides.

7.211 Decisions of the Board of Zoning Appeals

The Board shall decide all applications and appeals within sixty (60) days after completion of the hearing thereon, and such decision shall become effective upon certification of the Resolution of the Board. A certified copy of the Board's decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board by Resolution certifies its approval on any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal a new application or appeal may be filed subject to the same procedure as an original application or appeal. If a new application or appeal is filed within one (1) 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.

7.3 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES.

7.301 Authorization.

Specifically listed Conditional Uses are provided within the Zoning District. regulations in recognition that such uses, although often desirable, will more intensely effect the surrounding area in which they are located than the Principal Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the-nature of the surrounding area, conditions as development, and with regard to appropriate plans.

7.302 Application for Conditional Use.

Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this

Resolution in the Zoning District in which the property is situated. An application for a Conditional Use Certificate shall be filed in triplicate with the Zoning Inspector who shall forward without delay a copy to the Board of Zoning Appeals.

7.303 Contents of Application.

The application for a Conditional Use shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property.
- C. The proposed use of the property.
- D. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
- E. A statement of the compatibility of the proposed use to adjacent property and land use.
- F. The application shall be accompanied by three (3) copies of the plat plan, drawn to an appropriate scale, clearly showing the following:
 - 1. Boundaries and dimensions of the lot.
 - 2. The size and location of existing and proposed structures.
 - 3. The proposed use of all parts of the lot and structures, including access ways, walks, off street parking, loading spaces, and landscaping.
 - 4. The use of land and location of structures on adjacent property.
 - 5. Architectural rendering when requested by the Board of Zoning Appeals.
- G. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the Board of Zoning Appeals.

7.304 Standards for Conditional Use.

The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- A. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards, and use limitations.
- B. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- C. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- D. All necessary permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.
- E. All exterior lights for artificial open-air illumination are so shaded as to avoid causing direct light upon any property located in an R-District.
- F. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- G. The location, nature, and height of buildings, structures, walls, fences, on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.
- H. The Conditional Use desired will not adversely affect the public health, safety, and morals.

7.305 Supplementary Conditions and Safeguards.

In granting any Conditional Use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when make a part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Resolution and punishable under Section 4.8 (D) of this Resolution.

7.306 Public Hearing by the Board of Zoning Appeals.

The Board shall hold a public hearing within thirty (30) days from the receipt of the application specified in Section 7.302.

7.307 Notice of Public Hearing in Newspaper.

Before holding the public hearing required in Section 7.306, notice of such hearings shall be given in one (1) or more newspapers of general circulation of the Township at least ten (10) 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 conditional use.

7.308 Notice to Parties in Interest.

Before holding the public hearing required in Section 7.306, written notice of such hearing shall be mailed by the Secretary of the Board, by first class mail, at least ten (10) 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 7.307.

7.309 Action by the Board of Zoning Appeals.

Within thirty (30) days after the public hearing required in Section 7.306, the Board, shall either approve, approve with supplementary conditions as specified in Section 7.305, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas.

7.310 Expiration of Conditional Use Permit.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire, if for any reason, the conditional use shall cease for more than six (6) months.

ARTICLE VIII

ZONING DISTRICTS AND ZONING MAPS

8.1 DISTRICTS.

In order to classify, regulate, and restrict the use and location of buildings designed for specified uses; to regulate and limit the heights and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to regulate and limit the density of population, Richland Township, Fairfield County, Ohio, is divided into seven (7) zoning districts. The use and area regulations are uniform in each district and said districts shall be known as:

R-R Residential District	9.1
R-1 Residential Single Family 3/4 acre lot	9.2
M -1 Manufactured Home Residential District	9.3
B-1 Highway Business-Commercial District	9.4
I-1 General Industrial District	9.5
F-P Flood Plain District	9.6
A-I Agriculture Restricted District	9.7

8.2 OVERLAY DISTRICTS

The following districts shall be overlay districts and subject to the regulations of the district which it overlays unless specifically exempted, in addition to the regulations of the specific overlay district.

F-P Flood Plain District

8.3 MAPS.

The boundaries of these districts are hereby established as shown on the Zoning Maps of Richland Township, Fairfield County, Ohio. Said zoning maps and all notations and references and other matters shown hereon, shall be and are hereby made a part of this

Resolution. Said zoning maps shall be and remain on file in the Township Trustee's office.

8.4 DISTRICT BOUNDARIES.

8.41 Except where referenced and noted on the zoning maps by a designated line and/or dimensions the district boundary lines are intended to follow property lines, lot lines, on centerlines of streets, alleys, streams, or railroads as they existed at the time of the passage of this Resolution, or the extension of such lines.

8.42 DISTRICT BOUNDARY INTERPRETATION

The Zoning Inspector shall interpret the boundary lines which are on the zoning maps. When the Zoning Inspector's interpretation is disputed the boundary lines shall be determined by the Board of Appeals.

9.1 R-R RESIDENTIAL SINGLE FAMILY DISTRICT.

9.11 Intent.

It is the intent of the R-R Residential Single Family District to provide for single family dwellings on large tracts within areas of open land and agricultural activity. Areas in the R-R Residential Single Family District will not normally be served by public sewer and water.

9.12 Principal Permitted Uses

A building or lot in the R-R District shall only be used for the following purposes:

- A. Agriculture and the usual agricultural buildings and structures.
- B. One (1) single family detached dwelling per lot.
- C. Utility stations and similar facilities, provided there are no storage buildings or storage yards in connection therewith.
- D. Each single family residence shall contain a minimum gross floor area of one thousand three hundred (1,300) square feet. Two-story single-family residence shall contain a minimum gross floor area of one thousand one hundred and fifty (1,150) square feet on the ground floor.
- E. Roof needs a 4-12 pitch required minimum.

9.13 Conditional Uses.

Subject to approval by the Board of Zoning Appeals as provided in Section 7.3.

- A. Hospitals and sanitariums provided any building used for such purposes shall be two hundred (200) feet from any lot in an R-R District.
- B. Commercial mines, quarries, and gravel pits subject to Section 11.4, as applicable.
- C. Churches or other places of worship, Sunday school buildings and parish houses, public and parochial schools; provided that such uses shall be located not less than fifty (50) feet from any other lot in an R-R and R-l District.

- D. Kennels and animal hospitals for the raising, breeding, treatment, and boarding of dogs, or other small animals, provided that all buildings and outside runs be at least two hundred (200) feet from any other lot.
- F. Parks, playgrounds, recreational and community center buildings and grounds, golf courses, tennis courts, country, clubs, and swimming pools, provided that any principal building, tennis court, or swimming pool shall be located not less than two hundred (200) feet from any other lot.
- G. Airports.
- H. Cemeteries, including mausoleums and crematories, provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet and burial sites at least one hundred (100) feet from adjacent residentially zoned property, street and highway line.
- I. Public libraries, public museums, and public art galleries, provided that no building intended for such use shall be located less than thirty (30) feet from any other lot in an R-R District.
- J. Radio, television, or other transmission tower or mast, and the usual accessory buildings, only after their heights and locations have been approved by their governmental agency charged with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower or mast.
- K. Beauty salons, or parlors including barber shops.
- L. General woodworking such as cabinetmaking, furniture refinishing, repair, or construction.
- M. Group homes for the elderly and other similar group homes.
- N. Pet grooming, not for the treatment and boarding of dogs, or other small animals.
- O. Other similar uses which are determined to be of the same or similar character as the above uses.

