

**ZONING CODE**  
**FOR**  
**VIOLET TOWNSHIP**  
**FAIRFIELD COUNTY, OHIO**

Adopted May 3, 1960  
Including all amendments through April, 2015

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# ZONING CODE

## VIOLET TOWNSHIP, FAIRFIELD COUNTY

### SECTION I: Purpose of the Zoning Code

- 1.A. The official title of the zoning resolution enacted by Violet Township pursuant to Sections 519.01 through 519.99, inclusive, of the Ohio Revised Code shall be "Violet Township Zoning Code" and shall be referred to herein as "Zoning Code."
- 1.B. The purpose of this Violet Township Zoning Code is to promote the public health, safety, and morals; to secure the most appropriate use of land; to regulate the location, height, bulk, number of stories, and size of building and other structures, including tents, cabins and motor coaches; to regulate the percentages of lot areas which may be occupied, set-back 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 within Violet Township; and to provide the residents of Violet Township a voice in the future development of their community.
- 1.C. This Zoning Code shall implement and carry out the powers, purposes and provisions set forth in Sections 519.01 through 519.99, inclusive, of the Ohio Revised Code, as amended from time to time.

### SECTION II: Districts Established

**The following zoning districts are hereby established for Violet Township:**

- R-1** District Single Family Residential (Moderate Density)
- R-2** District Single Family Residential (Low Density)
- R-3** District Low Rise Apartment Residential
- PCOD** District Planned 33 Corridor Overlay District
- R-5** District Motels and Hotels
- R-6** District Mobile Home Subdivision
- R-7** District Single Family Residential (High Density)
- R-8** District Two-Family Residential
- F** District Flood Plain
- REC-1** District Recreation
- S-1** District Professional and Commercial Services
- S-2** District Veterinary and Animal Hospital Services
- PCD** District Planned Mixed Use Commercial District
- PBID** District Planned Business and Industrial District
- C-1** District Local Commercial
- C-2** District Limited Commercial

- C-3** District Unlimited Commercial
- M-1** District Restricted Manufacturing
- M-2** District Limited Manufacturing
- M-3** District Unlimited Manufacturing
- PD** District Planned Development

Additionally, the following regulations, restrictions and requirements are hereby established and adopted to be followed and enforced within the aforesaid districts, wherever applicable:

- 3W** Signs and Outdoor Advertising Structures
- 3X** Off-Street Parking and Loading Requirements
- 3Y** Swimming Pools - Non-commercial
- 3Z** Telecommunication Towers, Antennae and Facilities
- 3AA** Conditional Uses, Substantially Similar Uses, Accessory Uses and Home Occupations, CEDA District Regulations

Districts are and shall be as delineated on a Zoning map of Violet Township, which map is hereby made a part of this Zoning Code. An R-1 District is hereby established in all areas of Violet Township except in areas which may now or hereafter be zoned for other uses and so delineated on the Zoning Map and so described in the minutes of the Zoning Commission and the Board of Trustees.

### **SECTION III: Districts Defined and Uses Specified**

#### **3A R-1 District- Single Family Residential (Moderate Density)**

##### **3A1 Uses Permitted in R-1 District**

**3A1-01:** Land and buildings in the R-1 District shall only be used for the following purposes:

1. Single family dwellings, provided such structures comply with the following requirements:
  - (a) shall be permanently attached to solid foundations; and
  - (b) shall be constructed of conventional building materials equal to or better than materials used in existing buildings in the adjacent area; and
  - (c) shall be subject to real estate tax.

2. Accessory buildings or uses, in association with an existing single-family dwelling, subject to the terms, conditions and procedures in Section 3AA4 of this Zoning Resolution.

**3A1-02:** In addition, the following uses may be permitted in this District subject to the issuance of a Conditional Use Permit pursuant to the procedures contained in Section 3AA and Section VII of this Zoning Code:

- (1) churches and cemeteries serving local residents and their families;
- (2) community halls and buildings available for usage by local residents and their families;
- (3) governmental buildings except for prisons, jails, correctional institutions or half-way houses;
- (4) hospitals, health clinics, nursing homes, retirement homes, assisted living or special care facilities owned and operated by non-profit, charitable corporations, organizations or associations;
- (5) elementary and secondary schools owned and operated by the local school district or by non-profit, charitable corporations, organizations or associations;
- (6) colleges, universities and institutions of higher learning owned and operated by non-profit, charitable corporations, organizations or associations;
- (7) museums and historical sites owned and operated by non-profit, charitable corporations, organizations or associations;
- (8) public recreational buildings, tennis courts, play fields, swimming pools and other neighborhood recreational facilities that do not meet the requirements of the REC-1 District, except that tracks or facilities for racing or running of horses, dogs, motor vehicles, motorcycles, motorized bicycles and all-terrain vehicles shall not be permitted;
- (9) customary home occupations, subject to the terms, conditions and procedures in Section 3AA5 of this Zoning Code.

**3A1-03:** These and no other uses shall be permitted in an R-1 District.

### **3A2 Regulations Pertaining to Buildings and Land Use in R-1 district**

**3A2-01:** Each living unit shall have not less than eleven hundred fifty (1150) square feet of living, area on the ground and/or first floor. However, when the living units are designed with a living area of thirteen hundred fifty (1350) square feet or more on two or three levels separated in height by seven and

one-half (7 1/2) feet or more, and at least two levels are provided with heating and plumbing facilities, the first floor area may be reduced to not less than nine hundred (900) square feet. In no case shall any area with less than seven and one-half (7 1/2) feet of headroom be considered living area. Rooms used exclusively for utilities and/or storage and unheated rooms shall not be considered living area.

**3A2-02:** One single-family dwelling shall be located on each lot which shall contain not less than one hundred (100) feet frontage, except those lots which are located on the termini of cul-de-sacs, which lots must have a minimum of seventy feet frontage (70) and at least one hundred (100) feet of width at the front line, and each lot must contain an area of not less than twenty thousand (20,000) square feet. For lots that are two acres or more in area, each lot must contain at least one hundred twenty-five feet (125') of frontage and must be at least one hundred twenty-five feet (125') in width at every point measured parallel with the road frontage.

Each such lot shall front upon and have access to an improved, public road or street. Any portion of the lot lying within a public road or street shall not be included as part of the required lot area.

**3A2-03:** The minimum height of each residential structure shall be fourteen (14) feet from the top of the foundation to the highest point of the roof. If the residential structure is a permanently sited manufactured home as defined in Section 519.212, Ohio Revised Code, the height and pitch of the roof shall comply with standards established pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974." 88 Stat. 700, 42 U.S.C.A. 5401.

**3A2-04:** Each lot shall have a front yard of not less than fifty (50) feet from the dedicated right-of-way line or right-of-way easement line and the front line of any building.

**3A2-05:** Each lot shall have side yards of not less than fifteen (15) feet between each side lot line and the dwelling.

**3A2-06:** Each lot shall have a rear yard of at least fifty (50) feet between the rear lot line and the dwelling.

**3A2-07:** For all lots that are one-half acre or less in area, the total area covered by the dwelling and all accessory buildings shall not exceed thirty percent (30%) of the lot area. For all lots greater than one-half acre in area, the total area covered by the dwelling and all accessory buildings shall not exceed fifteen percent (15%) of the lot area or 6,500 square feet, whichever is greater.

**3A2-08:** Attached garages and breezeways shall be considered as part of the dwellings and setback lines shall be the same as for dwellings. Unattached accessory buildings shall comply with Section 3AA4 of this Zoning Resolution.

- 3A2-09:** On corner lots the side yard adjacent to the side road shall be not less than twenty-five (25) feet in width. Unattached accessory buildings on a corner lot shall not be located in the side yard adjacent to the side street.
- 3A2-10:** Entrance steps, porticos and eaves of three (3) feet or less projection may extend into front, sides and rear yards. Porches, roofed terraces and other building projections shall not extend beyond the set back lines.
- 3A2-11:** On any corner lot there shall be no planting, fence, building or other obstruction to vision more than three (3) feet higher than road level within a twenty-five (25) foot radius of the intersection of the paved or improved road edge.
- 3A2-12:** Within each residential lot for each residential unit shall be provided a space of not less than two hundred (200) square feet for the parking of one (1) automobile. Such space shall be located no closer than twenty (20) feet to the paved or improved road edge and no closer than fifteen (15) feet to the side or rear lot line.
- 3A2-13:** Public sewer and water facilities shall be provided for all dwelling units where required by the rules, regulations, statutes, and requirements of the state or local health authority having jurisdiction over such matters.

### **3A3 Some Uses Not Permitted in R-1 District**

- 3A3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.
- 3A3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.
- 3A3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.



## **3B R-2 District -Single Family Residential (Low Density)**

### **3B1 Uses Permitted in R-2 District**

**3B1-01:** Land and buildings in the R-2 District shall only be used for the following purposes:

1. Single family dwellings, provided such structures comply with the following requirements:
  - (a) shall be permanently attached to solid foundations; and
  - (b) shall be constructed of conventional building materials equal to or better than materials used in existing buildings in the adjacent area; and
  - (c) shall be subject to real estate tax.
2. Accessory buildings or uses, in association with an existing single-family dwelling, subject to the terms, conditions and procedures in Section 3AA4 of this Zoning Resolution.

**3B1-02:** In addition, the following uses may be permitted in this District subject to the issuance of a Conditional Use Permit pursuant to the procedures contained in Section 3AA and Section VII of this Zoning Code:

- (1) churches and cemeteries serving local residents and their families;
- (2) community halls and buildings available for usage by local residents and their families;
- (3) governmental buildings except for prisons, jails, correctional institutions or half-way houses;
- (4) hospitals, health clinics, nursing homes, retirement homes, assisted living or special care facilities owned and operated by non-profit, charitable corporations, organizations or associations;
- (5) elementary and secondary schools owned and operated by the local school district or by non-profit, charitable corporations, organizations or associations;
- (6) colleges, universities and institutions of higher learning owned and operated by non-profit, charitable corporations, organizations or associations;
- (7) museums and historical sites owned and operated by non-profit, charitable corporations, organizations or associations;
- (8) public recreational buildings, tennis courts, play fields, swimming pools and other neighborhood recreational facilities that do not meet the

requirements of the REC-1 District, except that tracks or facilities for racing or running of horses, dogs, motor vehicles, motorcycles, motorized bicycles and all-terrain vehicles shall not be permitted;

(9) customary home occupations, subject to the terms, conditions and procedures in Section 3AA5 of this Zoning Code.

**3B1-03:** These and no other uses shall be permitted in an R-2 District.

### **3B2 Regulations Pertaining to Buildings and Land Use in R-2 District**

**3B2-01:** Each single-family dwelling shall have not less than fifteen hundred fifty (1550) square feet of living area on the ground and/or first floor. However, when the dwelling is designed with living area of eighteen hundred (1800) square feet or more on two levels separated in height by seven and one-half (7 1/2) feet or more, and both levels are provided with heating and plumbing facilities, the first floor area may be reduced to not less than thirteen hundred (1300) square feet. In no case shall any area with less than seven and one-half (7 1/2) feet of head room be considered living area. Rooms used exclusively for utilities and/or storage and unheated rooms shall not be considered living area for purposes of this calculation.

**3B2-02:** One single family dwelling shall be located on each lot which shall contain not less than one hundred twenty (120) feet frontage, except those lots which are located on the termini of cul-de-sacs, which lots must have a minimum of eighty-four (84) feet of frontage and at least one hundred twenty (120) feet of width at the front building line, and each lot must contain an area of not less than thirty thousand (30,000) square feet. For lots that are two acres or more in area, each lot must contain at least one hundred twenty-five feet (125') of frontage and must be at least one hundred twenty-five feet (125') in width at every point measured parallel with the road frontage.

Each such lot shall front upon and have access to an improved, public road or street. Any portion of the lot lying within a public road or street shall not be included as part of the required lot area.

**3B2-03:** The minimum height of each residential structure shall be fourteen (14) feet from the top of the foundation to the highest point of the roof. If the residential structure is a permanently sited manufactured home as defined in Section 519.212, Ohio Revised Code, the height and pitch of the roof shall comply with standards established pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974." 88 Stat. 700, 42 U.S.C.A. 5401.

**3B2-04:** Each lot shall have a front yard of not less than fifty (50) feet from the dedicated right-of-way line or right-of-way easement line and the front line of any building.

- 3B2-05:** Each lot shall have side yards of not less than fifteen (15) feet between each side lot line and the dwelling.
- 3B2-06:** Each lot shall have a rear yard of at least fifty (50) feet between the rear lot line and the dwelling.
- 3B2-07:** For all lots that are one-half acre or less in area, the total area covered by the dwelling and all accessory buildings shall not exceed thirty percent (30%) of the lot area. For all lots greater than one-half acre in area, the total area covered by the dwelling and all accessory buildings shall not exceed fifteen percent (15%) of the lot area or 6,500 square feet, whichever is greater.
- 3B2-08:** Attached garages and breezeways shall be considered as part of the dwellings and set back lines shall be the same as for dwellings. Unattached accessory buildings shall comply with Section 3AA4 of this Zoning Resolution.
- 3B2-09:** On corner lots the side yard adjacent to the side road shall be not less than twenty (25) feet in width. Unattached accessory buildings on a corner lot shall not be located in the side yard adjacent to the side street.
- 3B2-10:** Entrance steps, porticos and eaves of three (3) feet or less projection may extend into front, sides and rear yards. Porches, roofed terraces and other building projections shall not extend beyond the set back lines.
- 3B2-11:** On any corner lot there shall be no planting, fence, building or other obstruction to vision more than three (3) feet higher than road level within a twenty-five (25) foot radius of the intersection of the paved or improved road edge.
- 3B2-12:** Within each residential lot for each residential unit shall be provided a space of not less than two hundred (200) square feet for the parking of one (1) automobile. Such space shall be located no closer than twenty (20) feet to the paved or improved road edge and no closer than fifteen (15) feet to the side or rear lot line.
- 3B2-13:** Public sewer and water facilities shall be provided for all dwelling units where required by the rules, regulations, statutes, and requirements of the state or local health authority having jurisdiction over such matters.

### **3B3 Some Uses Not-Permitted in R-2 District**

Without limiting the scope of 3B1-03, the following uses are expressly prohibited in R-2 Districts:

- 3B3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is

permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

**3B3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.

**3B3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

### **3C R-3 District - Low Rise Apartment Residential**

#### **3C1 Uses Permitted in R-3-District**

**3C1-01:** The R-3 District is defined as an area wherein only structures for residential use having three to twelve living units shall be permitted, such structures to comply with the following requirements:

- (a) Shall be permanently attached to solid foundations; and
- (b) shall be constructed of conventional building materials equal to or better than materials used in existing buildings in the adjacent area; and
- (c) shall be subject to real estate tax.

**3C1-02:** In addition, the following uses may be permitted in this District subject to the issuance of a Conditional Use Permit pursuant to the procedures contained in Section 3AA and Section VII of this Zoning Code:

- (1) churches and cemeteries serving local residents and their families;
- (2) community halls and buildings available for usage by local residents and their families;
- (3) governmental buildings except for prisons, jails, correctional institutions or half-way houses;
- (4) hospitals, health clinics, nursing homes, retirement homes, assisted living or special care facilities owned and operated by non-profit, charitable corporations, organizations or associations;

- (5) elementary and secondary schools owned and operated by the local school district or by non-profit, charitable corporations, organizations or associations;
- (6) colleges, universities and institutions of higher learning owned and operated by non-profit, charitable corporations, organizations or associations;
- (7) museums and historical sites owned and operated by non-profit, charitable corporations, organizations or associations;
- (8) public recreational buildings, tennis courts, play fields, swimming pools and other neighborhood recreational facilities that do not meet the requirements of the REC-1 District, except that tracks or facilities for racing or running of horses, dogs, motor vehicles, motorcycles, motorized bicycles and all-terrain vehicles shall not be permitted;
- (9) accessory buildings or uses, subject to the terms, conditions and procedures in Section 3AA4 of this Zoning Code;
- (10) customary home occupations, subject to the terms, conditions and procedures in Section 3AA5 of this Zoning Code.

**3C1-03:** These and no other uses shall be permitted.

### **3C2 Regulations Pertaining to Buildings and Land Use in R-3 District**

- 3C2-01:** In the multi-family dwellings permitted in this district, each living unit shall have not less than six hundred fifty (650) square feet of living area on the ground and/or first floor. However, when the living units are designed with living area of eight hundred fifty (850) square feet or more on two levels separated in height by seven and one-half (7 1/2) feet or more, and both levels are provided with plumbing and heating facilities, the first floor area maybe reduced to not less than five hundred and fifty (550) square feet. In no case shall any area with less than seven and one-half (7 1/2) feet of head room be considered living area. Rooms used exclusively for utilities and/or storage and unheated rooms shall not be considered living area.
- 3C2-02:** There shall be not more than six (6) living units per acre, average for the district.
- 3C2-03:** The R-3 District shall front upon, or have legal access to, a public road or street.
- 3C2-04:** All sanitary facilities shall be connected to a sewage treatment plant approved by the State Board of Health.
- 3C2-05:** No building or projection thereof nor any advertising sign nor any other structure shall be located closer than fifty (50) feet to a public right-of-way

nor closer than thirty-five (35) feet to another building or a district boundary line.

- 3C2-06:** The area occupied by buildings shall not exceed twenty-five percent (25%) of the total area in the district.
- 3C2-07:** Buildings shall extend not more than two and one-half (2 1/2) stories or 30 feet above grade, whichever is less, and shall not extend less than fourteen (14) feet from the top of the foundation to the highest point of the roof. Living units shall be permitted only in the two stories, or part thereof, which are above grade.
- 3C2-08:** Each dwelling shall be restricted to residential uses only, i.e., it shall not also have provisions for trade and industrial uses nor for professional and commercial services.
- 3C2-09:** For each living unit there shall be provided not less than four hundred (400) square feet of off-street parking space for motor vehicles. Each space shall be located not more than two hundred (200) feet from an entrance to the building it is designed to serve.
- 3C2-10:** No individual parking space shall have direct access way for vehicles to a public road or street.
- 3C2-11:** For each individually owned property, the total number of driveways entering public roads or streets, along each road frontage, shall be no greater than:

Less than 130 feet frontage - 1 driveway  
130 feet to 300 feet frontage- 2 driveways  
300 feet to 500 feet frontage - 3 driveways  
More than 500 feet frontage - 4 driveways.

### **3C3 Some Uses Not permitted in R-3 District**

- 3C3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.
- 3C3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.

- 3C3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

## **3D PCOD - Planned 33 Corridor Overlay District**

### **3D-01 Purpose**

The PCOD is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of commercial and light industrial development. The PCOD achieves this purpose by permitting flexibility of design in order to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

- Permanently preserves unique or sensitive natural resources and integrates open space within developments.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- Provides an opportunity for a mix of open space, commercial and light industrial uses not otherwise permitted within the standard zoning district classifications.
- Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- Assures compatibility between proposed land uses within and around the PCOD through appropriate development controls.
- Enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

### **3D-02 Overlay Area Established**

The PCOD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones to the PCOD the area shown on the PCOD Overlay Zoning District Map, which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official Zoning District Map for the PCOD as part of this amendment. The existing zoning regulations and districts for such area shall continue to apply to all property within the PCOD unless the Violet Township Board of Trustees approves an application of an owner of property to subject the owner's property to the provisions of the PCOD. Such an application shall be made in accordance with the

provisions of Section 3D of the Violet Township Zoning Code and shall include a Development Plan in compliance with the provisions of Section 3D. Upon receiving such an application and development plan, if the Violet Township Board of Trustees determines that the application and Development Plan comply with the provisions of Section 3D and approves the application, the Violet Township Board of Trustees shall cause the zoning map to be changed so that the underlying zoning district no longer applies to such property, with the property being thenceforth located in the PCOD and subject to the regulations there under. The approval of the application and Development Plan and the removal of the prior zoning district from the zoning map is a ministerial act and shall not be considered to be an amendment to the Violet Township Zoning Code.