9.14 Accessory Uses.

1. Accessory uses, buildings, or other structures customarily incidental to any principal permitted uses shall be allowed under conditions specified herein, provided that such accessory uses shall not involve any business, trade, or industry, or any private access to such activity.
 - A. Accessory building including private garages.
 - B. The keeping of not more than one (1) roomer or boarder by a resident family.
 - C. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - D. Customary home occupations as permitted and regulated in Section 9.14(C).
 - E. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 11.1.
 - F. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
 - G. A structure for storage incidental to a permitted use.
 - H. The keeping of animals and/or fowl as pets.
 - I. A child's playhouse or tree house.
 - J. Statuaries, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, laundry drying equipment, walls, and hedges.
 - K. Fallout shelters.
 - L. Child shelters for school bus stops no larger than 41 feet x 81 feet, to be removed after use is discontinued.
2. Roadside stands, offering for sale only agricultural products grown on the premises.

3. Customary home occupations such as handicraft, dressmaking, millinery, laundering, preserving, and home cooking provided:
 - A. That such occupations shall be conducted solely by resident occupants in the residence.
 - B. That not more than one-quarter (1/4) of the area of one (1) floor of said residence shall be used for such purposes.
 - C. That no such use shall involve construction features or the use of mechanical equipment not customary in dwellings.
 - D. That the entrance to the space devoted to such use shall be from within the dwelling.

4. Recreational equipment subject to the following conditions.

- A. Parked or stored camping and recreational equipment as defined by Article III shall not be connected to electricity, water, gas, or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the camping and recreation equipment is parked or stored outside a garage, it shall be parked or stored to the rear of the house.
- C. Notwithstanding the provisions of Subparagraph 2, camping and recreational equipment may be parked anywhere the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours.

9.15 Accessory Uses Not Permitted.

- A. Outdoor storage of junk, junk vehicles, and used building materials.

9.16 Signs.

- A. An unlighted sign not over eight (8) square feet in area placed off of the road right-of-way.
- B. One temporary unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, not exceeding a total of six (6) square

feet on any face or a total of twelve (12) square feet and located at least six (6) feet from all right-of-way lines or attached flat against the principal building.

- C. One temporary unlighted sign not exceeding one hundred (100) square feet in area in a real estate development containing twenty-five (25) or more lots. Such signs shall be removed within three (3) years of the date of its construction.

9.17 Off-Street Parking and Loading.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 1104.

9.18 Lot Area, Yard Requirements, and Height Limits.

Lot area, yard requirements, and height limits shall be as follows, and as provided in Section 1.0.11 of this Resolution:

- A. Minimum lot area required shall be one and one-half (1 ½) acre per dwelling unit (single family detached only).
- B. Minimum lot frontage shall be one hundred fifty (150) feet.
- C. Minimum front yard depth shall be ninety (90) feet.
- D. Minimum rear yard depth shall be fifty (50) feet.
- E. Minimum side yard width shall be twenty (20) feet, and the minimum sum of the side yards shall be forty (40) feet.
- F. Height limitations shall be one to two and one-half (2 ½) stories.

9.2 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT 3/4 ACRE LOT

9.21 Intent

It is the intent of the R-1 Single Family Residential District, to establish areas for single family residential development adjacent to municipal or village boundaries where suburban type development can be found.

9.22 Principal Permitted Use

A building or lot in the R-1 District shall only be used for the following purposes:

- A. Actual size will depend upon the type of lot, may be a minimum of 3/4 of an acre, and must be connected to public sewer and water.
- B. One (1) single family detached dwelling per lot.
- C. Utility stations and similar facilities, provided there are no storage buildings or storage yards in connection therewith.
- D. Each single family residence shall contain a minimum gross floor area of one thousand three hundred (1,300) square feet. Two-story single family residence shall contain a minimum gross floor area of one thousand one hundred and fifty (1,150) square feet on the ground floor.
- E. Roof needs a 4-12 pitch required minimum.

9.23 Conditional Uses

Subject to approval by the Board of Zoning Appeals as provided in Section 7.3.

- A. Parks, playgrounds, recreational and community center buildings and grounds, golf courses, tennis courts, country, clubs, and swimming pools, provided that any principal building, tennis court, or swimming pool shall be located not less than two hundred (200) feet from any other lot.
- B. Public libraries, public museums, and public art galleries, provided that no building intended for such use shall be located less than thirty (30) feet from any other lot in an R-1 District.

9.24 Accessory Uses

- 1. Accessory uses, buildings, or other structures customarily incidental to any principal permitted uses shall be allowed under conditions specified herein, provided that such accessory uses shall not involve any business, trade, or industry, or any private access to such activity.
 - A. The keeping of not more than one (1) roomer or boarder by a resident family.
 - B. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 11.1.

C. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

D. A structure for storage incidental to a permitted use.

E. The keeping of animals and/or fowl as pets.

F. A child's playhouse or tree house.

G. Statuaries, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, laundry drying equipment, walls, and hedges.

H. Fallout shelters.

2. Customary home occupations such as handicraft, dressmaking, millinery, laundering, preserving, and home cooking provided:

A. That such occupations shall be conducted solely by resident occupants in the residence.

B. That no such use shall involve construction features or the use of mechanical equipment not customary in dwellings.

C. That the entrance to the space devoted to such use shall be from within the dwelling.

3. Recreational equipment subject to the following conditions.

A. Parked or stored camping and recreational equipment as defined by Article III shall not be connected to electricity, water, gas, or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes.

B. If the camping and recreation equipment is parked or stored outside a garage, it shall be parked or stored to the rear of the house.

C. Notwithstanding the provisions of Subparagraph 2, camping and recreational equipment may be parked anywhere the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours.

9.25 Accessory Uses Not Permitted.

A. Outdoor storage of junk, junk vehicles, and used building materials.

9.26 Signs.

A. No signs permitted except as in B.

B. One temporary unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, not exceeding a total of six (6) sq. ft. on any face or a total of twelve (12) sq. ft. and located at least six (6) ft. from all right-of-way lines or attached flat against the principal building.

9.3 **M-1 MANUFACTURED HOME RESIDENTIAL DISTRICT.**

9.31 Intent.

It is the intent of the M-I Manufactured Home Residential District to provide an area for planned manufactured homes where public sewer and water are available.