### **3D-03 PCOD Requirements**

- (A) Minimum Development Tract Size. The parent tract or tracts of a PCOD development must be at least ten (10) contiguous and unified acres in size, exclusive of right-of-way.
- (B) Permitted Uses. Within the PCOD, only those uses permitted in the C-2, C-3, M-1 and M-2 Zoning Districts and which are not otherwise prohibited may be requested to be permitted. The precise use to be included in the proposed PCOD shall be clearly specified in the Development Plan.
- (C) Open Space. At least 15% of the development tract, excluding rights-of-way, shall remain as open space that is unified and permanently protected.
- (D) Prohibited Uses. Within the PCOD, the following uses shall be prohibited:
  - (1) Uses not specifically approved by the Board of Trustees as part of the Development Plan.
  - (2) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to a legal sales or repair activity if such activities are carried out in compliance with the approved Development Plan.
  - (3) Except as provided in the Development Plan, no trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by the Development Plan.



- (4) Except as specifically permitted in the approved Development Plan, no manufactured home, mobile home, or mobile office structure shall be placed or occupied in this district.
- (5) Sales trailers of any type.
- (6) Sexually Oriented Businesses as defined in Section 3AA2-07(A)(11)(c).
- (7) Stand-alone car wash facilities, self-service storage facilities, pawn shops, check cashing or short term loan establishments as a primary use, tattoo parlors, and skill game establishments.
- (8) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

### **3D-04 Review Process and Procedure**

All applications to submit property to the PCOD regulations shall follow the procedures hereinafter set forth:

- (A) Preapplication Meeting. The applicant is encouraged to engage in informal consultations with staff from the Township and the Fairfield County Regional Planning Commission prior to formal submission of an application for approval of a Development Plan. No statement or action by Township or County officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules.
- (B) Application and Development Plan. The applicant shall prepare and submit a formal application and Development Plan, with ten (10) hard copies, along with an electronic copy and any and all applicable fees to the Violet Township Board of Trustees. The application shall be signed by the Applicant and all owners of the property. The Violet Township Board of Trustees may request that any County agency and/or any committee of the Fairfield County Regional Planning Commission submit comments for consideration at the meeting.

The application shall be accompanied by a Development Plan and the following supporting information and documentation in text and map form:

- (1) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
  - (2) A grading plan drawn to scale, showing all information pertaining to surface drainage.
  - (3) A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliber, height, and numbers of each plant, shrub or tree, its name, its size at planting and rendering(s) of how that section of the development would look in elevation.
  - (4) A detailed Signage and Exterior Lighting Plan.
  - (5) An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the required open space. The location, size and proposed use(s) of all open space areas shall be detailed.
- (C) Development Plan Contents. The Development Plan shall be drawn to a scale of at least one-inch equals 100 feet and shall include in text and map form the following:
- (1) Proposed name of the development and its location.
  - (2) Names and addresses of applicant, owners and developers.
  - (3) Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale.
  - (4) A list, description and location of the precise uses proposed for the development and phases for construction, if any. Listed uses shall be defined by their customary name or identification as stated in the C-2, C-3, M-1 and M-2 Districts, except where they are specifically defined or limited in this Zoning Code. Any listed use may be limited to specific areas delineated in the Development Plan. If the proposed timetable for development includes developing the property in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
  - (5) Boundary lines of the proposed development and the total acreage encompassed therein.
  - (6) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public

open spaces, permanent structures, and section and corporation lines within or adjacent to the tract.

- (7) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades and locations.
- (8) The adjoining lines of adjacent tracts, parcels or lots.
- (9) Existing zoning restrictions and deed restrictions, if any.
- (10) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features.
- (11) Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements.
- (12) Layout, numbering and dimensions of lots if more than one.
- (13) Layout, location, dimensions and architectural features of proposed structures.
- (14) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications.
- (15) Building setback lines with dimensions.
- (16) Proposed street grades and sewer size slope.
- (17) Detailed Off-Street Parking and Loading Plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks and lane improvements on existing public roads.
- (18) Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Board of Trustees.
- (19) Preliminary drawings for buildings to be constructed, including floor plans, exterior elevations and sections.
- (20) Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used.

- (21) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.
  - (22) Intended measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers and loading zones from view.
  - (23) Accommodations and access for emergency and fire-fighting apparatus.
  - (24) Location, type, dimensions and features of all signage and exterior lighting.
  - (25) The management plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user.
  - (26) The applicant may request a divergence from the development standards set forth in Section 3D. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in Section 3D and the General Development Standards applicable to all zoning districts, as set forth in the Violet Township Zoning Code.
  - (27) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
  - (28) Other information, as may be required by the Violet Township Board of Trustees, in order to determine compliance with this Zoning Code.
  - (29) The Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.
- (D) Board of Trustees Action. After receipt of the completed application materials and required fees, the Board of Trustees shall schedule a public hearing within forty-five (45) days after the filing of the complete application and shall give the applicant along with any adjoining property owner(s) written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular mail. The Board of Trustees shall render a decision on the Application and Development Plan within thirty (30) days after the conclusion of the hearing.
- (E) Basis of Approval. In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:

- (1) If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Code and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.
- (2) If the proposed plan meets all of the design features required in this Code.
- (3) If the proposed development is in keeping with the existing land use character and physical development potential of the area.
- (4) If the proposed development will be compatible in use and appearance with surrounding land uses.
- (5) If the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
- (6) If the proposed development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development.
- (7) If the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the PCOD without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
- (8) If the proposed development is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township.
- (9) Such other considerations which may be deemed relevant by the Board of Trustees.

In approving the Application and Development Plan, the Board of Trustees may impose such conditions, safeguards and restrictions deemed necessary in order to carry out the purpose and intent of the PCOD.

- (F) Development Plan Approval Period. The approval of the Development Plan shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of certificate of zoning compliance. If no plat has been recorded within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon

the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.

(G) Plat Required. No zoning certificate shall be issued for any structure in any portion of a PCOD for which a plat is required by the Fairfield County Regional Planning Commission unless the final subdivision plat for that portion has been approved by the applicable platting authorities and recorded with the Fairfield County Recorder.

(H) Extension of Time/Modification of Development Plan.

(1) An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Board of Trustees upon application of the owner(s), provided the Board of Trustees determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the recordation of the plat and the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the application submitted and at the discretion of the Board of Trustees. A request for extension shall be filed prior to the expiration of the established approval period.

(2) A request for minor changes, as determined by the Board of Trustees, to the Development Plan may be approved by the Board of Trustees without being subject to the same procedures as the original application. Any approval may be with such amendments, conditions or modifications as the Board of Trustees may determine.

(3) In the case of a request for a modification or amendment to the approved Development Plan that represents a substantial departure from the intent of the original proposal, as determined by the Board of Trustees, said modification or amendment shall be subject to the same procedure and conditions of Development Plan approval as the original application. The following shall be considered substantial departures from the original application:

- (a) A change in the use or character of the development.
- (b) An increase in overall lot coverage of structures and off-street parking.
- (c) An increase in the problems of traffic circulation or public utilities.
- (d) A reduction in approved open space.

- (e) A reduction in off street parking and loading space.
- (f) A reduction in specified pavement widths.
- (g) A reduction of the acreage in the planned development.
- (h) Any other departure from the approved Development Plan which is deemed substantial by the Board of Trustees.

Any approval of such request may be with such amendments, conditions, or modifications as the Board of Trustees may determine.

- (I) Fees. A fee as established by the Board of Trustees shall accompany an application requesting approval of the Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Violet Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as attorneys, architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Development Plan, the Board of Trustees shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Board of Trustees decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Board of Trustees shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Board of Trustees shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Board of Trustees shall consider the reasonable commercial rates of qualified professionals.

### **3D-05 Design Standards**

The proposed development shall be designed in accordance with accepted planning principles, including the design standards included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the set back of buildings; and the sizes of yards and other spaces are in compliance with the purposes and

standards of this Section. The Development Plan shall comply with the following design standards:

- (A) Access. The PCOD development shall have direct access to one or more dedicated and improved public roads of sufficient capacity to accommodate traffic generated by the proposed development. Provision for future connections to other public roads as required by the Township, the County Engineer and/or Fairfield County Regional Planning Commission shall be provided. Unless otherwise provided by an approved development plan, vehicular connectivity shall be provided between adjacent commercial uses through the use of cross-access easements between parking lots.
- (B) Setbacks and Yard Areas. The location and arrangements of buildings and structures within the PCOD shall be configured in a manner to appropriately balance open spaces and commercial areas and to provide safe separation between buildings and uses and to ensure convenient access within the area. The development should be accomplished as a commercial park with campus like settings that have large lots with ample amounts of landscaping and vegetation to create an attractive economic center for the Township and the surrounding area.
- (C) Perimeter Area. When located contiguous to a residential district (R-1, R-2, R-3, R-7, R-8 or PD), no building shall be constructed within fifty (50) feet of the perimeter property line of the contiguous property, and no parking shall be constructed closer than fifty (50) feet to a contiguous property line.
- (D) Buildings. The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building size, mass, height, shape and setback, shall result in a harmonious development within the development and adjacent to it. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area and sufficiently buffered from the surrounding areas in order to mitigate any potential adverse impact. Buildings, structures and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic or cultural features, and minimize environmental impacts. Buildings and structures shall be designed to enhance both areas within the development and surrounding areas, giving due regard to building footprints, building orientation, massing, roof shape, pitch and exterior materials.
- (E) Building Size. Building size shall be limited in areas not conducive to absorbing the impacts associated with larger types of commercial establishments. Large scale buildings and operations are encouraged to be located adjacent to major arterials and are discouraged in areas abutting minor arterials, collector and local street systems. Buildings may contain such area of floor space as is approved in the Development Plan.
- (F) Tract Coverage. Ground coverage by buildings and paved areas shall be minimized and shall be designed to foster compatibility both within the project area and adjacent properties.



- (G) Lighting. Exterior building and parking lot lighting including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- (H) Signage. All signs and graphics within the PCOD shall be compatible in size, location, material, height, shape, color, and illumination. A Signage Plan for the entire PCD shall set forth the design parameter for the entire project to ensure a constant and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, monument, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures compliment the appearance and architecture of the buildings and the PCOD, but do not contribute to environmental degradation. Ground signs shall be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame shall be compatible with the buildings materials and colors.
- (I) Landscaping. All yards (front, side and rear) and all open space not covered by structure, asphalt and the like shall be landscaped. A detailed Landscape Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The Landscape Plan shall show the caliber, height, numbers, name and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. The landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and important axis between the development and other locations. The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent residential uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials so as to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance shall be used. Landscaped parking lot islands shall be designed in

accordance with these landscape principles as well as to facilitate snow removal techniques.

- (J) Parking and Loading Areas. Off street parking shall be provided prior to receipt of a final certificate of occupancy from the Township for the main structure or building, with adequate provisions for ingress and egress. A detailed Off-Street Parking and Loading Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Parking areas shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas shall be delineated and accented by landscaped areas. Parking aisles, whenever possible shall be oriented perpendicular to the building fronts. All service and delivery and loading areas shall be made to the rear of the structure(s) unless special design treatment or circumstances warrant an alternative. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed, located and, in certain instances, screened to protect the character of the area as well as those areas adjacent to the development.
  
- (K) Open Space. Open spaces shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.
  
- (L) Floodplains and Environmentally Sensitive Areas. Floodplains shall be protected from building or pavement encroachment. A riparian buffer shall be provided for stream beds along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width of not less than fifty (50) feet as measured from the river, creek or stream high water mark on both sides. The buffer area shall have a width of not less than twenty-five (25) feet as measured from any tributary stream high water mark on both sides. This buffer area shall be restricted from development and managed to promote the growth of vegetation indigenous to the area capable of maintaining the structural integrity of the stream bank. A wetlands buffer shall be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area shall have a width not less than twenty-five (25) feet, measured from the edge of the designated wetland. The buffer area shall not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable. A Flood Hazard Permit will be required from the Fairfield County Regional Planning Commission if development takes place within a FEMA flood hazard area.
  
- (M) Utilities. Centralized water supply and sanitary sewage disposal systems and storm water management shall be provided, subject to the Fairfield County Sanitary Engineer, Fairfield County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines shall be located underground.

- (N) Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- (O) Air Pollution. No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- (P) Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.
- (Q) Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- (R) Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- (S) Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.
- (T) Odors. No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

### **3D-06 Minimum Development Standards**

The Development Plan shall comply with the following development standards:

- (A) Lot Area. No minimum lot size is required. However, all lots shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards.
- (B) Intensity of Use. All buildings shall be erected on continuous, permanent foundations and shall be constructed of conventional building materials of a quality

equal to or better than those used in existing buildings in nearby areas. All office, retail and manufacturing activities and all storage, handling and warehousing of products shall be completely enclosed within buildings.

(C) Setbacks and Yard Areas.

- (1) Frontage. Lots shall front upon and have access to an improved, public road. Outlots may be located on an improved, public or private street. Such road frontage shall be no less than one hundred twenty-five (125) feet.
- (2) Minimum Side Yard. A side yard shall be provided which equals one-third (1/3) the sum of the height and width of the structure, but in no case less than fifty (50) feet and no more than one hundred fifty (150) feet from any residential zoning district.
- (3) Minimum Rear Yard. A rear yard shall be provided which equals one-third (1/3) the sum of the height and width of the structure, but in no case less than fifty (50) feet and no more than one hundred fifty (150) feet from any residential zoning district.
- (4) Additional Setback. Along all road frontages, extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the edge of the right-of-way, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided with the exception of the following:
  - (a) Driveways for ingress and egress.
  - (b) Floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road.
  - (c) Signs not over four (4) square feet for direction of traffic only.
  - (d) Plantings no higher than three (3) feet above road grade.
  - (e) Trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet.
  - (f) Utility easements for the erection of public utility poles, hydrants and similar items.
  - (g) Sidewalks.

(D) Buildings.

- (1) Maximum Tract Coverage. The ground area occupied by all the buildings and structures shall not exceed in the aggregate forty-five percent (45%) of

the total area of the tract. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks shall not exceed in the aggregate seventy-five percent (75%) of the total area of the tract.

- (2) Building Height. No building or structure constructed for industrial purposes shall exceed thirty (30) feet in height. No building or structure for any other permitted use shall exceed three (3) stories in height. Height shall be measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Architectural elements such as chimneys, parapets, and cupolas may exceed this height limitation by no more than ten (10) feet.
  - (3) Building Dimensions. Buildings may contain such area of floor space as is approved in the Development Plan.
  - (4) The use of environmentally conscious construction standards, such as Leadership in Environmental Energy and Design “LEED”, on structures built in the PCOD district is encouraged by the Township, but not required.
- (E) Architectural Standards. Buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall apply to structures for:
- (1) Commercial and Office Uses.
    - (a) Design Elements. For every one hundred (100) feet of elevation width, each side and rear elevation must contain two (2) design elements and each front elevation must contain at least three (3) design elements. Typical design elements are as follows:
      - (i) A door of at least twenty-eight (28) square feet in area with an awning, window, faux window or other feature subject to approval by the Board of Trustees, as applicable;
      - (ii) A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
      - (iii) A chimney;
      - (iv) A gabled vent of at least four (4) square feet in area;
      - (v) Porches, decks or similar structures; or

- (vi) A similar significant permanent architectural feature consistent with the style of the building upon approval of the Board of Trustees as applicable.
- (b) Facade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of black wall and add interest to the façade.
- (c) Materials. All exterior walls shall be comprised of eighty (80) percent natural material with brick or stone as the predominant material. Other natural materials may also be incorporated into the building's exterior design. Use of "newer" materials may be acceptable per the approval of the Board of Trustees, as applicable. Stucco, Drivit, and like materials may be used as accents provided the total square footage of accent material does not exceed forty-five (45) percent of the gross exterior building wall square footage.
- (d) Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the board of Trustees, as applicable.
- (e) Roofing. All pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate.
- (f) Drive Thru Features. A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.
- (g) In-Line Retail Exemption. Side or rear elevations of an in-line retail development may be exempt from the building design standards of the PCOD if such elevations are not visible to customer traffic, a public right-of-way, or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding fencing, or a combination thereof, as deemed appropriate.

(2) Industrial Uses.

- (a) Façade. Sides of building visible from a public right-of-way shall be broken up with architectural design elements, landscaping, or a combination thereof.
- (b) Use of Color. Earth tones, muted hues, and natural tones are permitted as a structure's base color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.
- (c) Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the Board of Trustees, as applicable.
- (d) Pole Building Prohibited. All buildings shall be constructed on a continuous, permanent foundation, Pole buildings shall not be permitted.

(F) Exterior Lighting. A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. The Exterior Lighting Plan is subject to the following restrictions:

- (1) Site lighting shall be required for all developments and be designed to sufficiently illuminate the site and minimize spillover from the property.
- (2) Light pole heights should be in harmony with the parcel, building and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source type and style.
- (3) For non-residential uses, parking lots with thirty (30) or less spaces shall have a maximum lighting pole height of eighteen (18) feet and parking lots with more than thirty (30) spaces shall have a maximum lighting pole height of thirty (30) feet.
- (4) Building, pedestrian and landscape lighting may be incandescent, metal halide or other sustainable lighting as determined by the Board of Trustees, as applicable.
- (5) All parking lot areas shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one (1) foot candle and three (3) foot candles.

- (6) All external lighting shall be decorative or cut-off type fixtures and downcast to reduce spillover. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth (0.1) foot candles when adjacent to a residential district or an existing residential use.
  - (7) Luminaries should have a minimum cut-off of forty-five (45) degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.
  - (8) All landscape upright fixtures shall be screened by landscaping and cut-off in design.
  - (9) No permanent colored lights or neon lights shall be used on the exterior of the buildings.
  - (10) External building lighting shall be limited to wall mounted sconces.
- (G) Signage. A detailed Signage Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Graphics and Signage in the PCOD shall conform to the following requirements:
- (1) No signs shall be mounted within any public right-of-way except by the government agencies having jurisdiction over and within that right-of-way.
  - (2) No sign shall obstruct pedestrian or vehicular visibility or otherwise interfere with the safe operation of motor vehicles or the safety of pedestrians.
  - (3) All freestanding signs (ground mounted or pole) shall be located in a landscaped area with a total landscaped area equal to or greater than the total sign area or as proscribed within these regulations. See Section 3D-06(H) for types of landscape materials permitted in the PCOD.
  - (4) Backlighting of individual letters on wall mounted signage shall be permitted.
  - (5) All signage and graphics shall be carefully coordinated with the building and architecture.
  - (6) No signs shall be painted directly on the surface of the building, wall or fence. No wall murals shall be allowed.
  - (7) No roof signs or parapets signs shall be permitted nor shall a sign extend higher than the building.



- (8) Entry and exit driveway signs shall be limited to a maximum height of three (3) feet and a maximum area of two and one-half (2 ½) square feet per side.
- (9) One (1) wall mounted sign per non-residential tenant shall be permitted in accordance with the following standards:
  - (a) One (1) square foot of sign area per two (2) lineal feet of unit frontage shall be allowed not to exceed one hundred twenty-five (125) square feet of sign area.
  - (b) Signs attached to a building shall be located below the cornice of the building.
- (10) One (1) hanging sign per non-residential tenant may protrude from a building façade. Such sign shall not exceed six (6) square feet in sign area per sign face.
- (11) One (1) ground supported monument-type freestanding sign per parcel containing a non-residential use shall be permitted in accordance with the following requirements.
  - (a) The maximum height of any monument sign shall be six (6) feet as measured from grade to top of the highest part of the sign. Mounding shall not be installed to increase the height or visibility of a monument sign.
  - (b) Maximum area of thirty (30) square feet per sign face (not including the structural support).
  - (c) All monument signs shall have a base consistent with the primary building material and have a minimum of fifty (50) square feet of landscaping around all sides of the monument sign.
- (12) One (1) free-standing, on-premise sign may be erected to serve a group of business establishments provided it is not over fifteen (15) feet in height and has a maximum total sign area of one hundred (100) square feet, with no more than fifty (50) square feet located on any sign face, and located not closer than ten (10) feet to any right-of-way line and not closer than thirty-five (35) feet to any adjoining lot line.
- (13) Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way.
- (14) The following signs are not permitted: portable displays or mobile signs, gas filled devices, roof-mounted signs, revolving or rotating signs and exposed neon signs, cabinet box signs, exposed LED signs, monopole signs, signs with flashing messages or bare bulbs, flashing lights, strings of lights, signs on

backlit awnings and bench signs; portable signs including banners, pennants, streamers, and “A” frame signs.