9.32 Principle Permitted Uses.

A building on a lot in the M-I District shall be used only for the Manufactured Home.

Accessory uses, buildings, or other structures customarily incidental to Manufactured Home shall be allowed.

9.34 Approval Procedure.

An M-I District shall be established as set forth in this resolution providing the procedures and requirements of the M -I District are fully met All manufactured home parks shall comply with Ohio Administrative Code Section 3701 and the Ohio Revised Code Section 3733.

9.35 Application.

Each application for an M-I District shall be accompanied by a plan at a scale approved by the Commission showing the location and dimensions of streets, and other roadways; lots; typical lot improvements, areas for recreation, storage, and off or on street parking; buffering, screening or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways, and such other items the Commission deems necessary.

9.36 Conditionally Permitted Uses within the M-I District.

Manufactured homes situated on individual lots or parcels not located within a manufactured home park or court, shall be permitted subject to the following conditions, only within the M-I District.

- A. Size to be a minimum of one thousand three hundred (1,300) square feet of gross floor area.
- B. Lot or parcel size shall be a minimum of one and one-half (1 ½) acres with at least 150 feet of frontage.
- C. Setback and yard requirements shall be the same as those required within the R-R District.
- D. Each lot to be equipped with a septic system approved by the Fairfield Department of Health.
- E. Each manufactured home shall be on a permanent foundation with wheels and tongue removed, and shall be securely anchored.
- F. All manufactured homes to be fully skirted within 90 days after placement.
- G. The Board of Zoning Appeals may require other conditions consistent with the requirements of the M-I District in the placement of manufactured homes.
- H. Manufactured homes shall be no older than 5 years, shall have proof of age, title of ownership and shall be on a foundation.

9.4 B-1 HIGHWAY BUSINESS-COMMERCIAL DISTRICT.

9.41 Intent.

It is the intent of the B-1 Highway Business-Commercial District to provide small business clusters for highway oriented business. These clusters should be located in the vicinity of intersecting major streets and highways.

9.42 Principal Permitted Uses.

A building or lot in the B-1 District shall be used only for the following purposes.

1. Office buildings.
2. Banks and financial institutions.
3. Medical and dental clinics.
4. Institutions providing social, cultural, educational, and health services to member agencies, organizations, and individuals or to the general public.
5. Funeral homes or mortuaries.
6. Private clubs, lodges, and meeting places for similar organizations.
7. Restaurants not including entertainment, dancing, or curb service.
8. Outdoor advertising signs and billboards subject to the provisions of Section 11.3.
9. Retail Business, including:
 - A. Antique shop.
 - B. Appliance shop.
 - C. Auto supplies and accessories store.
 - D. Bakery, to include only the production of bakery goods for sale on the premises.
 - E. Book store.

- F. Camera store.
- G. Confectionery store to include only the production of confectionery goods for sale on the premises.
- H. Interior decorating store.
- L Drug store.
- J. Dry goods store.
- K. Flower shop.
- L. Furniture store and household goods.
- M. Fruit market.
- N. Greenhouse.
- O. Grocery store.
- P. Hardware store.
- Q. Hobby shop.
- R. Ice cream parlor, including drive-ins.
- S. Jewelry store.
- T. Leather goods store.
- U. Meat market.
- V. Music store.
- W. Notion store.
- X. Novelty store.
- Y. Optical store.
- Z. Paint store.
- AA. Sporting goods store.

- BB. Stationary Store
- CC. Tobacco store
- DD. Variety Store
- EE. Vegetable market
- FF. Wearing apparel store

- 10. Local Service Establishments, including the following:
 - A. Bank.
 - B. Barber shop.
 - c. Beauty shop.
 - D. Building and loan association.
 - E. Laundry and dry cleaning pick-up stations.
 - F. Newsstand.
 - G. Personal loan company.
 - H. Rental of goods whose sale is permitted in this district.
 - I. Shoe repair shop.
 - J. Tailor shop.
- 11. Drive-in eating and drinking establishment provided the principal building shall be located not less than one hundred and fifty (150) feet from an R -District.
- 12. Animal hospital or veterinary clinic provided that any building, structure, area, or lot used for such purposes shall be at least one hundred and fifty (150) feet distance from an R-District, and further provided that there shall be no outdoor pens for animals.
- 13. New and used automobiles and trailer displays and sales, automobile repair garages doing general automobile trailer and truck repair not

including body and fender work, painting, and upholstering, unless such garage is three hundred (300) feet from an R-District.

14. Hotel, apartment hotel, and motel provided that the building in which such uses are housed shall be located at least thirty (30) feet from any other lot in an R - District.
15. Commercial school or studio except where operations are industrial in character.
16. Tourist home having more than five (5) guest rooms when located on a Federal or State Highway, provided the building in which such use is housed shall be located at least thirty (30) feet from any lot in an R-District.
17. Convalescent or nursing homes, rest homes, and homes for the aged, provided that any building used for such purposes shall be located at least fifty (50) feet from any other lot.
18. Enclosed night club, billiard parlor, pool hall, bowling alley, dance hall, skating rink, or similar enterprise, provided any building used for such purposes shall be located no less than two hundred (200) feet from any lot in an R-District.
19. Swimming pool, provided that the pool and locker building shall be located not less than two hundred (200) feet from any lot in an R-District.
20. Self service laundry and dry cleaners.
21. Service or filling station.
22. Commercial parking lot.
23. Commercial radio and commercial television towers and transmitting and broadcasting stations.
24. Rug cleaning, provided only portable equipment is utilized.

9.043 Conditional Uses.

Subject to approval by the Board of Zoning Appeals as provided in Section 7.3.

- A. Any other retail business or service establishment or use which is

A. Any other retail business or service establishment or use which is determined by the Board to be of the same general character as the above permitted use but not including any use which is first permitted in the I-1 District.

B. 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 chapter 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 in both the existing business around them and the surrounding residential areas adjacent to them, causing increase 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 township 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 increase crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.

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

The proposed sexually oriented business is located more than 1,000 feet from:

A. A church.

B. A public or private elementary or secondary school.

- C. Boundary of a residential district as established by the Board of Township Trustees.
- D. Public park adjacent to a residential district as established by the board of township trustees.
- E. The lot line of lot devoted to residential use.
- F. From an already existing sexually oriented business or one that has received a conditional use permit.
- G. From any structure that contains a residence.

The proposed use meets all other requirements of this zoning ordinance.

9.44 Accessory Uses.

- A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- C. Dwelling units, provided said units are:
 - 1. Located in the principal building.
 - 2. Comply with the area and yard requirements of the R-1 District, except side yard requirements which shall be waived when the dwelling unit is above the first floor which is used commercially.

9.45 Signs.

The only signs permitted in a B-1 District shall be:

- A. Signs which contain only the name of the permitted use conducted on the premises, and;
 - 1. Are painted on a vertical surface of the building or attached flat

there to or project not more than four (4) feet beyond the building line but not over any street right-of-way.