(H) Landscaping. A detailed Landscape Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All yard areas and open spaces shall be landscaped in accordance with the approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:

(1) Right-of-Way Screening. Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty (30) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area. Throughout the setback area between a surface parking area and an existing or planned public right-of-way, there shall be a minimum of four (4) trees per one hundred (100) lineal feet. Trees may be deciduous, coniferous or a combination thereof. This requirement does not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.

(2) Residential District Screening. Non-residential uses adjacent to residential uses (current and future) shall install a continuous planting hedge and tree combination to provide screening from such adjacent use. The required planting hedge and tree combination shall be a minimum of six (6) feet in height at the time of installation. Mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening. All proposed fencing shall be incorporated into the Landscape Plan and shall be complimentary to surrounding properties.

(3) Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage.

(4) Minimum Tree Size. All trees required by these standards or other applicable standards shall meet the following minimum tree sizes at the time of planting:

Tree	Minimum Size at Planting
Deciduous – Street Tree	2 ½ Inch Caliper
Deciduous – Screening, Parking Lot or other Exterior Property Area	2 Inch Caliper
Coniferous	5 Feet in Height

(5) Plants. All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.

- (6) Maintenance. All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
  - (7) Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- (I) Parking and Loading. A detailed Off-Street Parking and Loading Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Off-street parking shall be paved and provided prior to receipt of a final certificate of occupancy, with adequate provisions for ingress and egress according to the Development Plan. In preparing the Off-Street Parking and Loading Plan, all parking and loading areas shall conform with Section 3X of the Violet Township Zoning Code as well as with the following provisions:
- (1) Parking Bays. No parking bay shall contain more than twenty-four (24) total parking spaces, with a maximum of twelve (12) spaces in a single row.
  - (2) Parking Lot Location. All parking spaces shall be located behind or to the side of the principal building with no more than fifty (50) percent of such parking spaces located to the side of the principal building.
  - (3) Lot Location Exemption. Buildings larger than twenty thousand (20,000) square feet or attached to existing in-line retail space shall be permitted to have parking to the front of the building if the building is located more than three hundred (300) feet from the right-of-way and the parking lot is located no closer than two hundred (200) feet from the right-of-way.
  - (4) Parking Lot Islands. Each landscaped tree island in a single loaded parking stall shall have a minimum area of one hundred sixty (162) square feet with a minimum width of nine (9) feet. Each landscaped island in a double loaded parking stall design shall have a minimum area of three hundred twenty-four (324) square feet, with a minimum width of nine (9) feet. All landscaped tree islands shall contain at least one (1) shade tree a minimum of two (2) inches in caliper and include at least fifty (50) square feet of other plant materials. The Off-Street Parking and Loading Plan or the Landscape Plan shall identify all types of trees to be used in parking lot islands.
  - (5) Drive Lanes. Drive lanes shall be setback no less than fifteen (15) feet from the public right-of-way or front property line, whichever is greater, and no

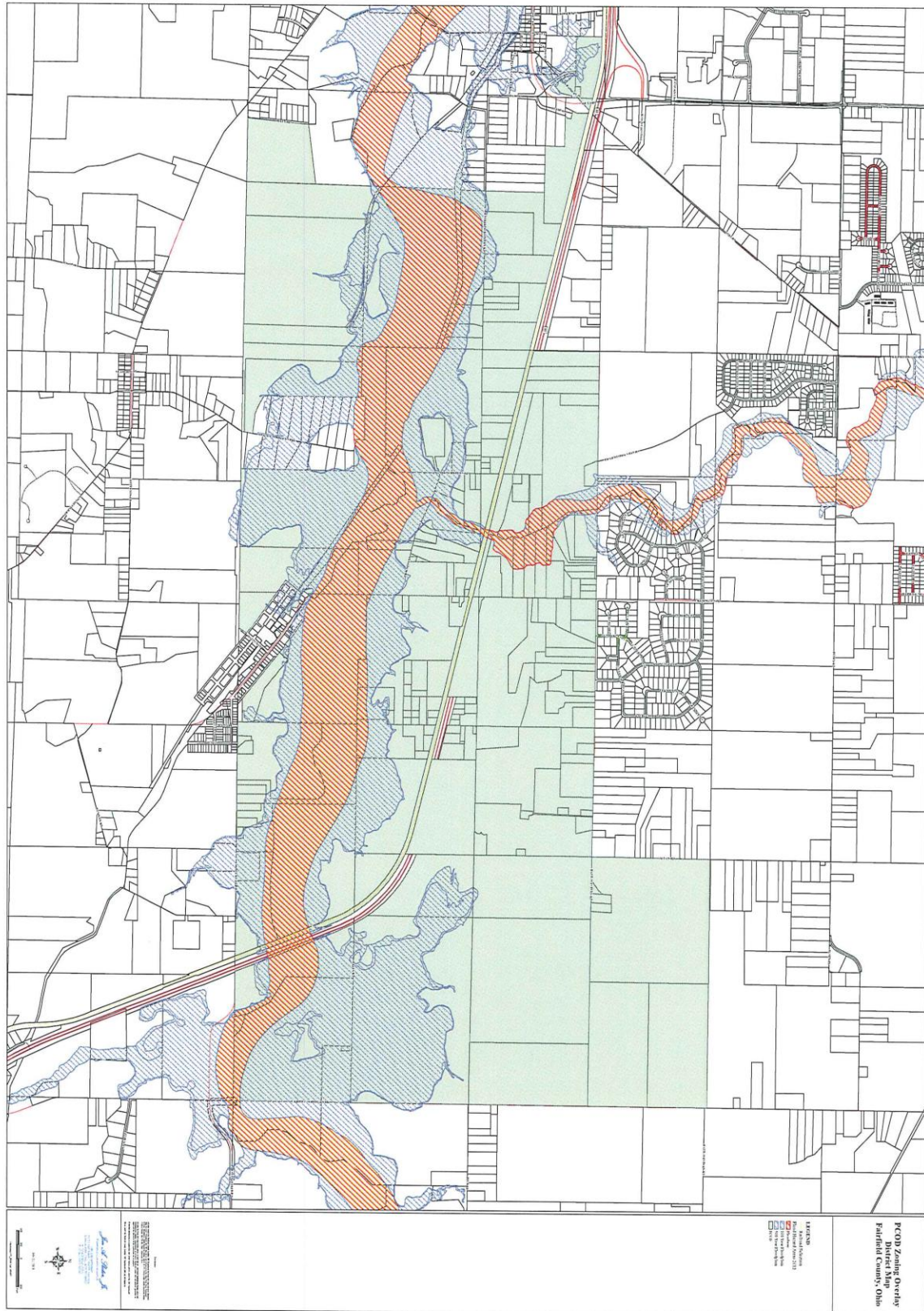
less than five (5) feet from side and rear property lines. Drives connecting the site to a public or private street or drives utilized to access adjacent properties shall be exempt from this requirement. Location of driveways that connect to a public street shall be reviewed and approved by the appropriate governing agency (County Engineer, Ohio Department of Transportation, Township Engineer, etc.)

- (6) Fleet Parking. Fleet or service parking shall be provided at a level determined appropriate for a specific use by the Board of Trustees as applicable. All fleet areas shall be located behind the front elevation of the primary building.
  
- (J) Open Space. A minimum of fifteen percent (15%) of the total tract acreage shall remain and be utilized as open space. Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.
  
- (K) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned public right-of-way(s) and must be enclosed so as to effectively screen them from view. Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize materials complimentary to those used on the majority of the building.
  
- (L) Utilities. All utility lines constructed to service the proposed development shall be located underground.
  
- (M) Stormwater Basins. Dry retention basins are prohibited. All stormwater basins shall be wet basins and aeration devices may be required. Bioretention basins, or rain gardens, may be used only when approved by the Township, as applicable. All stormwater basins shall be constructed per the requirements of the Ohio Department of Natural Resources Rainwater and Land Development Manual and Ohio Environmental Protection Agency NPDES regulations.
  
- (N) Supplemental Conditions and Safeguards. The Township may impose additional conditions relating to the Development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.
  
- (O) Other Requirements. Unless specifically supplemented by the standards contained in Section 3D or those standards approved by divergence, the development shall comply with all additional zoning requirements applicable to all zoning districts as set forth in this Zoning Code. This includes compliance with Section 3AA6 for property located within the CEDA District.

### **3D-07 Divergences**

An applicant for PCOD approval may request a divergence from any development standard or other requirement set forth in Section 3D from the Board of Trustees. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan.

# Attachment 1 – Planned 33 Corridor Overlay District Map



## **3E R-5 District - Motels and Hotels**

### **3E1 Uses Permitted in R-5 District**

**3E1-01:** The R-5 District is defined as an area in which a privately owned enterprise operated for profit will have the primary function of selling services, such services being limited to lodging for transient guest, the serving of food and beverages for consumption on the premises, entertainment and the fueling and minor servicing of motor vehicles. It shall be understood that the sale of merchandise shall be strictly limited to items related to the necessity and comfort of travelers, such as candy, chewing gum, tobacco products, souvenirs, news media and other reading matter, common patent medicines and automobile supplies. In no sense shall the R-5 District be considered a general mercantile or trade area.

**3E1-02:** Restaurant facilities for the preparation and serving of food and beverages. Curb service or drive-in service, where food is served to guests primarily for consumption in their automobiles while parked on the premises, shall not be permitted. Drive through service where food is delivered to the guests in their automobiles for consumption off the premises shall be permitted.

**3E1-03:**

**3E1-04:** These and no other uses shall be permitted.

### **3E2 Regulations Pertaining to Buildings and Land Use in R-5 District**

**3E2-01:** Only buildings built on solid foundations of conventional materials and of an architectural style compatible with other buildings in the area shall be constructed.

**3E2-02:** Any property within the R-5 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than four hundred (400) feet.

**3E2-03:** Along all road frontages, extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided with the exception of the following:

(a) driveways for ingress and egress;

(b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;

- (c) signs not over four (4) square feet for direction of traffic only;
- (d) solid fences no higher than three (3) feet above road grade;
- (e) Plantings no higher than three (3) feet above road grade;
- (f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;
- (g) utility easements for the erection of public utility poles, hydrants, etc;
- (h) sidewalks.

**3E2-04:** No building or projection thereof, nor any other structure, nor any advertising sign shall be erected closer than eighty-five (85) feet to the center line or any public right-of-way, or in any case no closer than fifty (50) feet to the road side line, nor closer than fifty (50) feet to the district boundary line, except as noted in paragraphs 3E2-05 and 3E2-06.

**3E2-05:** Open canopies and their structural supports, intended to provide protection from the weather for customers and guests, may be erected as close as five (5) feet to the road side line but in no case closer than fifty (50) feet to center line of right-of-way. Advertising signs and devices, identifying the goods sold or the services rendered on the property, may be installed on or atop of such canopies.

**3E2-06:** Each enclosed building that is forty feet (40') in height or less in this District shall be located no closer than fifty feet (50') from an adjoining District boundary or road line.

**3E2-07:** Each enclosed building that is greater than forty feet (40') in height in this District shall be located no closer than one hundred feet (100') from an adjoining District boundary or road line.

**3E2-08:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage, shall be no greater than:

- Less than 130 feet frontage - 1 driveway
- 130 feet to 300 feet frontage - 2 driveways
- 300 feet to 500 feet frontage - 3 driveways
- More than 500 feet frontage - 4 driveways

**3E2-09:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.



**3E2-10:** Wherever this District abuts an R-1, R-2, R-5, R-7, R-8 or PD District, the owner shall provide landscaping or decorative screening on all side and rear property lines that abut such other Districts. Such screening shall be either a masonry or solid wooden fence that is not less than four feet (4') or more than six feet (6') in height which shall be maintained in good condition at all times, shall be free of all advertising or signs, and shall be constructed with materials similar in appearance or construction to neighboring properties. Landscaping provided in lieu of screening shall consist of strips of land not less than fifteen feet (15') in width planted with evergreen hedges, trees or shrubs that are at least four feet (4') in height and which are dense enough to provide a dense year-round screening of the District from the abutting districts.

### **3E3 Some Uses Not Permitted**

**3E3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

**3E3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.

**3E3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

**3E3-04:** Dwelling structures that are separate and apart from the motel or hotel are not permitted, and the only permanent resident permitted within the hotel or motel shall be the owner's or operator's residence.

**3E3-05:** Any enterprise or activity which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.

**3E3-06:** Any enterprise whose primary function is the sale of merchandise to the general public.

**3F R-6 District - Mobile Home Subdivision**

**3F1 Definitions**

- a. "Density" means the number of dwelling units per acre of land, as computed in relation to the entire acreage of Mobile Home Subdivision, as the same may be proposed.
- b. "Mobile home" means any vehicle manufactured as a single family dwelling, comprised of one or more units but excluding recreational vehicles, which has been designed and manufactured for transportation on the public streets and highways on its own wheels, arriving at the site complete and ready for occupancy where it is to be occupied as a dwelling except for normal unpacking, assembly operations and connections to utilities.
- c. "Mobile home pad" means that portion of a mobile home site which is designed, constructed and improved in such a manner as to provide a base upon which a mobile home shall rest, and which also serves as a base upon which blocks or other materials may be placed to assist in leveling the floor of a mobile home and providing a temporary type of foundation.
- d. "Mobile home subdivision" means one or more contiguous parcels of land under a single ownership which have been designed and developed in such a manner as to provide individual mobile home sites for five or more mobile homes.
- e. "Mobile home lot" means an area of land within a mobile home subdivision, which is designed and developed in such a manner as to provide a location for one mobile home.
- f. "Recreational vehicle" means a vehicle manufactured or modified to contain temporary living quarters for travel, recreation or vacation purposes, and shall include campers, travel trailers, truck campers and house vehicles.

**3F2 Application for Mobile Home Subdivision**

A Mobile Home Subdivision (MHS) may be applied for in the same manner as for any other zoning district and such applications shall be subject to all of the provisions of the Violet Township Zoning Code governing applications for zoning and/or amendments thereto.

**3F3 Application for Mobile Home Subdivision**

Written application for a mobile home subdivision plan approval shall be submitted in accordance with the provisions of Violet Township Zoning Code and shall otherwise be in accordance with the following provisions:

- (a) The real party in interest shall make such written application along with the owner of the area sought to be zoned, if both are not the same.
- (a) The normal filing fee for this District shall be determined by the Violet Township Trustees and published in a fee schedule that shall be available to the public in the Township offices.
- (c) The application shall be accompanied by five sets of complete plans and such additional documents as may be necessary to show all of the following information:
  1. The location, size and legal description of the tract to be developed as a mobile home subdivision;
  2. The complete layout of the community, including all proposed mobile home sites, drawn to a scale of not more than 1 inch 50 feet;
  3. The location of all proposed facilities, such as recreation areas, open space, laundry buildings, maintenance buildings, storage, etc;
  4. The proposed traffic circulation pattern including all roadway locations, points of ingress and egress, parking facilities, sidewalks and the relationship of interior traffic to the traffic pattern adjacent to the community;
  5. The location of and the source of supply or service for garbage and trash removal, gas, electricity, telephone, sewage disposal, storm drainage facilities and water;
  6. The proposed landscaping, type of fencing and other aesthetic features; which landscaping or screening shall conform to the requirements of Section 3N2-11 of this Zoning Code for abutting R-1, R-2, R-4, R-5, R-7 or R-8 Districts.
  7. A typical mobile home site drawn to a scale of 8 feet to the inch, or larger, showing the boundaries of the site and the location thereon of a typical mobile home, patio, parking spaces, walkways and pad;
  8. A legend indicating the compliance by the developer with the area requirements, as set out in these regulations.

**3F4 Approved Mobile Home Park Plans Binding**

Once mobile home park plans showing the proposed development have been submitted with an application for a mobile home park and approved, such plans shall be considered to be an integral part of the mobile home park application and development of the park shall be in accordance with the plans as approved. Any change in plans or deviation therefrom shall not be permitted without application to the Zoning Board and approval of such application.

**3F5 Size of Mobile Home Subdivision**

Each mobile home subdivision shall have an area of not less than forty (40) acres.

### **3F6 Density**

The maximum average density of any mobile home community shall be not more than six (6) mobile homes per acre.

### **3F7 Height Limitation**

No building or structure, except an approved water reservoir, stand pipe and tank or TV tower and antenna shall be constructed to a height of more than twenty-five (25) feet above the ground. No mobile home unit shall be placed in such a manner as to be situated above another mobile home, and no mobile home shall be permitted to exceed an elevation of thirteen feet six inches (13' 6") as measured from the top of the pad on which such mobile home is situated to the highest elevation of such mobile home.

### **3F8 Mobile Home Subdivision Yards**

Each mobile home subdivision shall have a yard with a depth of not less than twenty-five (25) feet around the entire perimeter of such subdivision. The uses of such a border shall be subject to all of the following:

- (a) No building, structure, mobile home, parking space, storage of equipment or other paraphernalia except that used exclusively for recreational purposes shall be located within any required yard area, except that aesthetic structures at the ingress and egress ways and such ways themselves are not hereby precluded.
- (b) The side and rear border area shall only be used for common recreational purposes, provided that the borders used for this purpose are adjacent to and connected with other common recreational areas located outside of the required border areas. Whenever the borders are used in this manner, the total amount of recreational area so provided may be credited toward not more than one-half (1/2) of the required twenty percent (20%) common recreational area as provided in 3F9.

### **3F9 Common Recreational Areas**

Each mobile home subdivision shall provide a common recreational area within the boundaries thereof, subject to the following provisions:

- (a) The recreational area may be composed of more than one specific area.
- (b) The recreational area may consist of open land, land set aside for visiting mobile libraries or similar facilities, land containing tennis courts, putting greens and the like, land containing swimming pools, club houses, and similar structures, or any combination of such recreational facilities.

- (c) The total amount of land set aside for recreational purposes shall not be less than twenty percent (20%) of the area of land to be used for mobile home subdivision.

**3F10 Storage Facilities**

The storage of items and the storage facilities within any mobile home community shall be in accordance with the following:

- (a) The open storage of yard maintenance equipment, household effects, garbage and trashcans, butane gas tanks and other similar items shall be prohibited.
- (b) Each mobile home site shall be provided with an on-site enclosed Storage facility with a capacity of not less than fifty (50) cubic feet; in which garbage and trash cans may be stored.
- (c) An open storage area for the storage of boats and recreational vehicles shall be provided and maintained. Such storage area shall be readily accessible to all residents of the subdivision, shall be surrounded by screening of a type resulting in seventy-five percent (75%) opaqueness and shall be of such a size as to provide one hundred (100) square feet of open storage for each mobile home site in the subdivision.

**3F11 Roadways**

All roadways within the boundaries of a mobile home subdivision shall be curbed, guttered and have minimum widths, and contain improvements located therein, in accordance with the following:

- (a) Minimum widths shall be:

<u>Type of Roadway</u>	<u>Total Width</u>	<u>Improved Width if parking is NOT Permitted</u>	<u>Improved Width if parking PERMITTED</u>	
			<u>One Side Only</u>	<u>Both sides</u>
Collector	60 ft.	30 ft.	38 ft.	46 ft.
Local Access (2 Way)	50 ft.	24 ft.	32 ft.	40 ft.
Local Access (1 Way)	50 ft.	20 ft.	28 ft.	36 ft.