2. Do not project above the principal roof of a building, except a sign may be attached flat against or painted on a parapet wall not exceeding three (3) feet above such roofline.

3. Do not exceed in square feet for each lot, two (2) square feet per lineal foot of frontage of a structure providing in no case shall it exceed a total of sixty (60) square feet on anyone structure or business except as elsewhere exempted in this Resolution.

4. Shall not face an R-District unless said sign is fifty (50) feet from any lot in an R-District.

5. If illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on residential property located in an R-District; illumination of such signs shall not be flashing and no sign simulating movement shall be permitted unless said sign is set back at least one hundred and fifty (150) feet from any street thoroughfare.

B. One sign, in addition to the above, located on a lot having thirty thousand (30,000) square feet of area and where the principal building is set back at least fifty feet from the street right-of-way, provided, said sign:

1. Is free standing and not over eighteen (18) inches in thickness.

2. Advertises only the name of the permitted uses conducted on the premises.

3. Does not project over the street right-of-way.

4. Shall have its lowest portion at least twelve (12) feet off the ground.

5. Shall not exceed one hundred fifty (150) square feet in area on one face of the sign or three hundred (300) square feet total area.

9.46 Off-Street Parking and Loading.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 11.4.

9.47 Lot Area, Yard Requirements, and Height Limits.

Lot area, yard requirements, and height limits shall be as follows, and as provided in Section 10.12 of this Resolution.

- A. Minimum front yard depth shall be thirty (30) feet.
- B. Minimum rear yard depth shall be twenty-five (25) feet except abutting any R-District, then not less than that required in the adjoining R-District.
- C. Minimum side yard width shall be none except abutting an R-District, then not less than fifteen (15) feet.
- D. No principal structure shall exceed three (3) stories which shall not exceed forty (40) feet in height.

9.48 Required Conditions.

All business uses shall be conducted wholly within a completely enclosed building except off-street parking uses.

9.5 I-1 GENERAL INDUSTRIAL DISTRICT.

9.51 Intent.

It is the intent of the I-1 General Industrial District to provide areas for heavy commercial activity in conjunction with various wholesale and service uses, and for businesses and industrial uses of higher intensity provided they meet specific limitations and requirements.

9.52 Principal Permitted Uses.

A building in the I-1 District shall be used only for the following purposes.

- 1. Any use or structure permitted and as regulated in the B-1 District, except as hereinafter specified.
- 2. Frozen food locker.

3. Carpenter shop; electrical, plumbing, heating, and air conditioning equipment, and supplies or sheet metal shop; printing, publishing, or lithographing; furniture upholstery, paint, paper hanging and decoration shop or sign painting; provided that any such operation shall be conducted wholly within a completely enclosed building.
4. Wholesale sale, office, or business.
5. Laundry, provided that no part of the building shall have any opening other than stationery windows or a required fire exit within fifty (50) feet of an R-District.
6. Dry cleaning plant.
7. Warehouse.
8. Railroad yards and repair shops.
9. Facilities for the manufacturing, compounding, processing, packaging, or treatment of the following goods, materials, or products providing the buildings, structures, area or lot used for such purposes is set back one hundred (100) feet from any R-District.
 - A. Air conditioning equipment. (Sheet metal)
 - B. Bakery. (Wholesale)
 - C. Beverage. (Blending or bottling)
 - D. Bus garage.
 - E. Candy. (Wholesale)
 - F. Cleaning powder. (Compounding and packaging)
 - G. Cleaning soda. (Compounding and packaging)
 - H. Coffee. (Processing and packaging)
 - I. Condensed milk. (processing and canning)
 - J. Cornices. (Sheet metal)
 - K. Cosmetics.

- M. Disinfectants. (Blending and packaging)
- N. Dry ice.
- O. Eaves. (Sheet metal)
- P. Electronic appliances, instruments, and devices.
- Q. Evaporated milk. (processing and packaging)
- R. Food processing. (Including canning, preserving, drying, and freezing)
- S. Freight house.
- T. Fungicides. (Blending and packaging)
- U. Heating equipment. (Sheet metal)
- V. Household chemical compounds. (Blending and packaging)
- W. Ice.
- X. Ice cream. (Wholesale)
- Y. Insecticides. (Blending and packaging)
- Z. Industrial chemical compounds. (Blending and packaging)
- AA. Lumber yard.
- BB. Metal. (Sheet)
- CC. Perfumes. (Compounding and packaging)
- DD. Pharmaceuticals.
- EE. Phonographs.
- FF. Porcelain products and pottery.
- GG. Radios.
- HH. Soap, washing. (Compounding and packaging)

- II. Spices (Processing and packaging)
 - JJ. Tea (Processing and packaging)
 - KK. Television Sets
 - LL. Toiletries
 - MM. Transfer terminal
 - NN. Truck terminal
10. Facilities for the manufacturing, compounding, processing, packaging, or treatment of the following goods, materials, or products providing the buildings, structures, area, or lot used for such purposes is set back two hundred (200) feet from any R-District.
- A. Bag, carpet, and rug cleaning, providing necessary equipment is installed and operated for the effective precipitation or recovery of dust.
 - B. Blacksmith, welding, or other metal working shop, excluding punch processes over twenty (20) tons rated capacity, drop hammers, and other noise producing machine operated tools.
 - C. Building materials sales yards, including cement, bituminous or asphalt concrete mixing, lumber yard including mill work open yard for storage and sale of solid fuel.
 - D. Crematory
 - E. Flammable liquids, underground storage only, not to exceed 25,000 gallons.
 - F. Flour, feed, and grain. (Packaging, blending, and storage)
 - G. Foundry, casting light weight non-ferrous metals or electrical foundry.
 - H. Laboratories - experimental, film, or testing, provided no operation shall be conducted or equipment used which would create hazards.

11. Facilities for the manufacturing, compounding, processing, packaging, or treatment of the following goods, materials, or products providing the buildings, structures, area, or lot used for such purposes is set back two hundred and fifty (250) feet from any R-District.
 - A. Asbestos.
 - B. Brick.
 - C. Disinfectant.
 - D. Dye stuff.
 - E. Emery cloth or sandpaper.
 - F. Enameling, lacquering.
 - G. Felt. (Storage and drying)
 - H. Glass cloth.
 - I. Grain drying.
 - J. Insecticide.
 - K. Iron cleaning.
 - L. Nut, screw, and bolt.
 - M. Paper or clipping including sorting, refining, and baling.
 - N. Perfume.
 - O. Pickle.
 - P. Plaster.
 - Q. Poison.
 - R. Pottery .
 - S. Poultry, feed manufacturing from refuse, mash, or grain.
 - T. Printing ink.