- (b) The improved width shall be constructed of asphaltic concrete or Portland cement concrete.
- (c) Curbs and gutters made of Portland cement concrete on each side of the improved portion of the roadway whenever such improved portion has a required width of 30 feet or more. Such curbs shall be of the integral type.
- (d) Improved roadways with a required width of less than 30 feet may be of the V section type or the crown type with curbs and gutters along each side.
- (b) No portion of any roadway located between the improved portion and the boundary lines of the roadway shall be used for any purpose other than sidewalks, driveways, lawns, shrubbery or the installation of street lights and underground utility lines.
- (f) The design and improvement of the proposed roadways shall be subject to the approval of the County Engineer of Fairfield County, Ohio.

### **3F12 Sidewalks**

Within each mobile home subdivision, sidewalks are required and shall be installed in accordance with the following:

- (a) All sidewalks shall be constructed of Portland cement concrete and shall have thickness of not less than 4 inches.
- (b) Common sidewalks with a minimum width of 3 feet, intended to provide pedestrian circulation from one mobile home to another or to various locations throughout the community, shall be installed to serve all mobile homes and common use areas that front upon or have access from a roadway improved with curbs and gutters.
- (c) A private sidewalk, with a minimum width of 2 feet, intended to provide a walkway from a mobile home to a roadway or the common sidewalk system shall be installed to serve each mobile home site.

### **3F13 Underground Utility Lines**

Within each mobile home subdivision all utility lines, including those for electricity and telephone service, TV antenna cable and the like, shall be located underground.

### **3F14 Utility Meters**

At the time a mobile home subdivision is developed, utility lines shall be designed and installed in accordance with the regulations and requirements of the respective utility companies involved, and whenever the developer or operator of a mobile home subdivision intends to or does charge an individual occupant of the subdivision a fee for any utility service, including but not limited to electricity gas or water, then a separate meter for the

type of utility for which a charge will be or is made shall be installed at the mobile home site concerned.

### **3F15 Storm Drainage**

Within each mobile home community, storm drainage shall be provided in accordance with the following minimum requirements:

- (a) All mobile home sites, building sites, roadways, and other areas requiring grading shall be graded in such a manner that storm water will drain therefrom. Grading shall be accomplished in such a manner that will not obstruct the natural drainage of adjoining and adjacent properties.
- (b) Open drainage ditches shall not be permitted and all drainage ways shall be enclosed.
- (c) It shall be the responsibility of the mobile home subdivision owner to install whatever drainage lines are necessary to carry storm water from his property to the nearest State of Ohio, Department of Health, approved facility for the disposition of such storm water.

### **3F16 Water Supply**

Within each mobile home subdivision, the source of water shall be supplied by a governmental subdivision, if available, and practical, to an approved subdivision system; however, if such a supply is not available and practical, then the water supply shall be from a water system that has been approved by the State Department of Health and the Fairfield County, Ohio Department of Health. Furthermore, such water system shall be adequate to supply the entire population of the contemplated subdivision.

Such a system shall also include a suitable reservoir of water along with a system of hydrants connected thereto, designed for the adequate fire protection of all members of such a mobile home community, as described by an applicant pursuant to section 3F3-C1 of this Code.

### **3F17 Sanitary Waste Disposal**

Within each mobile home subdivision sanitary waste disposal shall be accomplished by means approved by the State of Ohio, Department of Health, and the Fairfield County, Ohio Department of Health.

### **3F18 Mobile Home Site**

Each mobile home site within a mobile home community shall comply with the following area requirements:

- (a) Each mobile home site shall contain an area of not less than 4,000 square feet, which area shall be exclusive of any areas set aside for common use of the residents of the community, such as roadways, recreational areas, subdivision borders, storage, parking and the like, and further shall have a minimum frontal width of twelve (12) feet if such lot is irregular in shape.

### **3F19 Mobile Home Site Yards**

Each mobile home site shall be designed in such a manner and the mobile home placed on the site in such a way that the frontal-most point of such mobile home shall be no nearer the fronting access road than 20 feet, nor shall such mobile home structure be situated nearer to the other lot lines than ten (10) feet. For the purposes of this regulation, appurtenances such as awnings and patios shall not be considered as a part of the mobile home structure.

### **3F20 Patios**

Each mobile home site shall contain a patio with an area not less than 180 square feet. Such patio shall be constructed of Portland cement, concrete, brick, tile or similar material so as to result in a dust-free and well-drained hard surface.

### **3F21 Mobile Home Pads**

Each mobile home shall be placed on and supported by concrete pad designed to carry the load placed thereon. Such pad shall be constructed of reinforced concrete and shall have a length of at least 45 feet by 12 feet in width. If a slab-type pad is not used, it shall be permissible to construct such pad by building two strips of reinforced concrete parallel to each other with dimensions of at least 45 feet by 3 feet for each strip. Such strips shall be placed to provide maximum space for a structure to be maneuvered thereon. In addition to the specifications described above, such pad, whether the slab-type or parallel strips, shall be designed with suitable anchoring devices to permit the mobile home, placed thereon, to be securely anchored thereto by chain, cables or other securing device connected from such pad to the mobile home.

### **3F22 Automobile Parking**

Automobile parking spaces shall be provided within each mobile home subdivision in accordance with the following:

- (a) Two spaces shall be provided for each mobile home site for the exclusive use of the occupants thereof.
- (b) One space for guest and visitor parking shall be provided for each four mobile home sites within the mobile home subdivision.



- (c) Each parking space shall have an area of not less than 9 feet in width and 19 feet in length and shall be located not more than 150 feet from the mobile home site it is intended to serve.
- (d) Each parking space shall be constructed of Portland cement concrete, or asphaltic concrete, and constructed in such a manner as to drain properly.

### **3F23 Removal of Running Gear Prohibited**

The removal of the frame, springs and axle from any mobile home in a mobile home subdivision is prohibited.

### **3F24 Mobile Home Enclosures**

Not less than thirty (30) days after a mobile home has been placed upon a mobile home site, the area between the bottom of the sides and the ends of the mobile home and ground upon which it is located, shall be enclosed by walls made of a visually impervious material.

### **3F25 Prohibited Uses**

Within a mobile home park only those uses specifically listed as permitted uses shall be authorized, and all other uses, including but not necessarily limited to the following, shall be prohibited:

- (a) Mobile homes that are not self-contained.
- (b) A modular home of any type, except a single family dwelling to be occupied by a resident-manager of the park.
- (c) Boats and recreational vehicles of any type except those owned by occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles.
- (d) Repair or sale of vehicles of any type, including mobile homes, except for the repair or sale of an individual vehicle by the owner or occupant thereof.
- (e) Buildings or permanent type structures for use other than those permitted uses.

### **3F26**

All other additional uses of the premises sought to be rezoned not specifically allowed in Section 3F are prohibited.

## **3G F District - Flood Plain**

### **3G1 Uses Permitted in F District**

**3G1-01:** The F District is defined as that area which may be inundated at times of high water and which, for the purpose of this code, shall be at or below the specified elevations (above mean sea level) in each of the sections or quarter sections listed below and approximately as indicated on the zoning map. Those section numbers which include an "R" shall be understood as lying in the Refugee Tract.

Section 19 R  
 NW Quarter – 850’  
 NE Quarter – 850’  
 SE Quarter – 840’

Section 27  
 All Quarters – 790’

Section 20R  
 SW Quarter – 840’

Section 28  
 SE Quarter – 770’

Section 33  
 All Quarters – 770’

Section 29  
 SW Quarter – 760’  
 SE Quarter – 760’

Section 29R  
 NW Quarter – 830’  
 SW Quarter – 820’

Section 32  
 NW Quarter – 760’  
 NE Quarter – 770’  
 SE Quarter – 770’

Section 34  
 NW Quarter - 770’  
 NE Quarter – 780’  
 SW Quarter – 770’  
 SE Quarter – 780’

Section 35  
 NW Quarter - 780’  
 NE Quarter - 790’  
 SW Quarter - 790’  
 SE Quarter - 790’

Section 22  
 NW Quarter – 810’  
 NE Quarter – 810’  
 SW Quarter – 800’  
 SE Quarter – 800’

Section 10  
 SE Quarter - 840’  
 SW Quarter – 830’

Section 15  
 NW Quarter – 820’  
 SW Quarter – 810’

Section 16  
 NE Quarter – 820’  
 SE Quarter – 810’

Section 36  
 All Quarters – 790’

Section 30R  
 SE Quarter – 810’  
 SW Quarter – 810’

Section 21  
 NE Quarter – 810’

**3G1-02:** It is mandatory that the limitations of the F District shall supersede those of any other district, which may now or hereafter coincide with the F District.

**3G1-03:** Permit the erection of shelter houses and other structures intended for recreational uses only. In no case shall any structure intended for human habitation, trade or manufacturing uses be permitted in an F District. (Buildings for agricultural uses are not controlled by this code.)

**3G1-04:** Subject to Conditional Zoning Certificate, which may be granted by the Board of Zoning appeals, accessory facilities, such as pump houses and sewage treatment plants, may be erected within the F District on the condition that engineering requirements dictate such a location.

**3G1-05:** Any area, now included in the F District, which may be raised above the specified elevations by means of land fill may then be exempted from the F District limitations by means of a variance granted by the Board of Zoning Appeals.

**3G1-06:** These and no other uses shall be permitted.

### **3G2 Regulations Pertaining to Buildings and Land Uses in F District**

**3G2-01:** No building or projection thereof, nor any other structure, nor any advertising sign shall be erected closer than eighty-five (85) feet to the center line of any public right-of-way, or in any case no closer than fifty (50) feet to the road side line, nor closer than fifty (50) feet to an F District boundary line.

**3G2-02:** No set back from district boundaries shall be required where this district's boundaries adjoin the boundaries of a commercial or manufacturing district, a railroad right-of-way, or a limited access highway, except as otherwise restricted by law.

**3G2-03:** All property within flood hazard areas are subject to the provisions and regulations of the Special Purpose Flood Damage Prevention Regulations for Fairfield County, the Fairfield County Regional Planning Commission, and the Federal Emergency Management Agency (FEMA).

### **3H1 REC-1 District - Privately Owned Recreation-District**

#### **3H1 Uses Permitted in REC-1-District**

**3H1-01:** Facilities used exclusively for outdoor recreational activities which require large areas of open land such as country clubs, golf courses, riding academies, fishing clubs and swimming pools. The REC-1 District is defined as an area wherein an enterprise will have a primary function of selling recreational services and wherein the sale of merchandise shall be strictly limited to such equipment as may be required for the enjoyable pursuit of the sports offered by the facility. In no sense shall the REC-1 District be considered a general mercantile or trade district.

**3H1-02:** As a necessary service of a recreation facility this code permits the establishment of one light refreshment stand to serve the members or patrons of the facility. (No effort shall be made to attract the general public.)

- 3H1-03:** When the facility includes a more commodious club house, this code permits, in addition to the light refreshment stand, a restaurant for the serving of and other refreshments. Its use shall be restricted to the members or patrons of the facility and their guests. No effort shall be made to attract the general public.
- 3H1-04:** No overnight sleeping accommodations, including campgrounds or facilities, shall be permitted in this District.
- 3H1-05:** Two (2) single family dwellings, one for use by the owner, and one for use by a resident caretaker, will be permitted in REC-1 District. The dwellings shall conform to all regulations for an R-1 District.
- 3H1-06:** Other buildings or structures necessary for the efficient operation of the recreation facility will be permitted when the owners or operators show their need. Each separate building or structure will require a separate Zoning Permit.
- 3H1-07:** These and no other uses will be permitted.

## **3H2 Building and Land Use Regulations in REC-1 District**

- 3H2-01:** Only buildings built on solid foundations, of conventional materials, and of an architectural style compatible with existing buildings in the adjacent area will be permitted.
- 3H2-02:** Each recreation facility operated under separate ownership shall have an area not less than ten (10) acres.
- 3H2-03:** Each recreation facility shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than four hundred (400) feet.
- 3H2-04:** When any building is provided for the use of members or patrons for assembly or for recreational activity, such building shall be located not less than fifty (50) feet from the road line and not less than one hundred fifty (150) feet from the side and rear boundary lines.
- 3H2-05:** When buildings are required for purposes other than the recreational activities of members or patrons, for example storage of groundskeeping equipment, wells and pump houses, garages, toilet facilities, such service buildings shall be located not less than fifty (50) feet from the road line and side and rear boundary lines.
- 3H2-06:** Driveways at the point of entry to roads or streets shall be no greater than thirty-five (35) feet in width and no closer than fifty (50) feet to intersecting road lines or another driveway.

**3H2-07:** Along each road frontage the maximum number of driveways entering public roads or streets shall be:

400 - 1200 feet frontage - 2 driveways

More than 1200 feet frontage - 3 driveways

**3H2-08:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

### **3H3 Some Uses Not Permitted in a REC-1 District**

**3H3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

**3H3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals..

**3H3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

**3H3-04:** Trailers, trailer coaches, trailer coach bodies, mobile homes and similar temporary or movable structures for any purpose.

**3H3-05:** Any dwelling except for the two (2) allowed in paragraph 3H1-05.

**3H3-06:** Any mercantile or trade activity or other commercial activity not directly related to the recreation offered by the facility.

**3H3-07:** Facilities for the racing of dogs, horses, motorcycles or automobiles including so-called "drag" racing and "go-cart" racing.

**3H3-08:** Gun clubs, skeet clubs, trap shooting, rifle and pistol ranges or any activity involving the discharging of fire arms. However, hunting will be permitted during the legal seasons permitted by state law.

**3H3-09:** Outdoor drive-in theaters.

**3H3-10:** Any enterprise or activity which is noxious or offensive by reason of noise, vibration, odor, dust, smoke, gas or tainted effluent.

### **3J R-7 District - Single Family Residential (High Density)**

#### **3J1 Uses Permitted in R-7 district**

**3J1-01:** Land and buildings in the R-7 District shall only be used for the following purposes:

1. Single family dwellings, provided such structures comply with the following requirements:
  - (a) shall be permanently attached to solid foundations; and
  - (b) shall be constructed of conventional building materials equal to or better than materials used in existing buildings in the adjacent area; and
  - (c) shall be subject to real estate tax.
2. Accessory buildings or uses, in association with an existing single-family dwelling, subject to the terms, conditions and procedures in Section 3AA4 of this Zoning Resolution.

**3J1-02:** In addition, the following uses may be permitted in this District subject to the issuance of a Conditional Use Permit pursuant to the procedures contained in Section 3AA and Section VII of this Zoning Code:

- (1) churches and cemeteries serving local residents and their families;
- (2) community halls and buildings available for usage by local residents and their families;
- (3) governmental buildings except for prisons, jails, correctional institutions or half-way houses;
- (4) hospitals, health clinics, nursing homes, retirement homes, assisted living or special care facilities owned and operated by non-profit, charitable corporations, organizations or associations;

- (5) elementary and secondary schools owned and operated by the local school district or by non-profit, charitable corporations, organizations or associations;
- (6) colleges, universities and institutions of higher learning owned and operated by non-profit, charitable corporations, organizations or associations;
- (7) museums and historical sites owned and operated by non-profit, charitable corporations, organizations or associations;
- (8) public recreational buildings, tennis courts, play fields, swimming pools and other neighborhood recreational facilities that do not meet the requirements of the REC-1 District, except that tracks or facilities for racing or running of horses, dogs, motor vehicles, motorcycles, motorized bicycles and all-terrain vehicles shall not be permitted;
- (9) customary home occupations, subject to the terms, conditions and procedures in Section 3AA5 of this Zoning Code.

**3J1-03:** These and no other uses shall be permitted in an R-7 District.

### **3J2 Regulations pertaining to Buildings and Land Use in R-7 District**

**3J2-01:** Each living unit shall have not less than nine hundred (900) square feet of living area on the ground and/or first floor. However, when the living units are designed with a living area of one thousand fifty (1050) square feet or more on two or three levels separated in height by seven and one-half (7 1/2) feet or more, and at least two levels are provided with heating and plumbing facilities, the first floor area may be reduced to not less than six hundred fifty (650) square feet. In no case shall any area with less than seven and one-half (7 1/2) feet of headroom be considered living area. Rooms used exclusively for utilities and/or storage, and unheated rooms, shall not be considered living area.

**3J2-02:** One single family dwelling shall be located on each lot which shall contain not less than eighty (80) feet frontage and a minimum area of ten thousand (10,000) square feet.

Each such lot shall front upon and have access to an improved, public road or street. Any portion of the lot lying within a public road or street shall not be included as part of the required lot area.

**3J2-03:** The minimum height of each residential structure shall be fourteen (14) feet from the top of the foundation to the highest point of the roof. If the residential structure is a permanently sited manufactured home as defined in Section 519.212, Ohio Revised Code, the height and pitch of the roof shall

comply with standards established pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974.” 88 Stat. 700, 42 U.S.C.A. 5401.

- 3J2-04:** Each lot shall have a front yard of not less than fifty (50) feet from the dedicated right-of-way line or right-of-way easement line and the front line of any building.
- 3J2-05:** Each lot shall have side yards of not less than fifteen (15) feet between each side lot line and the dwelling.
- 3J2-06:** Each lot shall have a rear yard of at least fifty (50) feet between the rear lot line and the dwelling.
- 3J2-07:** For all lots that are one-half acre or less in area, the total area covered by the dwelling and all accessory buildings shall not exceed thirty percent (30%) of the lot area. For all lots greater than one-half acre in area, the total area covered by the dwelling and all accessory buildings shall not exceed fifteen percent (15%) of the lot area or 6,500 square feet, whichever is greater.
- 3J2-08:** Attached garages and breezeways shall be considered as part of the dwellings and set back lines shall be the same as for dwellings. Unattached accessory buildings shall comply with Section 3AA4 of this Zoning Resolution.
- 3J2-09:** On corner lots the side yard adjacent to the side road shall be not less than twenty-five (25) feet in width. Unattached accessory buildings on a corner lot shall not be located in the side yard adjacent to the side street.
- 3J2-10:** Entrance steps, porticos and eaves of three (3) feet or less projection may extend into front, sides and rear yards, Porches, roofed terraces and other building projections shall not extend beyond the set back lines.
- 3J2-11:** On any corner lot there shall be no planting, fence, building or other obstruction to vision more than three (3) feet higher than road level within a twenty-five (25) foot radius of the intersection of the paved or improved road edge.
- 3J2-12:** Within each residential lot for each residential unit shall be provided a space of not less than two hundred (200) square feet for the parking of one (1) automobile. Such space shall be located no closer than twenty (20) feet to the paved or improved road edge and no closer than fifteen (15) feet to the side or rear lot line.
- 3J2-13:** Public sewer and water facilities shall be provided for all dwelling units where required by the rules, regulations, statutes, and requirements of the state or local health authority having jurisdiction over such matters.



### **3J3 Some Uses Not Permitted in R-7 Districts**

Without limiting the scope of 3J1-03, the following uses are expressly prohibited in R-7 Districts.

- 3J3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.
- 3J3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.
- 3J3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

### **3K R-8 District - Two-Family Residential**

#### **3K1 Uses Permitted in R-8 District**

- 3K1-01:** Land and buildings in the R-8 District shall only be used for the following purposes:
  - 1. Two-family dwellings, provided such structures comply with the following requirements:
    - (a) shall be permanently attached to solid foundations; and
    - (b) shall be constructed of conventional building materials equal to or better than materials used in existing buildings in the adjacent area; and
    - (c) shall be subject to real estate tax.
  - 2. Accessory buildings or uses, in association with an existing single-family dwelling, subject to the terms, conditions and procedures in Section 3AA4 of this Zoning Resolution.