- U. Sauerkraut.
- V. Sausage.
- W. Stone and monument products.
- X. Sugar. (Refining)
- Y. Tile and terra cotta.
- Z. Vinegar.
- AA. Wire or rod drawing
- BB. Wool pulling and scoring
- CC. Yeast

12. Facilities for the manufacturing, compounding, processing, packaging, or treatment of the following goods, materials, or products providing the buildings, structures, area, or lot used for such purposes is set back five hundred (500) feet from any R-District.

- A. Ammonia.
- B. Animal black.
- C. Atomic energy and fissionable materials.
- D. Bone black or graphite manufacture.
- E. Brewing or distilling of liquors.
- F. Cement.
- G. Chlorine, powdered, or bleaching powder manufacture.
- H. Creosote manufacture or treatment.
- I. Curing, or tanning of raw, green, or salted hides or skins.
- J. Dextrine, starch, or glucose.
- K. Distillation of coal.

- L. Explosive or inflammable cellulose or pyroxyline products.
- M. Fertilizer, compost, manufacture, or storage.
- N. Fish curing, smoking, or packing.
- O. Fish oil manufacture or refining.
- P. Flour, feed, or grain mill.
- Q. Garbage, offal, dead animals, refuse, and rancid fats, incineration, reduction, or storage.
- R. Gas, generation or storage for illumination or heating.
- S. Glue manufacture.
- T. Gypsum.
- U. Hair or hair products manufacture.
- V. Junk or rags.
- W. Lamp black.
- X. Lime.
- Y. Lime or lime products.
- Z. Linoleum.
- AA. Manufacturing of small arms ammunitions.
- BB. Match.
- CC. Oil.
- DD. Oil cloth or oiled goods.
- EE. Paint.
- FF. Petroleum.

- GG. Petroleum or inflammable liquids, production refining, and storage above ground.
- HH. Plaster of paris manufacturing.
- II. Refuse, grain, wood, or bones.
- JJ. Rubber, manufacture and treatment from crude oil or scrap material.
- KK. Shellac.
- LL. Shoe blacking or polish or stone polish.
- MM. Size or gelatin manufacture where the processes including the refining or recovery of products from fish.
- NN. Slaughter house or stock yards.
- OO. Smelting of ores.
- PP. Sulfurs, sulfuric, nitric, picric carboic, hydrochloric or other corrosive acid manufacture.
- QQ. Tar distillation or manufacturing.
- RR. Tar or asphalt roofing or waterproofing.
- SS. Turpentine.
- TT. Varnish or enamel manufacturing.

9.53 Conditional Uses.

Subject to approval by the Board of Zoning Appeals as provided in Section 7.3.

- A. Any other industrial use which, in the opinion of the Board is of similar character to those specified above.

9.54 Accessory Uses.

Accessory uses, buildings, structures, or other structures, customarily incidental to any aforesaid permitted uses shall be allowed.

9.55 Signs.

The only signs permitted in an I-1 District shall be signs permitted and as regulated in the B-1 District.

9.56 Off-Street Parking and Loading.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 11.4.

9.57 Lot Area, Yard Requirements, and Height Limits.

Lot area, yard requirements, and height limits shall be as provided in Section 10.1.

9.58 Prohibited Uses.

No land, building, area, or structure in the I-1 District shall be used for any of the prohibited uses as follows.

- A. Dwellings, residences, living quarters, or other residential uses, except for watchman quarters.
- B. Motel or hotel.
- C. Schools and colleges.
- D. Churches
- E. Hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use.

9.6 F-P FLOOD PLAIN DISTRICT.

9.61 Establishment of 100-Year Flood Plain District.

The 100-Year Flood Plain District shall be the areas designated as special flood hazard areas on the U.S. Federal Emergency Management Agency Flood Insurance Rate Maps.

for Fairfield County, Ohio. Said maps shall be attached to this Resolution and be considered a part thereof. Where official flood plain information reports have been prepared, they shall supersede the above mentioned Flood Hazard Boundary Maps.

9.62 Flood Plain District

9.621 Permitted Uses.

The following open spaces shall be permitted within the 100-Year Flood Plain District to the extent that they are not prohibited by any other section of this Resolution and provided they do not require 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. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
- C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wild life and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- D. Residential uses such as lawns, gardens, parking. areas, and play areas.

9.622 Special Exceptions.

All uses other than those specified in Section 9.521 are permitted only upon application to and issuance of a Special Exception by the Board of Zoning Appeals as provided in Section 9.532 and 9.534 of this Resolution. The 100-Year Flood Plain District encompasses areas where special flood hazard studies have been completed designating both floodway and floodway fringe areas. Where these studies have not been completed, the Board shall consider the entire 100-Year Flood Plain District as floodway. In determining a proposed Special Exception the board shall determine whether the area is located in a floodway or floodway fringe area. If it is determined that the proposed use is located within the floodway, the provisions of Section 9.53 of this Resolution shall apply. If it is determined that the proposed use is located within the floodway fringe, the provisions of Section 9.54 of this Resolution shall apply. All uses shall be subject to other provisions of this Resolution.

9.631 Uses permitted in Section 9.521 are permitted uses.

9.632 Special Exception Uses.

Special Exception Uses within the floodway provided they comply with the provisions of this Section, Section 9.533 (Fill), Section 9.534 (Structures), Section 9.635 (Storage of Material), other standards established in this ordinance, and any conditions attached by the Board to the issuance of the Special Exception permits. No structure (temporary or permanent), fill (including fill for roads and levees, deposit, obstruction, storage of materials or equipment), or other use shall be permitted which, acting alone or in combination with existing or reasonably anticipated uses, impairs the efficiency or the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on the assumption that wherever physically possible there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Special Exception uses include:

- A. Uses or structures accessory to open space or special permit uses.
- B. Circuses, carnivals, and similar transient amusement enterprises.
- C. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
- D. Extraction of sand, gravel; and other materials.
- E. Marinas, boat rentals, docks, piers, wharves.
- F. Railroads, streets, bridges, utility transmission lines, and pipelines.
- G. Storage yards for equipment, machinery or materials.
- H. Kennels and stables.
- I. Other uses similar in nature to uses described in Sections 9.621 and 9.632 or this subsection which are consistent with the provisions set out in those sections.

9.633 Fill.

- A. Any fill or materials proposed to be deposited in the floodway will be

allowed only upon issuance of a Special Exception. The fill or materials must be shown to have some beneficial purpose and the amount thereof not 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.

- B. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulk heading.

9.634 Structures (Temporary or Permanent) Accessory to Special Permit Uses Listed in Section 9.632.

- A. Structures shall not be designed for human habitation.
- B. Structures shall have a low flood damage potential.
- C. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
 - 1. Whenever possible, structures shall be constructed within the longitudinal axis parallel to the direction of flood flow.
 - 2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- D. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.
- E. Service facilities such as electrical and heating equipment shall ordinarily be constructed at or above the flood protection elevation for the particular area.