**3K1-02:** In addition, the following uses may be permitted in this District subject to the issuance of a Conditional Use Permit pursuant to the procedures contained in Section 3AA and Section VII of this Zoning Code:

- (1) churches and cemeteries serving local residents and their families;
- (2) community halls and buildings available for usage by local residents and their families;
- (3) governmental buildings except for prisons, jails, correctional institutions or half-way houses;
- (4) hospitals, health clinics, nursing homes, retirement homes, assisted living or special care facilities owned and operated by non-profit, charitable corporations, organizations or associations;
- (5) elementary and secondary schools owned and operated by the local school district or by non-profit, charitable corporations, organizations or associations;
- (6) colleges, universities and institutions of higher learning owned and operated by non-profit, charitable corporations, organizations or associations;
- (7) museums and historical sites owned and operated by non-profit, charitable corporations, organizations or associations;
- (8) public recreational buildings, tennis courts, play fields, swimming pools and other neighborhood recreational facilities that do not meet the requirements of the REC-1 District, except that tracks or facilities for racing or running of horses, dogs, motor vehicles, motorcycles, motorized bicycles and all-terrain vehicles shall not be permitted;
- (9) customary home occupations, subject to the terms, conditions and procedures in Section 3AA5 of this Zoning Code.

**3K1-03:** These and no other uses shall be permitted in an R-8 District.

### **3K2 Regulations Pertaining to Buildings and Land Use in R-8 District**

**3K2-01:** Each one family living unit shall have not less than nine hundred (900) square feet of living area on the ground and/or first floor. However, when the living units are designed with a living area of one thousand fifty (1050) square feet or more on two or three levels separated in height by seven and one-half (7 1/2) feet or more, and at least two levels are provided with heating and plumbing facilities, the first- floor area may be reduced to not less than

six hundred (650) square feet. In no case shall any area with less than seven and one-half (7 1/2) feet of headroom be considered living area. Rooms used exclusively for utilities and/or storage and unheated rooms shall not be considered living area.

- 3K2-02:** One two-family dwelling shall be located on each lot containing not less than one hundred (100) feet frontage and not less than fifteen thousand (15,000) square feet in area.

Each such lot shall front upon and have access to an improved, public road or street. Any portion of the lot lying within a public road or street shall not be included as part of the required lot area.

- 3K2-03:** The minimum height of each residential structure shall be fourteen (14) feet from the top of the foundation to the highest point of the roof. If the residential structure is a permanently sited manufactured home as defined in Section 519.212, Ohio Revised Code, the height and pitch of the roof shall comply with standards established pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974." 88 Stat. 700, 42 U.S.C.A. 5401.

- 3K2-04:** Each lot shall have a front yard of not less than fifty (50) feet from the dedicated right-of-way line or right-of-way easement line and the front line of any building.

- 3K2-05:** Each lot shall have side yards of not less than fifteen (15) feet between each side lot line and the dwelling.

- 3K2-06:** Each lot shall have a rear yard of at least fifty (50) feet between the rear lot line and the dwelling.

- 3K2-07:** For all lots that are one-half acre or less in area, the total area covered by the dwelling and all accessory buildings shall not exceed thirty percent (30%) of the lot area. For all lots greater than one-half acre in area, the total area covered by the dwelling and all accessory buildings shall not exceed fifteen percent (15%) of the lot area or 6,500 square feet, whichever is greater.

- 3K2-08:** Attached garages and breezeways shall be considered as part of the dwellings and set back lines shall be the same as for dwellings. Unattached accessory buildings shall comply with Section 3AA4 of this Zoning Resolution.

- 3K2-09:** On corner lots the side yard adjacent to the side road shall be not less than twenty-five (25) feet in width. Unattached accessory buildings on a corner lot shall not be located in the side yard adjacent to the side street.

- 3K2-10:** Entrance steps, porticos and eaves of three (3) feet or less projection may extend into front, sides and rear yards. Porches, roofed terraces and other building projections shall not extend beyond the set back lines.

- 3K2-11:** On any corner lot there shall be no planting, fence building or other obstruction to vision more than three (3) feet higher than road level within a twenty-five (25) foot radius of the intersection of the paved or improved road edge.
- 3K2-12:** Within each residential lot for each residential unit shall be provided a space of not less than two hundred (200) square feet for the parking of one (1) automobile. Such space shall be located no closer than twenty (20) feet to the paved or improved road edge and no closer than fifteen (15) feet to the side or rear lot line.
- 3K2-13:** Public sewer and water facilities shall be provided for all dwelling units where required by the rules, regulations, statutes, and requirements of the state or local health authority having jurisdiction over such matters.

**3K3 Some Uses Not Permitted in R-8 Districts**

Without limiting the scope of 3K1-03, the following uses are expressly prohibited in R-8 Districts:

- 3K3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.
- 3K3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.
- 3K3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

**3L S-1 District – Professional and Commercial Services**

**3L1 Uses Permitted in S-1 District**

- 3L1-01:** The S-1 District is defined as an area wherein a privately owned enterprise shall have the primary function of providing professional, semi-professional or commercial services. In no sense shall the S-1 District be considered a general mercantile or trade area.
- 3L1-02:** Permitted uses shall include professional and semi-professional services such as physicians, dentists, morticians, opticians, clinics, nursing and rest homes, barbers, beauticians, medical and dental laboratories, attorneys, architects, engineers, surveyors and studios for crafts, music and other arts, assisted living, special care living and independent living for the elderly.. The sale and dispensing of merchandise shall be strictly limited to such drugs, medicines, cosmetics, optical and auditory aids, and similar items, which are closely allied to and a necessary part of the services offered.
- 3L1-03:** Permitted uses shall include commercial services such as banks, savings and loan associations, loan companies, accountants, insurance agencies, real estate brokers, stock brokers and other business offices carrying on no mercantile retail or wholesale trade with the general public and having no stock of goods maintained on the premises for sale to customers.
- 3L1-04:** These and no other uses shall be permitted.

### **3L2 Regulations Pertaining to Buildings and Land Use in S-1 District**

- 3L2-01:** All buildings shall be erected on solid foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in the adjacent areas.
- 3L2-02:** Any property within the S-1 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.
- 3L2-03:** Along all road frontages, extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:
- (a) driveways for ingress and egress;
  - (b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;
  - (c) signs not over four (4) square feet for direction of traffic only;
  - (d) solid fences no higher than three (3) feet above road grade;

- (e) plantings no higher than (3) feet above road grade;
- (f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;
- (g) utility easements for the erection of public utility poles, hydrants, etc.
- (h) sidewalks.

**3L2-04:** No building or projection thereof, nor any other structure nor any advertising sign, shall be erected closer than eighty-five (85) feet to the centerline of any, public right-of-way, or in any case no closer than fifty (50) feet to the road side line, nor closer than fifty (50) feet to the district boundary line.

**3L2-05:** No setback from district boundaries shall be required where the district's boundaries adjoin the boundaries of a commercial or manufacturing district, a railroad right-of-way, or a limited access highway, except as otherwise restricted by law.

**3L2-06:** Enclosed buildings which exceed forty (40) feet in height shall be located no closer than one hundred (100) feet to road lines and district boundary lines. The exceptions permitted in paragraph 3L2-05 apply.

**3L2-07:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage, shall be no greater than:

- Less than 130 feet frontage- 1 driveway
- 130 feet to 300 feet frontage- 2 driveways
- 300 feet to 500 feet frontage- 3 driveways
- More than 500 feet frontage - 4 driveways

**3L2-08:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

**3L2-09:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to S-1 Districts

**3L3 Some Uses Not Permitted in S-1 District**

**3L3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors

and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

- 3L3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.
- 3L3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.
- 3L3-04:** Permanent or mobile structures for residential use unless expressly permitted in 3L1-02 above.
- 3L3-05:** Any enterprise or activity, which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.
- 3L3-06:** Any enterprise whose primary function is the sale of merchandise to the general public.

## **3M S-2 District - Veterinary and Animal Hospital Services**

### **3M1 Uses Permitted in S-2 district**

- 3M1-01:** The S-2 District is defined as an area wherein a privately owned enterprise shall have the primary function of providing veterinary and animal hospital services and wherein the sale or exchange of merchandise shall be strictly limited to such drugs, medicines, lotions and similar medicaments which are closely allied to and a necessary part of the services offered. In no sense shall the S-2 District be considered a general mercantile or trade area.
- 3M1-02:** Indoor facilities for examination, treatment, surgery and recovery, of small animals such as cats, dogs, birds and other pets shall be permitted. Its use as a kennel shall be limited to short time recovery periods which shall be incidental only to such hospital use. In no case shall domestic farm animals such as cattle, swine, horses, sheep, etc., be kept on the property for boarding or treatment.
- 3M1-03:** When the S-2 District is separately established, i.e., not located in a commercial or manufacturing district; one single family dwelling for use by the owner shall be permitted. The dwelling shall conform to all requirements for an R-1 District.

**3M1-04:** These and no other uses shall be permitted.

## **3M2 Regulations Pertaining to Buildings and Land Use in S-2 District**

**3M2-01:** Buildings shall be built on solid foundations and of material equal to or better than other buildings in the surrounding area.

**3M2-02:** Those portions of the buildings where the animals are kept shall be adequately sound proofed to reduce noise to such level that will not be objectionable to neighboring property owners. Windows which open shall not be permitted. Intake and exhaust vents for mechanical ventilation and air conditioning shall be equipped with baffles for soundproofing.

**3M2-03:** Exercise runs and pens located out of doors shall be prohibited absolutely.

**3M2-04:** Sewage disposal systems shall meet all requirements of the local and state boards of health.

**3M2-05:** Adequate provisions shall be made for the disposal of refuse, preferably by removal from the property. Incineration of refuse or offal on the property shall be prohibited.

**3M2-06:** Sanitation practices shall be adequate to keep odors emanating from the buildings and refuse storage areas to such a level that will not be objectionable to neighboring property owners.

**3M2-07:** The main building in this District shall be at least one thousand square feet (1,000 SF) in area, and the side yard, front yard, and rear yard requirements that are applicable to an R-1 District shall apply in this S-2 District.

**3M2-08:** Buildings used for veterinary and animal hospital services shall be located no closer than eighty-five (85) feet to the center line of a public right-of-way but in no case closer than fifty(50) feet to a road site line nor closer than fifty (50) feet to the district boundary line.

**3M2-09:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage, shall be no greater than:

Less than 130 feet -frontage - 1 driveway  
130 feet to 300 feet frontage - 2 driveways  
300 feet to 500 feet frontage - 3 driveways  
More than 500 feet frontage - 4 driveways

**3M2-10:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning



Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

**3M2-11:** Any property within the S-2 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

**3M2-12:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to S-2 Districts.

### **3M3 Some Uses Not Permitted in S-2 District**

**3M3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

**3M3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.

**3M3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

**3M3-04:** Permanent and mobile structures for residential use except as permitted in paragraph 3M1-03.

**3M3-05:** Any enterprise or activity which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.

**3M3-06:** Any enterprise whose primary function is the sale of merchandise to the general public.

## **3N PCD – Planned Mixed Use Commercial District**

### **3N1 Objectives for Planned Commercial District**

**3N1-01:** The Planned Mixed Use Commercial District (PCD) is organized as authorized under Ohio Revised Code Section 519.021(B). The regulations set forth herein are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district classifications do not adequately regulate the design of buildings and the general character of a development or enable the range of uses in a single zoning district that are appropriate in the Township. Accordingly, it is the policy of Violet Township to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of various types of development projects, in order to accommodate unified development that:

- (a) provides an opportunity for a mix of open space, recreational and commercial uses not otherwise permitted within the standard zoning district classifications; and
- (b) allows the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protects the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas; and
- (c) enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development; and
- (d) assures compatibility between proposed land uses within and around the PCD through appropriate development controls; and
- (e) enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; and
- (f) encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

**3N1-02:** For purposes of this Section, plans including all supporting documentation adopted by the Township at the time of rezoning shall be referred to as the "Zoning Plan", and plans including all supporting documentation approved subsequent to such rezoning but prior to the

initiation of any development activities are referred to as the “Development Plan”.

**3N1-03:** Each PCD is considered a separate and unique zoning district wherein a Zoning Plan, including associated text describing the allowable uses and specific development standards is adopted simultaneously with the application requesting amendment of the zoning map to apply the PCD designation. The Zoning Plan, as approved by the Township and as provided under Ohio Revised Code Section 519.021(B), shall constitute the zoning regulations for and shall apply only to the property included within that particular PCD. Whenever there is a conflict or difference between the provisions of Section 3N and those of other sections of this Zoning Code, the provisions of Section 3N shall prevail for the development of land within the PCD. Subjects not expressly covered by Section 3N shall be governed by the respective provisions found elsewhere in this Zoning Code that are most similar to the proposed use.

**3N1-04:** The action of the Township upon an application to approve a Zoning Plan pursuant to this Section and Section IX of the Zoning Code shall be considered a legislative act, and subject to a referendum. After property has been rezoned to the PCD, any action related to the subsequent use or development of such property, as being in compliance with the regulations authorized to be established by this Section including any action taken on a Development Plan, shall not be considered to be an amendment to the Township Zoning Code for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

**3N1-05:** A change to an adopted Zoning Plan shall be considered to be a zoning amendment and shall be processed according to the procedures set forth in Section 519.12 of the Ohio Revised Code and Section IX of this Zoning Code.

**3N1-06:** A Development Plan shall be required to be submitted to the Township for approval prior to the initiation of development in each phase of the PCD.

### **3N2 Uses Permitted to be Requested Within a PCD**

**3N2-01:** Within the PCD the following uses, developed in strict compliance with the approved Zoning Plan, may be requested to be permitted. The precise use or type of use to be included in the proposed PCD shall be clearly specified in the proposed Zoning Plan.

- (1) REC-1, Privately Owned Recreational Facilities

- (a) Uses defined in Subsection 3H1-01, and those accessory uses defined in Subsections 3H1-02, 3H1-03 and 3H1-06 of the Zoning Code.
- (2) S-1, Professional and Commercial Services
  - (a) Uses defined in Subsections 3L1-01 through 3L1-03 of the Zoning Code.
- (3) S-2, Veterinary and Animal Hospital Services
  - (a) Uses defined in Subsections 3M1-01 and 3M1-02 of the Zoning Code.
- (4) C-1, Local Commercial Establishments
  - (a) Uses defined in Subsections 3P1-01 through 3P1-03 of the Zoning Code.

**3N2-02:** With the exception of the Subsections listed above, no other provisions in Sections 3H, 3L, 3M and 3P shall be applicable to the PCD.

### **3N3 Prohibited Uses**

**3N3-01:** Within the PCD the following uses shall be prohibited:

- (a) Uses not specifically authorized by the express terms of the Zoning Plan.
- (b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to a legal sales or repair activity if such activities are carried out in compliance with the approved Zoning Plan.
- (c) Except as provided in the Zoning Plan, no trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by the Zoning Plan.

- (d) Except as specifically permitted in the approved Zoning Plan, no manufactured home, mobile home, or mobile office structure shall be placed or occupied in this district.
- (e) Sales trailers of any type.
- (f) Sexually Oriented Businesses as defined in Section 3AA2-07(A)(11)(c).
- (g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- (h) Residential uses of any kind.

### **3N4 Procedure for Amending to the PCD**

**3N4-01:** In addition to the procedure set forth in Section IX of this Code, all applications for amendments to the zoning map to rezone property to the PCD shall follow the procedures hereinafter set forth:

- (1) Preapplication Meeting – The applicant is encouraged to engage in informal consultations with staff from the Zoning Commission and the Fairfield County Regional Planning Commission prior to formal submission of an application for an amendment of the Zoning Code. No statement or action by Township or County officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules.
- (2) Application – The owner(s) of land may request that the Zoning Code be amended to include such land in the PCD by filing fifteen (15) copies of an application for such amendment with the Violet Township Zoning Commission, which application shall contain:
  - (a) name, address and telephone number of the owner and applicant;
  - (b) name, address and number of registered surveyor and engineer assisting in the preparation of the Zoning Plan;
  - (c) legal description of the property and the address of the property;

- (d) description of existing uses;
  - (e) present zoning district;
  - (f) a vicinity map at a scale approved by the Zoning Commission showing the relationship of the PCD to the existing streets and public service facilities in the area;
  - (g) a list of the names and addresses of all owners of property which are within, contiguous to and directly across the street from the subject property; and
  - (h) any other matter or information deemed necessary or relevant by the Zoning Commission for the proposed amendment.
- (3) Proposed Zoning Plan – In addition to the application required herein, fifteen (15) copies of a proposed Zoning Plan shall be submitted with the application. The proposed Zoning Plan shall include in text and map form:
- (a) The size and location of the property to be rezoned;
  - (b) A list and description of the precise uses proposed for the development and phases for construction, if any. Listed uses shall be defined by their customary name or identification as stated for the REC-1, S-1, S-2 and C-1 Districts in Section 3N2-01, except where they are specifically defined or limited in the Zoning Plan or this Zoning Code. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan;
  - (c) The general development character of the property proposed to be rezoned to this District, including the location of uses, overall lot sizes, building size limitations, height and lot coverage restrictions, minimum perimeter setback requirements and other general development features including landscaping, screening and buffering from adjacent properties. The extent and intensity of said landscaping, screening and buffering may vary in density, spacing and other treatments to reflect variations in topography, existing landscaping and existing uses and planned uses set forth in the Violet Township Land Use and Transportation Plan;
  - (d) General architectural design criteria for all structures and criteria for proposed signs and exterior lighting with proposed control features;

- (e) Proposed provisions for water, sanitary sewer, surface drainage and other utilities, including location of detention areas, with general engineering feasibility studies or other evidence of reasonableness;
  - (f) The proposed traffic patterns showing points of ingress and egress, public and private streets, parking and loading areas and number of parking and loading spaces, walks, and other transportation facilities, including their relationship to existing conditions, topographically and otherwise;
  - (g) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;
  - (h) Location of open space areas, parks and other public facilities, if any;
  - (i) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities and the proposed maintenance plans for areas not being immediately developed;
  - (j) The ability of the applicant or applicants to carry forth the Zoning Plan by control of the property proposed to be rezoned to this PCD and the engineering feasibility of the Zoning Plan; and
  - (k) Any additional information as may be required by the Zoning Commission.
- (4) Basis of Approval – In determining whether or not to approve an application for a PCD, the reviewing authorities shall consider the following:
- (a) If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Code;
  - (b) If the proposed development is in conformity with the Violet Township Land Use and Transportation Plan or portion thereof as it may apply;
  - (c) If the proposed development promotes the public health, safety, and general welfare of the Township and the immediate vicinity;
  - (d) If the proposed plan meets all of the design features required in this Code;

- (e) If the proposed development is in keeping with the existing land use character and physical development potential of the area;
  - (f) If the proposed development will be compatible in use and appearance with surrounding land uses;
  - (g) If the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
  - (h) If the development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the PCD without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
  - (i) If the development is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township; and
  - (j) If the benefits, improved arrangement and design of the property to be developed justify rezoning the property to the PCD.
- (5) Effect of Approval
- (a) The Zoning Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the PCD permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Zoning Plan. However, in a PCD, no use shall be established or changed and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township a Development Plan for said part of said tract, and until the Development Plan is approved by the Township Trustees.
  - (b) The approval of the Zoning Plan shall be for a period of five (5) years, or for such other period as set forth in the approved Zoning Plan, to allow the preparation of the required Development Plan. Unless the Board of Trustees approves an extension of this time limit, upon the expiration of such period, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Zoning Plan has been filed with and approved by the Township, and such application for approval shall be subject to the same procedures and conditions as an original application for the Zoning



Plan approval. This new application shall comply with the terms of the Zoning Code then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD. In addition, the Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property to its former (or another similar) classification upon expiration of the Zoning Plan approval period.