9.635 Storage of Material and Equipment.

- A. The storage or processing of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal, or plant life is prohibited.
- B. Storage of other material or equipment may be allowed upon issuance of Special Exceptions if not subject to major damage by floods and firmly

9.64 Special Provisions Applying to the Floodway Fringe Portions of the Flood Plain District.

9.641 Permitted Uses.

Uses listed in Section 9.621 as permitted uses are Permitted Uses.

9.642 Special Exceptions.

Structural or other uses shall be permitted within the Floodway Fringe as Special Exception uses to the extent they are not prohibited by any other ordinance and they meet the following applicable standards:

- A. Residences shall be constructed on fill with the first floor or basement floor at least one (1) foot above the base flood elevations. The fill shall extend at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical or in other special circumstances, the Board of Adjusting may authorize other techniques for elevation.
- B. Structures other than residences shall also ordinarily be elevated on fill as provided in Section 9.553 to a point at or above the flood protection elevation.

9.65 Procedure to be followed by the Board in passing on Special Exception Permits in the F-P District in addition to requirements listed elsewhere in this resolution.

9.651 Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, the Board shall, prior to rendering a decision thereon:

- A. Require the applicant to furnish such of the following information as is deemed necessary by the Board for determining the regional flood protection elevation, whether the proposed use is located in the Floodway or Floodway Fringe, and other factors necessary to render a decision on the suitability of the particular site for the proposed use:

1. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
 2. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 3. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.
 4. Profile showing the slope of the bottom of the channel or flow line of the stream.
 5. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.
- B. The Board shall determine whether the proposed use is located within the Floodway or Floodway Fringe, determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relationship to the flood hazard.

9.652 Factors upon which the decision of the Board shall be based.

In passing upon Special Exception applications, the Board shall consider all relevant factors specified in other sections of this Resolution and:

- A. The danger of life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.

- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facilities and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Resolution.

9.653 Conditions attached to special permits.

Upon consideration of the factor listed above and the purpose of this ordinance, the Board may attach such conditions to the granting of Special Exceptions or Variances as it deems necessary to further the purposes of this Resolution. Among such conditions without limitation because of specific enumeration may be included.

- A. Modification of waste disposal and water supply facilities.
- B. Limitations on periods of use and operation.

- D. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
- E. Flood proofing measures. Flood proofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area: flood velocities, duration's, rate of rise, hydrostatic and hydrodynamics forces, and other factors associated with the Regional Flood.

The Board of Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the flooding measures are consistent with the flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration.

- 1. Anchorage to resist flotation and lateral movement.
- 2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.

9.7 A-1 AGRICULTURAL RESTRICTED DISTRICT

9.7 A-1 Agricultural Restricted District Intent

- A. The intent of the A-1 Agricultural Restricted District is to provide large five (5) acres or more parcels of land for present agricultural activity, to protect this land from urban encroachment and to provide adequate areas for future agriculture activity.

9.71 Principal Permitted Uses

A building or lot in the A-1 District shall be used only for the following purposes:

- 1. Agriculture and the usual agriculture building and structures.
- 2. Single-family detached dwelling, including permanently sited manufactured homes, with the minimum of one thousand three hundred (1,300) square feet of livable floor area on the first floor.
- 3. One (1) single family detached dwelling per lot.

4. Each single family residence shall contain a minimum gross floor area of one thousand three hundred (1,300) square feet. Two-story single family residence shall contain a minimum gross floor area of one thousand one hundred and fifty (1,150) square feet on the ground floor.

5. Roof needs a 4-12 pitch required minimum.

9.72 Conditional Uses.

Subject to approval by the Board of Zoning Appeals as provided in Section 7.3.

ARTICLE X
BUILDING SIZE, LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS

10.1 BUILDING SIZE, LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS.

10.11 BUILDING SIZE.

Each single family residence shall contain a minimum gross floor area of one thousand three hundred (1,300) square feet or one thousand one hundred fifty (1,150) for a two story house.

10.12 RESIDENTIAL DISTRICTS.

The minimum lot area, yard requirements, and height limits for a residential district shall be as follows for each principal structure. For principal buildings other than residential buildings, minimum lot area, yard requirements, and height limits, shall be the least restrictive requirements established in any residential district, provided that the requirements established in principal permitted use sections shall take precedence over any requirements established in this section.

10.13 MEASUREMENTS.

10.131 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 (60) feet. In the case where the right-of-way is less than sixty (60) feet the front yard depth shall be measured from a point thirty (30) feet from the centerline of the street.

10.132 Side Yard Width.

The side yard width shall be measured from the nearest side lot line or in the case that the nearest side lot line is a side street, measure from the right-of way line of the existing street provided there is a minimum right-of-way of sixty (60) feet. In the case where the right-of-way is less than sixty (60) feet the side yard width shall be measured from a point thirty (30) feet from the centerline of the street.

10.14 EXCEPTIONS.

10.141 Side Yard Exceptions.

The only side yard modifications and exceptions shall be:

- A. Along the side line of a corner lot in a residential district, the width of the street side yard shall not be less than twenty (20) feet.
- B. The side yard requirements for a row dwelling are the same as if said row dwelling was considered one structure.
- C. 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 three fourth (3/4) the otherwise required least width.

10.142 Front Yard Exception.

In any R-District where a block has thirty (30) per cent of the lot frontage on one side of the street improved with buildings, and the average depth of the front yards of said existing buildings along the entire block front, excluding corner lots, is less than the front yard depth prescribed elsewhere in this Resolution the required depth of the front yards shall be modified, provided, however, there are two (2) or more front yards of existing buildings involved. In such cases the required front yard in question shall be the average depth of existing front yards provided, further, that said front yard shall be at least twenty (20) feet.

RESIDENTIAL DISTRICTS									
District	Number of Families	Height Limits & Stories	Lot Frontage (feet)	Lot Area (acres)	Lot Area Per Family (acres)	Front Yard Depth (feet)	Minimum Side Yard Width (feet)	Sum of Side Yard (feet)	Rear Yard Depth (feet)
R-R	1	1-2 ½	150	2	1 ½	90	30	40	50
R-1	1	1-2	150	¾	¾	<i>Specifications not established</i>			
A-1	1	1-2	150	5	5	<i>Specifications not established</i>			

BUSINESS AND INDUSTRIAL DISTRICTS				
The lot area, yard requirements, and height limits for business and industrial districts shall be as follows for each principal structure.				
District	Front Yard Depth (feet)	Side Yard Widths. Each Side Yard (feet)	Rear Yard Depth (feet)	Height (Ft.)
B-1 Highway Business-Commercial District	30	None required except adjoining any R-District, then 15 feet.	25 feet except abutting any R -District, then not less than that required in the adjoining R-District.	No principal structure shall exceed three (3) stories which shall not exceed forty (40) feet in height.
I-1 General Industrial	40	None required except adjoining any R-District, then not less than 50 feet.	Same as for B-1 Highway Business Commercial District.	Distance from centerline of street. However, within two hundred (200) feet of R-Districts, three (3) stories which shall not exceed fifty (50) feet.