- (6) Development Plan Required – In the PCD, no use shall be established or changed and no structure shall be constructed or altered until a Development Plan for each such use and/or structure has been approved by the Township Trustees.
- (7) Development Plan – An application for approval of the Development Plan shall be filed with fifteen (15) copies of the Development Plan which shall include in text and map form the following:
  - (a) Proposed name of the development and its location;
  - (b) Names and addresses of applicant, owners and developers;
  - (c) Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale;
  - (d) Boundary lines of the proposed development and the total acreage encompassed therein;
  - (e) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and section and corporation lines within or adjacent to the tract;
  - (f) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
  - (g) The adjoining lines of adjacent tracts, parcels or lots;
  - (h) Existing zoning restrictions and deed restrictions, if any;
  - (i) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features;
  - (j) Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements;

- (k) Layout, numbering and dimensions of lots if more than one;
- (l) Layout, location, dimensions and architectural features of proposed structures;
- (m) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications;
- (n) Building setback lines with dimensions;
- (o) Tentative street grades and sewer size slope;
- (p) Traffic circulation, detailed off-street parking and loading plan showing layout, location and design of parking and loading areas and number of parking and loading spaces, curb cuts, pedestrian walks and lane improvements on existing public roads;
- (q) Landscaping plans, including site grading and landscape design;
- (r) Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission;
- (s) Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
- (t) Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used;
- (u) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development;
- (v) A detailed signage and exterior lighting plan;
- (w) Intended measures to screen rooftop mechanical equipment from view;
- (x) Accommodations and access for emergency and fire fighting apparatus;

- (y) The management plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user; and
  - (z) Any additional information as may be required by the Zoning Commission.
- (8) Process For Approval – The application for the Development Plan approval shall be submitted to the Zoning Commission for hearing and recommendation. The Zoning Commission shall establish a date for the hearing which shall occur within forty-five (45) days after the filing of the complete application with the Zoning Inspector and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Zoning Commission shall make a recommendation for the approval, modification or denial of the application within one hundred eighty (180) days after the first hearing date. The recommendation shall be forwarded to the Board of Trustees. The Board of Trustees shall hold a hearing on the application within thirty (30) days after its receipt of the recommendation and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Board of Trustees shall render a decision on the application within one hundred eighty days (180) after the first hearing date. The Development Plan shall be approved by the Board of Trustees if it is in accordance and consistent with the approved Zoning Plan relating to that part of said tract which is the subject of the Development Plan and with the PCD regulations set forth in Section 3N. Upon the approval of the Development Plan, the tract which is the subject of said Development Plan may be used and developed consistent with the approved Zoning Plan and the Development Plan. The approval of the Development Plan shall be for a period of two (2) years in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of certificate of zoning compliance. If no plat has been filed within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.
- (9) Extension of Time for Development Plan – Upon application by the owner(s), the Board of Trustees may extend the two (2) year time limit provided by Section 3N4-01(8). Such extension may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the

original approved Zoning Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the PCD.

- (10) Modification of Development Plan – An applicant seeking to modify an approved Development Plan shall file a new application for Development Plan approval utilizing the same procedures and criteria as established for the approval of the initial Development Plan.
- (11) Fees – A fee as established by the Board of Trustees shall accompany an application requesting approval of the Zoning Plan or Development Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Violet Township in using professional consulting services to review the Zoning Plan and/or Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Zoning Plan or Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Zoning Plan or Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals.
- (12) Phases – A project which is the subject of the Zoning Plan may be approved for development in phases. Each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Zoning Plan or absent an extension approved by the Board of Trustees, all phases shall be submitted for and receive Development Plan approval within the time

frame set forth in Section 3N4-01(5). An application for Development Plan approval for each phase of a project shall be annotated as to the as built conditions and shall be supplemented with an updated construction schedule. The phasing schedule shall be fully described in the Zoning Plan in a manner sufficient to give Township officials guidelines for the timing of future phases.

**3N4-02:** Development Guidelines – The proposed development shall be designed in accordance with accepted planning principles, including the planning and development principles included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the set back of buildings; and the sizes of yards and other spaces are in compliance with the purposes and objectives of the Section as set forth above. The development should incorporate open space features and be designed and landscaped to avoid creating undesired impact for adjoining residential properties while maintaining the character of the area as predominately suburban residential. The design of the proposed development should also take into account and be reflective of the following planning and development guidelines:

- (1) Access – The Zoning Plan should require frontage on and direct access to, one or more dedicated and improved public arterial roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or Fairfield County Regional Planning Commission should be provided.
- (2) Setbacks and Yard Areas – The location and arrangements of buildings and structures within the PCD should be configured in a manner to appropriately balance open spaces and commercial areas and to provide safe separation between buildings and uses and to ensure convenient access within the area. When located contiguous to a residential district (R-1, R-2, R-3, R-7, R-8 or PD), no building should be constructed within fifty (50) feet of the perimeter property line of the contiguous property, and no parking should be constructed closer than thirty-five (35) feet to a contiguous property line.
- (3) Buildings – The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building size, mass, height, shape and setback, shall result in a harmonious development within the development and adjacent to it. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area and sufficiently buffered from the surrounding areas in order to mitigate any potential adverse impact. Buildings, structures and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic or cultural features, and minimize

environmental impacts. Buildings and structures should be designed to enhance both areas within the development and surrounding areas, giving due regard to building footprints, building orientation, massing, roof shape, pitch and exterior materials.

- (4) Building Size – Building size should be limited in areas not conducive to absorbing the impacts associated with larger retail and commercial establishments. Large scale buildings and operations are encouraged to be located adjacent to major arterials and are discouraged in areas abutting minor arterials, collector and local street systems. The applicant shall delineate any building size limitations as part of the Zoning Plan.
- (5) Tract Coverage – Ground coverage by buildings and paved areas shall be minimized and shall be designed to foster compatibility both within the project area and adjacent properties.
- (6) Lighting – Exterior building and parking lot lighting including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. Lighting standards should be included in the Zoning Plan. A detailed lighting plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- (7) Signage – All signs and graphics within the PCD should be compatible in size, location, material, height, shape, color, and illumination. Sign standards should be included in the Zoning Plan. A sign plan for the entire PCD shall set forth the design parameter for the entire project to ensure a constant and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures compliment the appearance and architecture of the buildings and the PCD, but do not contribute to environmental degradation. Ground signs should be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame should be compatible with the buildings, materials, and colors. A detailed sign plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- (8) Landscaping – All yards (front, side and rear) and all open space not covered by structure, asphalt and the like shall be landscaped. Landscaping standards should be included in the Zoning Plan. A detailed landscape plan shall accompany and be submitted with the Development

Plan and shall be subject to approval as part of the Development Plan. All landscaping shall be maintained and kept in accordance with the landscape plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The landscape plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping should be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. The landscape treatment proposed to be provided should emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and important axis between the development and other locations. The landscape plan, to the extent practical, should preserve and be sensitive to the natural characteristics of the site. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they should be preserved. Any proposed landscape mounds shall be designed with such, slope, plant and other landscape materials so as to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design should be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance shall be used. Landscaped parking lot islands shall be designed in accordance with these landscape principles as well as to facilitate snow removal techniques.

- (9) Parking and Loading Areas – Off street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the Zoning Plan. A detailed off-street parking and loading plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. In preparing the parking plan, the provisions of Section 3X should, when appropriate, be incorporated. Parking areas shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible shall be oriented perpendicular to the building fronts. All service and delivery and loading areas shall be made to the rear of the structure(s) unless special design treatment or circumstances warrant an alternative. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the development.

- (10) Open Space – Open spaces should be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.
- (11) Flood Plains and Environmentally Sensitive Areas – Flood plains should be protected from building or pavement encroachment. A riparian buffer should be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area should have a width of not less than fifty (50) feet as measured from the river or stream bank. This buffer area should be restricted from development and managed to promote the growth of vegetation indigenous to the area capable of maintaining the structural integrity of the stream bank. A wetlands buffer should be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area should have a width not less than twenty-five (25) feet, measured from the edge of the designated wetland. The buffer area should not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable.
- (12) Utilities – Centralized water supply and sanitary sewage disposal systems and stormwater management shall be provided, subject to the Fairfield County Sanitary Engineer, Fairfield County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines should be located underground.
- (13) Fire and Explosion Hazards – All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- (14) Air Pollution – No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- (15) Glare, Heat, and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other similar types of activities shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.



- (16) Dust and Erosion – Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- (17) Liquid or Solid Wastes – No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- (18) Vibrations and Noise – No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.
- (19) Odors – No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

## **30 PBID – Planned Business and Industrial District**

### **301 Objectives for Planned Business and Industrial District**

**301-01:** The Planned Business and Industrial District (PBID) is organized as authorized under Ohio Revised Code Section 519.021(B). The regulations set forth herein are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district classifications do not adequately regulate the design of buildings and the general character of a development or enable the range of uses in a single zoning district that are appropriate in the Township. Accordingly, it is the policy of Violet Township to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of various types of development projects, in order to accommodate unified development that:

- (a) provides an opportunity for a mix of open space, recreational, commercial and light industrial uses not otherwise permitted within the standard zoning district classifications; and
- (b) allows the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protects the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas; and
- (c) enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development; and
- (d) assures compatibility between proposed land uses within and around the PBID through appropriate development controls; and
- (e) enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; and
- (f) encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

**301-02:** For purposes of this Section, plans including all supporting documentation adopted by the Township at the time of rezoning shall be referred to as the "Zoning Plan", and plans including all supporting documentation approved subsequent to such rezoning but prior to the initiation of any development activities are referred to as the "Development Plan".

**301-03:** Each PBID is considered a separate and unique zoning district wherein a Zoning Plan, including associated text describing the allowable uses and specific development standards is adopted simultaneously with the application requesting amendment of the zoning map to apply the PBID designation. The Zoning Plan, as approved by the Township and as provided under Ohio Revised Code Section 519.021(B), shall constitute the zoning regulations for and shall apply only to the property included within that particular PBID. Whenever there is a conflict or difference between the provisions of Section 30 and those of other sections of this Zoning Code, the provisions of Section 30 shall prevail for the development of land within the PBID. Subjects not expressly covered by Section 30 shall be governed by the respective provisions found elsewhere in this Zoning Code that are most similar to the proposed use.

**301-04:** The action of the Township upon an application to approve a Zoning Plan pursuant to this Section and Section IX of the Zoning Code shall be considered a legislative act, and subject to a referendum. After property has been rezoned to the PBID, any action related to the subsequent use or development of such property, as being in compliance with the regulations authorized to be established by this Section including any action taken on a Development Plan, shall not be considered to be an amendment to the Township Zoning Code for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

**301-05:** A change to an adopted Zoning Plan shall be considered to be a zoning amendment and shall be processed according to the procedures set forth in Section 519.12 of the Ohio Revised Code and Section IX of this Zoning Code.

**301-06:** A Development Plan shall be required to be submitted to the Township for approval prior to the initiation of development in each phase of the PBID.

### **302 Uses Permitted to be Requested Within a PBID**

**302-01:** Within the PBID the following uses, developed in strict compliance with the approved Zoning Plan, may be requested to be permitted. The precise use or type of use to be included in the proposed PBID shall be clearly specified in the proposed Zoning Plan.

(1) REC-1, Privately Owned Recreational Facilities

(a) Uses defined in Subsection 3H1-01, and those accessory uses defined in Subsections 3H1-02, 3H1-03 and 3H1-06 of the Zoning Code.

(2) S-1, Professional and Commercial Services

(a) Uses defined in Subsections 3L1-01 through 3L1-03 of the Zoning Code.

(3) S-2, Veterinary and Animal Hospital Services

(a) Uses defined in Subsections 3M1-01 and 3M1-02 of the Zoning Code.

(4) C-1, Local Commercial Establishments

- (a) Uses defined in Subsections 3P1-01 through 3P1-03 of the Zoning Code.
  - (5) C-2, Limited Commercial Establishments
    - (a) Uses defined in Subsections 3Q1-01 through 3Q1-03 of the Zoning Code.
  - (6) C-3, Unlimited Commercial Establishments
    - (a) Uses defined in Subsection 3R1-01 of the Zoning Code.
  - (7) M-1, Restricted Manufacturing Establishments
    - (a) Uses defined in Subsections 3S1-01 and 3S1-02 of the Zoning Code.
  - (8) M-2, Limited Manufacturing Establishments
    - (a) Uses defined in Subsections 3T1-01 through 3T1-02
- 302-02:** With the exception of the Subsections listed above, no other provisions in Sections 3H, 3L, 3M, 3P, 3Q, 3R, 3S and 3T shall be applicable to the PBID.

### **303 Prohibited Uses**

**303-01:** Within the PBID the following uses shall be prohibited:

- (a) Uses not specifically authorized by the express terms of the Zoning Plan.
- (b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to a legal sales or repair activity if such activities are carried out in compliance with the approved Zoning Plan.
- (c) Except as provided in the Zoning Plan, no trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by the Zoning Plan.

- (d) Except as specifically permitted in the approved Zoning Plan, no manufactured home, mobile home, or mobile office structure shall be placed or occupied in this district.
- (e) Sales trailers of any type.
- (f) Sexually Oriented Businesses as defined in Section 3AA2-07(A)(11)(c).
- (g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- (h) Residential uses of any kind.

### **304 Procedure for Amending to the PBID**

**304-01:** In addition to the procedure set forth in Section IX of this Code, all applications for amendments to the zoning map to rezone property to the PBID shall follow the procedures hereinafter set forth:

- (1) Preapplication Meeting – The applicant is encouraged to engage in informal consultations with staff from the Zoning Commission and the Fairfield County Regional Planning Commission prior to formal submission of an application for an amendment of the Zoning Code. No statement or action by Township or County officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules.
- (2) Application – The owner(s) of land may request that the Zoning Code be amended to include such land in the PBID by filing fifteen (15) copies of an application for such amendment with the Violet Township Zoning Commission, which application shall contain:
  - (a) name, address and telephone number of the owner and applicant;
  - (b) name, address and number of registered surveyor and engineer assisting in the preparation of the Zoning Plan;
  - (c) legal description of the property and the address of the property;

- (d) description of existing uses;
  - (e) present zoning district;
  - (f) a vicinity map at a scale approved by the Zoning Commission showing the relationship of the PBID to the existing streets and public service facilities in the area;
  - (g) a list of the names and addresses of all owners of property which are within, contiguous to and directly across the street from the subject property; and
  - (h) any other matter or information deemed necessary or relevant by the Zoning Commission for the proposed amendment.
- (3) Proposed Zoning Plan – In addition to the application required herein, fifteen (15) copies of a proposed Zoning Plan shall be submitted with the application. The proposed Zoning Plan shall include in text and map form:
- (a) The size and location of the property to be rezoned;
  - (b) A list and description of the precise uses proposed for the development and phases for construction, if any. Listed uses shall be defined by their customary name or identification as stated for the REC-1, S-1, S-2, C-1, C-2, C-3, M-1 and M-2 Districts in Section 3O2-01, except where they are specifically defined or limited in the Zoning Plan or this Zoning Code. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan;
  - (c) The general development character of the property proposed to be rezoned to this District, including the location of uses, overall lot sizes, building size limitations, height and lot coverage restrictions, minimum perimeter setback requirements and other general development features including landscaping, screening and buffering from adjacent properties. The extent and intensity of said landscaping, screening and buffering may vary in density, spacing and other treatments to reflect variations in topography, existing landscaping and existing uses and planned uses set forth in the Violet Township Land Use and Transportation Plan;
  - (d) General architectural design criteria for all structures and criteria for proposed signs and exterior lighting with proposed control features;

- (e) Proposed provisions for water, sanitary sewer, surface drainage and other utilities, including location of detention areas, with general engineering feasibility studies or other evidence of reasonableness;
  - (f) The proposed traffic patterns showing points of ingress and egress, public and private streets, parking and loading areas and number of parking and loading spaces, walks, and other transportation facilities, including their relationship to existing conditions, topographically and otherwise;
  - (g) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;
  - (h) Location of open space areas, parks and other public facilities, if any;
  - (i) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities and the proposed maintenance plans for areas not being immediately developed;
  - (j) The ability of the applicant or applicants to carry forth the Zoning Plan by control of the property proposed to be rezoned to this PBID and the engineering feasibility of the Zoning Plan; and
  - (k) Any additional information as may be required by the Zoning Commission.
- (4) Basis of Approval – In determining whether or not to approve an application for a PBID, the reviewing authorities shall consider the following:
- (a) If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Code;
  - (b) If the proposed development is in conformity with the Violet Township Land Use and Transportation Plan or portion thereof as it may apply;
  - (c) If the proposed development promotes the public health, safety, and general welfare of the Township and the immediate vicinity;
  - (d) If the proposed plan meets all of the design features required in this Code;
  - (e) If the proposed development is in keeping with the existing land use character and physical development potential of the area;

- (f) If the proposed development will be compatible in use and appearance with surrounding land uses;
- (g) If the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
- (h) If the development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the PBID without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
- (i) If the development is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township; and
- (j) If the benefits, improved arrangement and design of the property to be developed justify rezoning the property to the PBID.

(5) Effect of Approval

- (a) The Zoning Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the PBID permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Zoning Plan. However, in a PBID, no use shall be established or changed and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township a Development Plan for said part of said tract, and until the Development Plan is approved by the Township Trustees.
- (b) The approval of the Zoning Plan shall be for a period of five (5) years, or for such other period as set forth in the approved Zoning Plan, to allow the preparation of the required Development Plan. Unless the Board of Trustees approves an extension of this time limit, upon the expiration of such period, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Zoning Plan has been filed with and approved by the Township, and such application for approval shall be subject to the same procedures and conditions as an original application for the Zoning Plan approval. This new application shall comply with the terms of the Zoning Code then in effect at the time of filing, including,



without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PBID. In addition, the Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property to its former (or another similar) classification upon expiration of the Zoning Plan approval period.

- (6) Development Plan Required – In the PBID, no use shall be established or changed and no structure shall be constructed or altered until a Development Plan for each such use and/or structure has been approved by the Township Trustees.
- (7) Development Plan – An application for approval of the Development Plan shall be filed with fifteen (15) copies of the Development Plan which shall include in text and map form the following:
  - (a) Proposed name of the development and its location;
  - (b) Names and addresses of applicant, owners and developers;
  - (c) Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale;
  - (d) Boundary lines of the proposed development and the total acreage encompassed therein;
  - (e) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and section and corporation lines within or adjacent to the tract;
  - (f) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
  - (g) The adjoining lines of adjacent tracts, parcels or lots;
  - (h) Existing zoning restrictions and deed restrictions, if any;
  - (i) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features;
  - (j) Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements;
  - (k) Layout, numbering and dimensions of lots if more than one;

- (l) Layout, location, dimensions and architectural features of proposed structures;
- (m) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications;
- (n) Building setback lines with dimensions;
- (o) Tentative street grades and sewer size slope;
- (p) Traffic circulation, detailed off-street parking and loading plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, curb cuts, pedestrian walks and lane improvements on existing public roads;
- (q) Landscaping plans, including site grading and landscape design;
- (r) Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission;
- (s) Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
- (t) Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used;
- (u) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development;
- (v) A detailed signage and exterior lighting plan;
- (w) Intended measures to screen rooftop mechanical equipment from view;
- (x) Accommodations and access for emergency and fire fighting apparatus;
- (y) The management plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user; and

- (z) Any additional information as may be required by the Zoning Commission.
- (8) Process For Approval – The application for the Development Plan approval shall be submitted to the Zoning Commission for hearing and recommendation. The Zoning Commission shall establish a date for the hearing which shall occur within forty-five (45) days after the filing of the complete application with the Zoning Inspector and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Zoning Commission shall make a recommendation for the approval, modification or denial of the application within one hundred eighty (180) days after the first hearing date. The recommendation shall be forwarded to the Board of Trustees. The Board of Trustees shall hold a hearing on the application within thirty (30) days after its receipt of the recommendation and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Board of Trustees shall render a decision on the application within one hundred eighty (180) days after the first hearing date. The Development Plan shall be approved by the Board of Trustees if it is in accordance and consistent with the approved Zoning Plan relating to that part of said tract which is the subject of the Development Plan and with the PBID regulations set forth in Section 3O. Upon the approval of the Development Plan, the tract which is the subject of said Development Plan may be used and developed consistent with the approved Zoning Plan and the Development Plan. The approval of the Development Plan shall be for a period of two (2) years in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of certificate of zoning compliance. If no plat has been filed within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.
- (9) Extension of Time for Development Plan – Upon application by the owner(s), the Board of Trustees may extend the two (2) year time limit provided by Section 3O4-01(8). Such extension may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Zoning Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the PBID.