10.143 Rear Yard Exceptions.

Institutional facilities and buildings of a religious organization shall be required to furnish a twenty (20) foot rear yard.

10.144 Projections Into Yards.

The only projections into yards shall be:

- A. A wall or fence no over six (6) 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 (4) feet if the wall is a retaining wall the height shall be measured on the highest (fill) side. No fence, trees, or foliage shall be maintained on a lot that will materially obstruct the view of a driver of a vehicle.
- B. Steps, uncovered porches, or other similar features not over three and one half (3 ½) feet high above the average finished grade and district at least five (5) feet from every lot line may, project into any yard.
- C. Cornices, canopies, eaves, pilasters, sills, or other architectural features may project into any yard or court a distance not exceeding three (3) feet.
- D. Chimneys may project into any yard a distance not exceeding two and one-half (2 ½) feet, any bay windows or balconies may project into any yard a distance not exceeding three (3) feet, provided; however, that such chimneys, bay windows, and balconies, do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

10.145 Height Limits 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 (2) 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 (½) foot over the side and rear yards otherwise required in the district.

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.

10.2 EXISTING LOTS OF RECORD: MODIFICATION OF REQUIREMENTS.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not comply with the lot area and width requirements of the district; provided said lot has a minimum of forty (40) feet frontage on a public street; and further provided the following conditions are complied with:

- A. If the owner of such lot does not own adjoining property and did not own such property at the time this Resolution became effective:
 - 1. Reduction in side yard width for narrow lots: In any district where dwellings are permitted two (2) inches may be deducted from the required least width of each side yard and four (4) inches from the required sum of least widths of both side yards for each foot that a lot is narrower than the required width for the district. Such deductions shall not apply to buildings higher than two (2) stories. In no case, however, shall any side yard be narrower than five (5) feet.
 - 2. Reduction in depth of rear yard:
For lots having a depth of less than one hundred and ten (110) feet, the depth of the rear yards need not exceed twenty-five (25) percent of the depth of the lot, but shall not be less than fifteen (15) feet in any case.
- B. If the owners of such lot owns adjoining property, or owned such property at the time this Resolution became effective, the modification of lot area and yard dimensions set forth herein before shall not apply except as set forth hereinafter. In order to erect a dwelling or dwellings thereon the owner of two (2) or more adjacent lots fronting on the same street shall re-divide such lots in such a manner that they conform with the lot area and yard requirements for a single family dwelling in the district.

However, if the average width of the lots resulting from such division would exceed the required lot width for a single family dwelling by more than twenty (20) feet, such division, if any, may be so made as to provide one (1) more building lot than otherwise would be permitted. In such a case, the provisions of Section 10.2 (A) herein before relating to reduction of side yard width and rear yard depth shall apply.

10.3 CONVERSION OF DWELLINGS.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution. The occupancy resulting from such conversion shall comply with the requirements governing new construction in such district with respect to minimum lot width, lot area per dwelling unit, dimensions of yards and other open spaces, and off street parking, except that, in case of a dwelling in existence at time the effective date of this Resolution. The following modification of such requirements shall be permitted.

- A. In the R-R District a one-family dwelling may be converted to two-family occupancy, provided it is located on a lot having a width of not less than ninety (90) feet, and a lot area of not less than ten thousand (10,000) square feet.
- B. No addition to an existing building shall be permitted if said addition violates any yard requirements of the district.

10.4 REAR DWELLINGS.

Rear dwellings shall be prohibited and considered nonconforming uses subject to the requirements of Article V.

10.5 TRANSITIONAL USES IN R-DISTRICT.

In any R-R District; a transitional use shall be permitted on a lot, the side line of which adjoins either directly or across an alley, from a B or I District. The permitted transitional use for any such lot shall be the same as for the District respectively next listed in Article VIII. The requirements governing lot area per dwelling unit, off-street parking, yards, and other open spaces shall be the same as for the District respectively next listed in Article VIII. Any transitional use authorized in this section shall not exceed more than one hundred (100) feet into the residential district as measured from the side lot line abutting the zoning district boundary lines.

10.6 ACCESSORY BUILDING IN AN R-DISTRICT.

Accessory buildings in an R-District shall be subject to the following requirements.

- A. No accessory building shall be erected in any required yard, other than a rear yard, except for child's shelter as permitted under Section 9.014 (A) 12, to be located off the road right-of-way.
- B. No accessory building shall occupy more than forty (40) percent of the required rear yard.
- C. The height of an accessory building shall not exceed fifteen (15) feet and the distance of such building from other principal buildings on the same or adjacent lot shall be at least ten (10) feet.

10.7 PENDING APPLICATIONS FOR ZONING PERMITS.

Nothing contained in this Resolution shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof, for which official approvals and required zoning permits have been legally granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started within six (6) months of the effective date of this Resolution and completion thereof carried on in a normal matter within the subsequent two (2) year period, and not discontinued until completion except for reasons beyond the owners control.

ARTICLE XI

SPECIAL REGULATIONS

11.1 PRIVATE SWIMMING POOLS

No private swimming pool shall be allowed in any R-District except as an accessory use, and unless it complies with the following conditions and requirements.

- A. The pool is intended, and use primarily for the enjoyment of the occupants of the principal use of the property.
- B. It may not be located closer than fifteen (15) feet to any lot line of the property on which it is located.
- C. The swimming pool, or the entire lot on which it is located, shall be walled or fenced by a four (4) foot or higher structure so as to prevent uncontrolled access by children from the street, or from adjacent properties.
- D. An enclosed swimming pool shall be considered an accessory building and shall comply with the requirements of Section 10.6. An existing pool shall not be enclosed unless it complies with the requirements of Section 10.6.

11.2 PATIOS.

Patios may be located in side and rear yards provided they are not closer than two and one-half (2 ½) feet to any property line.

11.3 OUTDOOR ADVERTISING, SIGNBOARDS, BILLBOARDS, POSTER, AND PANELS.

Outdoor advertising, billboards, poster panels, and. signboards, when permitted within a district, shall be subject to the following conditions.

- A. Said billboard structures must be set back from the established right-of-way of any street or highway at least as far as the required front yard depth for a principal building in such district.

- B. At the intersection of any State or Federal Highway, major or secondary thoroughfares, or at the intersection of major thoroughfares, the setback of any billboard structures shall not be less than one hundred (100) feet from the established right-of-way line of each such highway or thoroughfare, unless erected on or adjacent to the wall of a building; or in such other manner as not to interfere with, or obstruct clear vision of such intersection in any direction for a distance of two hundred and fifty (250) feet.
- C. No such billboard structures shall be permitted which faces the front or side lot line of any lot or parcel of land in any R-District and is within one hundred (100) feet of such lot line.