- (10) Modification of Development Plan – An applicant seeking to modify an approved Development Plan shall file a new application for Development Plan approval utilizing the same procedures and criteria as established for the approval of the initial Development Plan.
- (11) Fees – A fee as established by the Board of Trustees shall accompany an application requesting approval of the Zoning Plan or Development Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Violet Township in using professional consulting services to review the Zoning Plan and/or Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Zoning Plan or Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Zoning Plan or Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals.
- (12) Phases – A project which is the subject of the Zoning Plan may be approved for development in phases. Each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Zoning Plan or absent an extension approved by the Board of Trustees, all phases shall be submitted for and receive Development Plan approval within the time frame set forth in Section 304-01(5). An application for Development Plan approval for each phase of a project shall be annotated as to the as built conditions and shall be supplemented with an updated construction schedule. The phasing schedule shall be fully described in the Zoning

Plan in a manner sufficient to give Township officials guidelines for the timing of future phases.

**304-02:** Development Guidelines – The proposed development shall be designed in accordance with accepted planning principles, including the planning and development principles included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the set back of buildings; and the sizes of yards and other spaces are in compliance with the purposes and objectives of the Section as set forth above. To the greatest extent possible, the proposed development should be designed in an integrated fashion as a commercial, office or industrial park with a campus-like setting. It should incorporate substantial landscaping, vegetation and open space features, and it should include adequate buffering to minimize any undesired impacts on adjoining residential properties. The design of the proposed development should also take into account and be reflective of the following planning and development guidelines:

- (1) Access – The Zoning Plan should require frontage on and direct access to, one or more dedicated and improved public arterial roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or Fairfield County Regional Planning Commission should be provided.
- (2) Setbacks and Yard Areas – The location and arrangements of buildings and structures within the PBID should be configured in a manner to appropriately balance open spaces and commercial areas and to provide safe separation between buildings and uses and to ensure convenient access within the area. When located contiguous to a residential district (R-1, R-2, R-3, R-7, R-8 or PD), no building should be constructed within fifty (50) feet of the perimeter property line of the contiguous property, and no parking should be constructed closer than thirty-five (35) feet to a contiguous property line.
- (3) Buildings – The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building size, mass, height, shape and setback, shall result in a harmonious development within the development and adjacent to it. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area and sufficiently buffered from the surrounding areas in order to mitigate any potential adverse impact. Buildings, structures and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic or cultural features, and minimize environmental impacts. Buildings and structures should be designed to enhance both areas within the development and surrounding areas,

giving due regard to building footprints, building orientation, massing, roof shape, pitch and exterior materials.

- (4) Building Size – Building size should be limited in areas not conducive to absorbing the impacts associated with larger retail and commercial establishments. Large scale buildings and operations are encouraged to be located adjacent to major arterials and are discouraged in areas abutting minor arterials, collector and local street systems. The applicant shall delineate any building size limitations as part of the Zoning Plan.
- (5) Tract Coverage – Ground coverage by buildings and paved areas shall be minimized and shall be designed to foster compatibility both within the project area and adjacent properties.
- (6) Lighting – Exterior building and parking lot lighting including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. Lighting standards should be included in the Zoning Plan. A detailed lighting plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- (7) Signage – All signs and graphics within the PBID should be compatible in size, location, material, height, shape, color, and illumination. Sign standards should be included in the Zoning Plan. A sign plan for the entire PBID shall set forth the design parameter for the entire project to ensure a constant and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures compliment the appearance and architecture of the buildings and the PBID, but do not contribute to environmental degradation. Ground signs should be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame should be compatible with the buildings, materials, and colors. A detailed sign plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- (8) Landscaping – All yards (front, side and rear) and all open space not covered by structure, asphalt and the like shall be landscaped. Landscaping standards should be included in the Zoning Plan. A detailed landscape plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All landscaping shall be maintained and kept in accordance with the

landscape plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The landscape plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping should be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. The landscape treatment proposed to be provided should emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and important axis between the development and other locations. The landscape plan, to the extent practical, should preserve and be sensitive to the natural characteristics of the site. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they should be preserved. Any proposed landscape mounds shall be designed with such, slope, plant and other landscape materials so as to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design should be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance shall be used. Landscaped parking lot islands shall be designed in accordance with these landscape principles as well as to facilitate snow removal techniques.

- (9) Parking and Loading Areas – Off street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the Zoning Plan. A detailed off-street parking and loading plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. In preparing the parking plan, the provisions of Section 3X should, when appropriate, be incorporated. Parking areas shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible shall be oriented perpendicular to the building fronts. All service and delivery and loading areas shall be made to the rear of the structure(s) unless special design treatment or circumstances warrant an alternative. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the development.
- (10) Open Space – Open spaces should be distributed throughout the development as part of a unified open space system, which shall serve to

unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.

- (11) Flood Plains and Environmentally Sensitive Areas – Flood plains should be protected from building or pavement encroachment. A riparian buffer should be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area should have a width of not less than fifty (50) feet as measured from the river or stream bank. This buffer area should be restricted from development and managed to promote the growth of vegetation indigenous to the area capable of maintaining the structural integrity of the stream bank. A wetlands buffer should be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area should have a width not less than twenty-five (25) feet, measured from the edge of the designated wetland. The buffer area should not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable.
- (12) Utilities – Centralized water supply and sanitary sewage disposal systems and stormwater management shall be provided, subject to the Fairfield County Sanitary Engineer, Fairfield County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines should be located underground.
- (13) Fire and Explosion Hazards – All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- (14) Air Pollution – No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- (15) Glare, Heat, and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other similar types of activities shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.
- (16) Dust and Erosion – Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.



- (17) Liquid or Solid Wastes – No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- (18) Vibrations and Noise – No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.
- (19) Odors – No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

### **3P C-1 District - Local Commercial**

#### **3P1 Uses Permitted in C-1 District**

- 3P1-01:** The C-1 District is defined as an area reserved for retail commercial and trade uses of a size and scope to serve the local neighborhood primarily. If the enterprise requires such a volume of trade that it seeks customers far beyond the local neighborhood, its location in the C-1 District shall be prohibited. Each such enterprise shall comply with the following restrictions:
- (a) Shall offer merchandise for sale on a retail basis only;
  - (b) Shall provide adequate space within solidly enclosed buildings for the storage of all merchandise which it may offer for sale;
  - (c) Shall not display merchandise out of doors at any time,
  - (d) Shall not engage in any type of food processing, such as baking or the manufacture of ice cream;
  - (e) Shall not conduct auction sales as a regular means of doing business.
- 3P1-02:** Retail stores selling clothing and dry goods, drugs, fruits and vegetables, meats, fish, hardware, news media, patent medicines, baked goods, dairy products, self-serve and hand laundries, processing and cleaning shops but

only if volatile fluids are not present, shoe repair shops, and other enterprises of similar nature shall be permitted.

**3P1-03:** Restaurant facilities for the preparation and serving of food and beverages. Curb service or drive-in service, where food is served to guests primarily for consumption in their automobiles while parked on the premises, shall not be permitted. Drive through service where food is delivered to the guests in their automobiles for consumption off the premises shall be permitted.

**3P1-04:** All uses permitted in S-1 District.

**3P1-05:** These and no other uses shall be permitted in this district.

### **3P2 Regulations Pertaining to Buildings and Land Use C-1 District**

**3P2-01:** The grouping of C-1 District uses into adjacent locations shall be encouraged. The total land area set-aside for C-1 District use in any one such location shall not exceed approximately, (20) twenty acres. The area occupied by public roads passing through the district shall not be included in the total area. When a land area of less than twenty (20) acres is zoned for C-1 District use, it shall be understood that surrounding land up to a total of approximately twenty (20) acres may be so zoned in the future but in no case shall a commercial building or other structure be erected closer than fifty (50) feet to a Residential District.

**3P2-02:** Unless contiguous to an existing commercial district, a separate C-1 district shall not be permitted within one-half mile of a previously established commercial district.

**3P2-03:** A C-1 District shall never be established closer than three hundred sixty (360) feet to a previously established R-2 District.

**3P2-04:** *Intentionally left blank*

**3P2-05:** Each individually owned property in a C-1 District shall front upon, and have access to an improved public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet. Properties in a C-1 District shall have an area of not less than ten thousand (10,000) square feet. However, when the deeds of individually owned properties granted easements for the common use of driveways, private roadway and parking spaces to the adjacent properties, and when such driveways are laid out in conformance with the regulations in paragraph 3P2-14, no minimum frontage or area for individually owned properties shall be required.

**3P2-06:** The maximum road frontage for a C-1 District shall not exceed twelve hundred (1200) feet along each road upon which it fronts.

- 3P2-07:** All buildings shall be erected on solid foundations and shall be constructed of conventional building materials of a quality to or better than those used in existing buildings in the adjacent areas.
- 3P2-08:** Along all road frontages, extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:
- (a) driveways for ingress and egress;
  - (b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;
  - (c) signs not over four (4) square feet for direction of traffic only;
  - (d) solid fences no higher than three (3) feet above road grade;
  - (e) plantings no higher than three (3) feet above roadgrade;
  - (f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;
  - (g) utility easements for the erection of public utility poles, hydrants, etc;
  - (h) sidewalks.
- 3P2-09:** No building or projection thereof, nor any other structure, nor any advertising sign shall be erected closer than eighty-five (85) feet to the center line of any public right-of-way, or in any case no closer than fifty (50) feet to the road side line nor closer than (50) feet to the district boundary line, except as noted in paragraphs 3E2-05 and 3E2-06.
- 3P2-10:** Open canopies and their structural supports intended to provide protection from the weather for customers and guests, may be erected as close as five (5) feet to the road side line but in no case closer than fifty (50) feet to center line of right-of-way. Advertising signs and devices, identifying the goods sold or the services rendered on the property, may be installed on or atop of such canopies.
- 3P2-11:** No setback from district boundaries shall be required when this district's boundaries adjoin the boundaries of a commercial or manufacturing district, a railroad right-of-way, or a limited access highway, except as otherwise restricted by law.

- 3P2-12:** Enclosed buildings, which exceed forty (40) feet in height shall be located no closer than one hundred (100) feet to road lines and district boundary lines. The exceptions permitted in paragraph 3P2-11 apply.
- 3P2-13:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage, shall be no greater than:
- Less than 130 feet frontage - 1 driveway  
 130 feet to 300 feet frontage - 2 driveways  
 300 feet to 500 feet frontage - 3 driveways  
 More than 500 feet frontage - 2 driveways
- 3P2-14:** When deeds to individually owned properties grant the easements referred to in paragraph 3P2-05, their individual frontages shall be grouped and their total frontage shall then be used for the determination of the total number of permissible driveways as specified in paragraph 3P2-13.
- 3P2-15:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.
- 3P2-16:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to C-1 Districts

**3P3 Some Uses Not Permitted in C-1 District**

- 3P3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.
- 3P3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.
- 3P3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

- 3P3-04:** Permanent or mobile structure for residential use.
- 3P3-05:** Any enterprise or activity which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.
- 3P3-06:** Auction sales as a regular means of conducting business shall not be permitted
- 3P3-07:** Any enterprise which involves the manufacture or fabrication of raw or semi-finished products into other semi-finished or finished products, or which changes or alters materials in any manner, shall be considered an industrial enterprise and as such shall not be permitted in a C-1 District
- 3P3-08:** Veterinary hospitals; sales or storage lots for new or used cars; amusement parks; outdoor drive-in theaters; drive-in restaurants and refreshment stands which provide outdoor service; in general any enterprise which would tend to cause a concentration of automobile traffic in the late evening hours.

## **3Q C-2 District - Limited Commercial**

### **3Q1 Uses Permitted in C-2 District**

- 3Q1-01:** The C-2 District is defined as an area reserved for general commercial and trade uses, both retail and wholesale, subject to the following limitations:
- (a) Each enterprise shall provide adequate space within solidly enclosed buildings for the storage of all merchandise which it may offer for sale;
  - (b) Merchandise may be displayed out of doors only during hours when the enterprise is open to conduct business unless the merchandise consists of horticultural products, including trees, shrubs, bushes, plants or flowers or other nursery products may be stored out of doors at all times.
  - (c) Any enterprise which handles merchandise but does not offer it for sale, such as motor freight terminals, storage warehouses, distributing terminals, parcel services, etc., shall not be permitted.
  - (d) Auction sales, as a regular means of conducting business, shall not be permitted.

- 3Q1-02:** Restaurant facilities for the preparation and serving of food and beverages to the general public.
- 3Q1-03:** Stations for the retail sale of motor fuels and the incidental sale of food and beverage products that are customarily handled by neighborhood convenience stores. This use does not include the provision of services for the repair, maintenance or storage of motor vehicles.
- 3Q1-04:** All uses permitted in S-1, S-2, and C-1 Districts
- 3Q1-05:** These and no other uses shall be permitted.

### **Conditionally Permitted Uses in C-2 Zoning District**

- 3Q1-06:** In addition, the following uses may be permitted in this District subject to the issuance of a Conditional Use Permit pursuant to the procedures contained in Section 3AA and Section VII of this Zoning Resolution:
  - (1) Self Service Storage Facility

### **3Q2 Regulations Pertaining to Buildings and Land Use in C-2 District**

- 3Q2-01:** All buildings shall be erected on solid foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in the adjacent areas.
- 3Q2-02:** Along all road frontages, extending fifty (50) feet from the center line of right-of-way but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:
  - (a) driveways for ingress and egress;
  - (b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;
  - (c) signs not over four (4) square feet for direction of traffic only;
  - (d) solid fences no higher than three (3) feet above road grade;
  - (e) plantings no higher than three (3) feet above road grade;

- (f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;
- (g) utility easements for the erection of public utility poles, hydrants, etc;
- (h) sidewalks.

**3Q2-03:** No building or projection thereof, or any other structure, nor any advertising sign shall be erected closer than eighty-five (85) feet to the center line of any public right-of-way, in any case no closer than fifty (50) feet to the road side line, nor closer than fifty (50) feet to the district boundary line, except as noted in paragraphs 3Q2-04 and 3Q2-05.

**3Q2-04:** Open canopies and their structural supports, intended to provide protection from the weather for customers and guests, may be erected as close as five (5) feet to the road side line but in no case closer than fifty (50) feet to center line of right-of-way. Advertising signs and devices, identifying the goods sold or the services rendered on the property, may be installed on or atop of such canopies.

**3Q2-05:** No setback from district boundaries shall be required when this district's boundaries adjoin the boundaries of a commercial or manufacturing district, a railroad right-of-way or a limited access highway, except as otherwise restricted by law.

**3Q2-06:** Enclosed buildings which exceed forty (40) feet in height shall be located no closer than one hundred (100) feet to road lines and district boundary lines. The exceptions permitted in paragraph 3Q2-05 apply.

**3Q2-07:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage shall be no greater than:

- Less than 130 feet frontage - 1 driveway
- 130 feet to 300 feet frontage - 2 driveways
- 300 feet to 500 feet frontage - 3 driveways
- More than 500 feet frontage - 2 driveways

**3Q2-08:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

**3Q2-09:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to C-2 Districts

**3Q2-10:** Any property within the C-2 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

### **3Q3 Some Uses Not-Permitted**

**3Q3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

**3Q3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.

**3Q3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

**3Q3-04:** Permanent or mobile structure for residential use.

**3Q3-05:** Any enterprise or activity which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.

**3Q3-06:** Any enterprise which involves the manufacture or fabrication of raw or semi-finished products into other semi-finished or finished products, or which changes or alters materials in any manner, shall be considered an industrial enterprise and as such shall not be permitted in a C-2 District.

## **3R C-3 District - Unlimited Commercial**

### **3R1 Uses Permitted in C-3 District**

**3R1-01:** The C-3 District is defined as an area wherein any commercial, mercantile or trade activity, either retail or wholesale, including repair shops and garages for storage, painting, repairing, welding and other services for automobiles, trucks, household appliances, motorcycles, and restaurants of all types shall be permitted with the following exceptions:



- (a) Yards for storage in the open of obsolete motor vehicles or any other obsolete merchandise or the disassembly of such obsolete merchandise to salvage usable parts or the reduction of such obsolete merchandise to usable scrap shall be prohibited.

**3R1-02:** All uses permitted in S-1, S-2, C-1, C-2 and M-1 Districts.

**3R1-03:** These and no other uses shall be permitted.

### **3R2 Regulations Pertaining to Buildings and Land Use in C-3 District**

**3R2-01:** All buildings shall be erected on solid foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in the adjacent areas.

**3R2-02:** Along all road frontages, extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the road sideline, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:

- (a) driveways for ingress and egress;
- (b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;
- (c) signs not over four (4) square feet for direction of traffic only;
- (d) solid fences no higher than three (3) feet above road grade;
- (e) plantings no higher than three (3) feet above road grade;
- (f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;
- (g) utility easements for the erection of public utility poles, hydrants, etc;
- (h) sidewalks.

**3R2-03:** No building or projection thereof, nor any other structure, nor any advertising sign shall be erected closer than five (85) feet to the center line of a any public right-of-way, or in any case no closer than fifty (50) feet to the roadside line, nor closer than fifty (50) feet to the district boundary line, except as noted in paragraphs 3R2-04 and 3R2-05.

- 3R2-04:** Open canopies and their structural supports, intended to provide protection from the weather for customers and guests, may be erected as close as five (5) feet to the road side line but in no case closer than fifty (50) feet to center line right-of-way. Advertising signs and devices, identifying the goods sold or the services rendered on the property, may be installed on or atop of such canopies.
- 3R2-05:** No setback from district boundaries shall be required where this district's boundaries adjoin the boundaries of a commercial or manufacturing district, railroad right-of-ways or a limited access highway except as otherwise restricted by law.
- 3R2-06:** Enclosed buildings which exceed forty (40) feet in height shall be located no closer than one hundred (100) feet to road lines and district boundary lines. The exceptions permitted in paragraph 3R2-05 apply.
- 3R2-07:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage shall be no greater than:
- Less than 130 feet frontage - 1 driveway  
 130 feet to 300 feet frontage - 2 driveways  
 300 feet to 500 feet frontage - 3 driveways  
 More than 500 feet frontage - 2 driveways
- 3R2-08:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.
- 3R2-09:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to C-3 Districts.
- 3R2-10:** Unless contiguous to an existing commercial district, a separate C-3 district shall not be permitted within one-half mile of a previously established commercial district.
- 3R2-11:** Any property within the C-3 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

**3R3 Some Uses Not Permitted in C-3 -District**

- 3R3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly

prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

- 3R3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.
- 3R3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.
- 3R3-04:** Permanent or mobile structure for residential use.
- 3R3-05:** Any enterprise or activity, which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.
- 3R3-06:** Any enterprise which involves the manufacture or fabrication of raw or semifinished products into other semi-finished or finished products, or which changes or alters materials in any manner, shall be considered an industrial enterprise and as such shall not be permitted in a C-3 District.