11.4 OFF -STREET PARKING AND LOADING SPACES.

In all districts, every industrial, business, institutional, recreational, residential or any other use shall provide at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this section.

- A. Each off-street parking space shall have an area of not less than one hundred sixty (160) square feet exclusive of access drives or aisles and shall be of usable shape and condition. There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not abut on a public street or alley, or on a private easement or access drive, there shall be provided an access drive of not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the parking or storage areas, or loading or unloading spaces, required hereunder, in such manner as to secure the most appropriate development of the property in question; but, except where provided in connection with a use permitted in an R-District, such easement of access, or access drive, shall not be located in an R-District.
- B. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Resolution.
- C. Off-street parking facilities shall be located as hereinafter specified; where a distance specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such facility is required to serve.

1. For one and two-family dwelling on the same lot with the building they are required to serve.
 2. For multi-unit dwellings, not more than two hundred (200) feet from the building they are required to serve.
 3. For uses located in and first permitted in a B-1 District; and for hospitals, sanitariums, convalescent, nursing, and rest homes; homes for the aged, dormitories, tourist houses, private clubs, fraternity and sorority houses; lodges, and offices not more than three hundred (300) feet from the building they are required to serve.
 4. For uses other than those specified above, not more than eight hundred (800) feet from the building they are intended to serve.
- D. For the purpose of this section, "floor area" in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used, or intended to be used, by tenants; or by services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores, or buildings; for toilet or restrooms; for utilities, or for dressing rooms, fitting, or alteration rooms.
1. In hospitals, bassinets shall not be counted as beds.
 2. In stadiums, sports arenas, churches, and other places of assembly; in which patrons, or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining facilities under this Resolution.
 3. When units of measurement, determining number of required parking spaces, result in a requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- E. Whenever, in any building, there is a change in use, or an increase in floor area, or other unit of measurement specified hereinafter; for the purpose of determining the number of required off-street parking spaces, and such change or increase creates a need for an increase of more than ten

(10) percent in the number of off street parking spaces, as determined by the requirements in this section. Additional off-street parking spaces shall be provided on the basis of the increased requirement of the new use, or on the basis of the increase in floor area, or other unit of measurement. Provided, however, that in case a change or changes in use creates a need for an increase of less than five (5) off-street parking facilities since the effective date of this Resolution, no additional space shall be required.

- F. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for one use, shall not be considered as providing required parking facilities for any other use.
- G. Nothing in this section shall be construed to prevent collective provision of off street parking facilities for two or more buildings or uses; provided that the total of such off-street parking spaces supplied collectively, shall not be less than the sum of the requirements for the various uses computed separately; provided, also, that the requirements set forth in (C) of this section as to maximum distances between parking facilities and buildings, or uses served, shall apply to each establishment participating in the collective provision of parking.
- H. Not more than fifty (50) percent of the off-street parking facilities required under this section for a church, theater, bowling alley, dance hall; or an establishment for the sale and consumption of food, alcoholic beverages or refreshments; may be supplied by off-street parking facilities provided by other types of buildings or uses as specified in one (1) of this section which are not normally open, used, or operated during the principal operating hours of theaters, churches, or other aforesaid establishments, provided that a properly drawn instrument is executed by the parties concerned for the joint use of the off-street parking facilities, which instrument, duly approved as to form and manner of execution by the Township's Legal Representative, shall be filed with the application for a building permit. Buildings or uses not normally open, used, or operated during the principal operating hours of theaters, churches, or other aforesaid establishments; are defined as banks, business offices, retail stores, personal service shops, clothing, or shoe repair, or service shops, manufacturing buildings, and similar uses.
- I. The number of off-street parking facilities required shall be as set forth in the following:
 - 1. Automobiles or Machine Sales and Service.

1 for each 800 square feet of floor area.

2. Banks, business and professional offices except medical and dental offices or clinics.

1 for each 400 square feet of floor area.

3. Bowling Alleys

5 for each alley plus the necessary space as set forth in this section for affiliated uses such as bars, restaurants, and the like.

4. Churches and Schools

1 for each 8 seats in an auditorium or 1 for each 6 seats in places of worship or 1 for each 17 classroom seats, whichever is greater.

5. Dance Halls and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms in conjunction with auditoriums.

1 for each 100 square feet of floor area used for assembly or dancing.

6. Dwellings.

2 for each family or dwelling unit.

7. Funeral Homes, Mortuaries.

4 for each parlor or 1 for each 50 square feet of floor area, whichever is greater.

8. Furniture and Appliance Stores, Household Equipment, or Furniture Repair Shop.

4 plus 1 for every 400 square feet of floor area over 1,600 square feet.

9. Hospitals

1 for each 2 beds.

10. Hotels, Rooming Houses, Lodging Houses
1 for each bedroom.
11. Fraternities, Sororities
1 for each 3 beds.
12. Libraries, Museums, or Galleries
1 for each 600 square feet of floor space.
13. Manufacturing, Plants Research or Testing Laboratories,
Bottling Plants
1 for each 1,200 square feet of area
14. Medical and Dental Clinics
1 for each 100 square feet of floor area
15. Motels
1 for each living or sleeping space
16. Restaurants, Beer Parlors and Night Clubs
1 for each 100 square feet of floor space
17. Retail Shops, Shops, Etc.
1 for each 200 square feet of floor area
18. Sanitariums, Convalescent Homes, Homes for the Aged,
Children's Homes
1 for each 6 beds
19. Sports Arenas, Auditoriums, Theaters, Assembly Halls, other
than Schools
1 for each 6 seats

20. Wholesale Establishments or Warehouses

5 plus 1 for each 3,000 square feet of floor area over 5,000 square feet

21. In the case of a use not specifically mentioned above, the requirement for off-street parking facilities for a use which is so mentioned and to which said use is similar, as determined by the Zoning Inspector, shall apply.

Each of the above required parking facilities shall be equal to the off-street parking space established in (A) of this section.

J. Loading space shall be provided and maintained in the same premises with every building, structure, or part thereof, erected, occupied, enlarged, or intended to be used for manufacturing, storage, warehouses, goods display, department store, wholesale store, market, retail store, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution by vehicles, of materials or merchandise.

1. Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with public use of the streets or alleys.

2. Loading and unloading space shall not be occupied or considered as any part of the required off-street parking.

3. All districts shall include a 10-foot by 25-foot loading space with a 14-foot height clearance, for every 20,000 square feet or fraction thereof, in excess of 3,000 square feet of building floor or land use for above mentioned purposes.

a. Buildings used for offices or hotel.

3,000 - 150,000	1 space
150,000 - 399,999	2 spaces
400,000 - 659,999	3 spaces
Each additional 350,000	1 space

b. All other uses.

1,000 - 9,999	1 space
10,000 - 39,999	2 spaces
40,000 or more	3 spaces

(plus one space for each 30,000 square feet over 40,000 square feet of building area.)