### **3S M-1 District - Restricted Manufacturing**

#### **3S1 Uses Permitted in M-1 District**

- 3S1-01:** Permit privately owned facilities for all types of manufacturing except the handling and processing of food stuffs, feeds, hides, fertilizers, explosive or volatile materials, and the smelting, re-melting, casting, forging or extruding of metals. Manufacturing is defined as an activity whereby materials are formed, mixed, assembled or otherwise altered in shape, composition or appearance to produce products of greater value in the market place than the original material.
- 3S1-02:** The following uses, while not strictly manufacturing, shall be permitted: research laboratories, office services, computer services, graphic reproduction, sign and poster shops, advertising displays.
- 3S1-03:** All uses permitted in S-1 District.
- 3S1-04:** These and no other uses shall be permitted.

### **3S2 Regulations Pertaining to Buildings and Land Use in M-1 District**

- 3S2-01:** Only buildings built on solid foundations, of conventional materials and of an architectural style compatible with other buildings in the area shall be constructed.
- 3S2-02:** All manufacturing activities and all storage, handling and warehousing materials and products shall be within buildings.
- 3S2-03:** Total area of buildings used for typically office functions such as accounting, engineering, drafting, planning, etc., shall be permitted.
- 3S2-04:** Total area of buildings used for manufacturing, storage, warehousing and laboratory functions shall be limited to a maximum of fifty thousand (50,000) square feet.
- 3S2-05:** Electric motor drives used for plant facilities such as ventilation, air conditioning, water pumps, etc., shall be unlimited in size.
- 3S2-06:** Electric motor drives used on manufacturing equipment such as presses, conveyers, machines, etc., shall not exceed twenty-five (25) horsepower, EXCEPT that one such drive may exceed this limit.
- 3S2-07:** This district shall front upon, or have legal access to, a public right-of-way.
- 3S2-08:** Along all road frontages, extending fifty (50) feet from the center line right-of-way, but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:
- (a) driveways for ingress and egress;
  - (b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road.
  - (c) signs not over four (4) square feet for direction of traffic only;
  - (d) solid fences no higher than three (3) feet above road grade;
  - (e) plantings no higher than three (3) feet above road grade;
  - (f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;
  - (g) utility easements for the erection of public utility poles, hydrants, etc;
  - (h) sidewalks.

- 3S2-09:** Buildings or projections thereof used to house the typically office functions or any other structure, or any advertising sign, shall be erected no closer than eighty-five (85) feet to the center line of a public right-of-way, but in no case closer than fifty (50) feet to a road side line nor closer than fifty (50) feet to a district boundary line.
- 3S2-10:** Buildings or projections thereof used to house the manufacturing, storage, warehousing and laboratory activities shall be erected no closer than one hundred eighty-five (185) feet to the center line of a public right-of-way but in no case closer than one hundred fifty (150) feet to a district boundary line.
- 3S2-11:** No setback shall be required for structures of any height where this district's boundaries adjoins the boundaries of another manufacturing or commercial district, a railroad right-of-way or a limited access highway, except as otherwise restricted by law.
- 3S2-12:** Any structure located closer than one hundred fifty (150) feet to a road or district boundary line shall be limited to one story and twenty (20) feet in height above finished grade.
- 3S2-13:** Water towers, pump houses, sewage treatment plants and similar plant facilities may be located as close as ten (10) feet to the district boundary lines but in no case closer than fifty (50) feet to a public right-of-way, only on the condition that such location is dictated by engineering requirements. Such uses are subject to Conditional Zoning Certificate, which may be granted by the Board of Zoning Appeals without public hearing, and without application fee.
- 3S2-14:** Driveways at the point of entry to roads or streets shall be no greater than thirty-five (35) feet in width and no closer than fifty (50) feet to intersection road lines or another driveway.
- 3S2-15:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage, shall be no greater than:
- Less than 130 feet frontage –1 driveway  
 130 feet to 300 feet frontage -2 driveways  
 300 feet to 500 feet frontage -3 driveways  
 More than 500 feet – 4 driveways
- 3S2-16:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

**3S2-17:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to M-1 Districts.

**3S2-18:** Any property within the M-1 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

### **3S3 Some Uses Not Permitted in M-1 District**

**3S3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

**3S3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.

**3S3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

**3S3-04:** Permanent or mobile structure for residential use.

**3S3-05:** Any enterprise or activity which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.

**3S3-06:** Processes involving the handling, storage or preparation of food stuffs, feeds; hides, fertilizers, explosive or volatile materials, and the smelting, re-melting, casting forging or extruding of metals.

## **3T M-2 District - Limited Manufacturing**

### **3T1 Uses Permitted in M-2 District**

**3T1-01:** Permit privately owned facilities for all types of manufacturing without exception. Manufacturing is defined as an activity whereby materials are formed, mixed, assembled or otherwise altered in shape, composition or

appearance to produce products of greater value in the market place than the original material.

**3T1-02:** Permit airports and heliports, which comply with all regulations of federal and state aviation agencies.

**3T1-03:** All uses permitted in R-5, S-1, S-2, C-1, C-2 and M-1 Districts.

**3T1-04:** These and no other uses shall be permitted.

### **3T2 Regulations Pertaining to Building and Land Use in M-2 District**

**3T2-01:** All buildings shall be erected on solid foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in the adjacent areas.

**3T2-02:** All manufacturing activities and all storage, handling and warehousing of materials and products shall be within buildings.

**3T2-03:** There shall be no limit on the area of buildings used for office, manufacturing, handling and warehouse activities.

**3T2-04:** This district shall front upon, or have legal access to, a public right-of-way.

**3T2-05:** Along all road frontages extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:

(a) driveways for ingress and egress;

(b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;

(c) signs not over four (4) square feet for direction of traffic only;

(d) solid fences no higher than three (3) feet above road grade;

(e) plantings no higher than three (3) feet above road grade;

(f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;

(g) utility easements for the erection of public utility poles, hydrants, etc;

(h) sidewalks.

- 3T2-06:** Buildings or projections thereof used to house the typically office functions or any other structure, or any advertising sign, shall be erected no closer than eighty-five (85) feet to the center line of a public right-of-way, but in no case closer than fifty (50) feet to a roadside line nor closer than fifty (50) feet to a district boundary line.
- 3T2-07:** Building or projection thereof used to house the manufacturing, storage, warehousing or laboratory activities shall be erected no closer than two hundred eighty-five (285) feet to the center line of a public right-of-way, but in no case closer than two hundred fifty (250) feet to a road side line nor closer than two hundred fifty (250) feet to a district boundary line.
- 3T2-08:** No setback shall be required for structures of any height where this district's boundaries adjoin the boundaries of another manufacturing or commercial district, a railroad right-of-way or a limited access highway, except as otherwise restricted by law.
- 3T2-09:** Any structure located closer than one hundred fifty (150) feet to a road or district boundary line shall be limited to one story and twenty (20) feet in height above finished grade.
- 3T2-10:** Any structure located more than one hundred fifty (150) feet from a road or district boundary line shall be limited to fifty (50) feet in height above finished grade, except as permitted in paragraph 3T2-11.
- 3T2-11:** Any structure located more than two hundred fifty (250) feet from a road or district boundary line shall be unlimited in height except as otherwise restricted by law.
- 3T2-12:** Water towers, pump houses, sewage treatment plants and similar plant facilities may be located as close as ten (10) feet to the district boundary lines but in no case closer than fifty (50) feet to public right-of-way, only on the condition that such location is dictated by engineering requirements. Such uses are subject to Conditional Zoning Certificate which may be granted by the Board of Zoning Appeals without public hearing and without application fee.
- 3T2-13:** Driveways at the point of entry to roads or streets shall be no greater than thirty-five (35) feet in width and no closer than fifty (50) feet to intersection road lines or another driveway.
- 3T2-14:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage, shall be no greater than:
- Less than 130 feet frontage – 1 driveway  
 130 feet to 300 feet frontage – 2 driveways  
 300 feet to 500 feet frontage – 3 driveways



More than 500 feet frontage – 4 driveways

- 3T2-15:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.
- 3T2-16:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to M-2 Districts.
- 3T2-17:** Any property within the M-2 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

### **3T3      Some Uses Not Permitted in M-2 District**

- 3T3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.
- 3T3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.
- 3T3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.
- 3T3-04:** Permanent or mobile structure for residential use.
- 3T3-05:** Any enterprise or activity which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.

## **3U    M-3 District - Unlimited Manufacturing**

### **3U1    Uses Permitted in M-3-District**

**3U1-01:** Permit privately owned facilities for all types of manufacturing. Manufacturing is defined as an activity whereby materials are formed, mixed, assembled or otherwise altered in shape, composition or appearance to produce products of greater value in the market place than the original material.

**3U1-02:** All uses permitted in S-1, S-2, C-1, C-2, C-3, M-1 and M-2 Districts.

**3U1-03:** All other lawful uses not specifically defined and permitted in the sections of this Code or not specifically prohibited in Subsection 3U3.

**3U1-04:** These and no other uses shall be permitted in this district.

### **3U2 Regulations Pertaining to Building and Land Use in M-3 District**

**3U2-01:** The installation of manufacturing equipment in the open and the storage and handling of materials and products in the open shall be permitted subject to the limitations stated in paragraphs 3U2-05, 3U2-06 and 3U2-07.

**3U2-02:** Any property within the M-3 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

**3U2-03:** Along all road frontages, extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:

(a) driveways for ingress and egress;

(b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;

(c) signs not over four (4) square feet for direction of traffic only;

(d) solid fences no higher than three (3) feet above road grade;

(e) plantings no higher than three (3) feet above road grade;

(f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;

(g) utility easements for the erection of public utility poles, hydrants, etc.

(h) sidewalks.

- 3U2-04:** All manufacturing equipment, and all raw materials and finished products directly related to the manufacturing process, which are unhoued, shall be located no closer than three hundred eighty-five (385) feet to the center line of a public right-of-way, nor closer than three hundred fifty (350) feet to a road side line or a district boundary line.
- 3U2-05:** Specifically excepted from the provision in paragraph 3U2-04 are obsolete vehicles, machinery, and other equipment and materials not used or usable for the purposes for which they were originally designed, or which are being held as sources for parts, or which are being reclaimed for scrap. These shall be screened from view by a solid fence not less than twelve (12) feet in the height, such fence to be constructed in its entirety of the same type of material and painted the same color and maintained in such condition as will not detract from the neighborhood properties. In lieu of a solidly constructed fence, the Zoning Commission prefers and will approve evergreen plantings of sufficient thickness to adequately screen the materials. In either case, such fence shall be located no closer than five hundred (500) feet to the M-3 District boundary lines.
- 3U2-06:** All other lawful uses not specifically included in paragraphs 3U2-03 and 3U2-05 or in other sections of this Code, shall be located no closer than five hundred (500) feet from the M-3 District boundary lines.
- 3U2-07:** Except for the restrictions in paragraphs 3U2-05 and 3U2-06, no setback shall be required where this district's boundaries adjoin the boundaries of another manufacturing or commercial district, a railroad right-of-way or a limited access highway, except as otherwise restricted by law.
- 3U2-08:** Any structure located closer than one hundred fifty (150) feet to a road or district boundary line shall be limited, to one story and twenty (20) feet in height above finished grade.
- 3U2-09:** Any structure located more than one hundred fifty (150) feet from a road or district boundary line shall be limited to fifty (50) feet in height above finished grade, except as permitted in paragraph 3U2-11.
- 3U2-10:** Any structure located more than two hundred fifty (250) feet from a road or boundary line shall be unlimited in height except as otherwise restricted by law.
- 3U2-11:** Water towers, pump houses, sewage treatment plants and similar plant facilities may be located as close as ten (10) feet to the district boundary lines but in no case closer than fifty, (50) feet to a public right-of-way, only on the condition that such location is dictated by engineering requirements. Such uses are subject to Conditional Zoning Certificate which maybe granted by the Board of Zoning Appeals without public hearing and without application fees.

**3U2-12:** Driveways at the point of entry to roads or streets shall be no greater than thirty-five (35) feet in width and no closer than fifty (50) feet to intersection road lines or another driveway.

**3U2-13:** For each individually owned property the total number driveways entering public roads or streets, along each road frontage, shall be no greater than:

Less than 130, feet frontage - 1 driveway  
130 feet to 300 feet frontage - 2 driveways  
300 feet to 500 feet frontage - 3 driveways  
More than 500 feet frontage - 2 driveways

**3U2-14:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

**3U2-15:** In addition to the screening and landscaping requirements and conditions contained in paragraph 3U2-05 hereof, the requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to M-3 Districts.

### **3U3 Specific Uses Not Permitted in M-3 District**

**3U3-01:** Dwellings of any type of human habitation.

**3U3-02:** Recreation uses as defined and permitted in REC-1 District.

## **3V PD District - Planned Residential District**

### **3V1 Objectives for Planned Residential District**

**3V1-01:** It shall be the policy of the Township of Violet to promote progressive and orderly development of land construction thereon by encouraging Planned Residential Districts to achieve:

(a) a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and acre requirements;

(b) a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience and neighborhood compatibility in the location of accessory commercial uses and services;

- (a) a development pattern, which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- (d) a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.

**3V1-02:** Because of the special characteristics of Planned Residential Districts, special provisions governing the development of land for this purpose may be required. Whenever there is a conflict or difference between the provisions of Section 3V and those of other sections of this Zoning Code, the provisions of this section shall prevail for the development of land for Planned Residential Districts. Subjects not expressly covered by Section 3V shall be governed by the respective provisions found elsewhere in this Zoning Code that are most similar to the proposed use.

### **3V2 Uses Permitted in PD District**

**3V2-01:** Land and buildings in the Planned Residential District (PD) shall be used only for the following purposes:

- (A) Residential Development - residential use developed in a unified manner in accordance with the approved Development Plan;
- (B) Neighborhood Commercial - the following uses shall be permitted in the Planned Residential District in those areas specifically designated in the approved Development Plan and Subdivision Plat as commercial areas:
  - (1) Retail Stores - retail stores primarily, engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, such as:
    - (a) hardware stores
    - (b) grocery stores
    - (c) meat and fish (seafood) markets
    - (d) fruit stores and vegetable markets
    - (e) candy, nut and confectionery stores
    - (f) dairy products stores
    - (g) retail bakeries

- (h) drug stores
- (i) florists
- (2) Personal Services - personal services generally invoking the care of the person or his personal effects, such as:
  - (a) restaurants
  - (b) self-service laundries
  - (c) beauty shops
  - (d) barber shops
  - (e) dry cleaning stores
  - (f) gymnasiumss, health clubs, and similar facilities for exercise and physical development
- (3) Business and Professional Offices - business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.
- (4) Professional Offices engaged in providing tangible and intangible services to the general public involving both persons and their possessions, such as:
  - (a) commercial and stock savings banks
  - (b) insurance agents, brokers and service
  - (c) real estate agents, brokers and managers
  - (d) law offices
  - (e) offices of physicians and surgeons
  - (f) offices of dentists and dental surgeons
- (C) Accessory Buildings – accessory buildings and uses in association with and consistent with a permitted dwelling including office facilities for the management function, including property sales, necessary to the development and operation of the area included in the Development Plan.

Such other facilities including recreation facilities as may be provided for the use and/or the amenities of the occupants of the dwellings and provided that such facilities are an approved part of the Development Plan.

- (D) Public Service Facilities - Schools and Parks, neighborhood police stations and fire stations provided that such public service facilities are an approved part of the Development Plan.

Public and private schools offering general educational courses and having regularly used for housing or sleeping of students.

Parks, playgrounds and play fields open to the public without fee.

- (E) Religious Facilities – church or place of worship, provided it is situated on an area equal to not less than one acre of land per one hundred (100) seats or similar accommodations contained in the main sanctuary or assembly area.

### **3V3 Procedure for Amending to PD District**

**3V3-01:** The following procedure shall be followed in amending the Zoning map of Violet Township to place land in the Planned Residential District.

(A) Submission of Application

(1) The owner(s) of a tract of land twenty-five (25) acres or more in area may request that the Zoning Map be amended to include such tract in the Planned Residential by filing three (3) copies of an application for such amendment with the Violet Township Zoning Commission, which Application shall contain:

(a) name, address and telephone number of applicant;

(b) name, address and number of registered surveyor and engineer assisting in the preparation of the Development Plan;

(c) legal description of the property;

(d) description of existing uses;

(e) present zoning district;

(f) a vicinity map at a scale approved by the Zoning Commission showing relationship of Planned Residential District to the existing streets and public service facilities in the area;

(g) a list of all owners of property which is contiguous to the subject property; and

- (h) any other matter or information necessary and relevant to the Zoning Commission for the proposed amendment
  - (2) The tract may be reduced to not less than ten (10) acres where the proposed development is to consist of only single family dwellings;
  - (3) There is no minimum tract size if all adjacent and contiguous lands are platted or developed
- (B) Development Plan - In addition to the Application required herein, ten (10) copies of a Development Plan should be submitted with the Application. The Development Plan shall include in text or map form.
- (1) The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units or each density area, and the total number of dwelling units proposed in the Development Plan;
  - (2) The proposed size, location and use of nonresidential portions of the tract, including useable open areas, parks, playgrounds, school sites and other areas and spaces with the suggested ownership of such areas and spaces;
  - (3) The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness;
  - (4) The proposed traffic circulation patterns, including public streets, parking areas, walks and other accessways, indicating their relationship to topography, existing streets or showing other evidence of reasonableness; together with a calculation by a registered professional surveyor of the total acreage included within the public rights-of-way for purposes of calculating permissible net density pursuant to 3V302(a) and (b).
  - (5) The proposed approximate schedule of site development, construction of structures, and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements. This schedule need not set forth a precise timetable, but shall provide reasonable guidelines and parameters of the time contemplated to the extent known or reasonably determined by the Applicant;
  - (6) The relationship of the proposed development to existing and future land use in the surrounding areas, the street system, community facilities, services and other public improvements;
  - (7) Evidence that the applicant has sufficient control over the land to effectuate the proposed development Plan. Evidence of control includes



property rights and the engineering feasibility data, which may be necessary;

- (8) The number and general location of all off street parking facilities.
- (9) A general statement of the height of and physical relationship between structures, and sketches or other evidence of the general design principles and concepts to be followed in site development, construction, landscaping and other features.

(C) Basis of Approval: a Planned Residential District application for amendment shall be approved if the proposed development advances general health, safety and welfare of the Township in that the benefits, improved arrangement and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Code, as provided in Section 3VI-01.

(D) Effect of Approval:

- (1) The Development Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the Planned Residential District permitting development and use of said land and any structures thereon in accordance with development standards contained in said Plan. However, in a Planned Residential District, no use shall be established or changed and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township Trustees a Subdivision Plat for said part of said tract, and until the Plat is approved by the Township Trustees and recorded in accordance with law.

The approval process for the Development Plan requires public hearings before the Zoning Commission and the Board of Trustees in accordance with Section IX. The approval process for the Subdivision Plat requires a public hearing noticed by publication before the Board of Trustees who shall determine, prior to the filing of the Subdivision Plat for record with the county recorder, whether the Subdivision Plat complies with the approved Development Plan. Thereafter, variances from the approved Subdivision Plat that involve five lots or fewer shall be considered by the Board of Zoning Appeals under its hearing process under Section VII hereof. All other modifications to the Plan or the Plat shall be presented to the Board of Trustees for its consideration pursuant to 3V3-01(F).

- (2) The approval of the Development Plan shall be for a period of five (5) years or for such other period as set forth in the approved Development Plan to allow for the preparation and recording of the required Subdivision Plat for the tract of land encompassed within the

Development Plan, or if to be developed in phases, for the preparation and recording of the required Subdivision Plat for the first phase of development on said tract. Unless the Board of Trustees approves an extension of this time limit, upon the expiration of such period, the Development Plan shall become null and void and no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed in accordance with Section IX and approved by the Township. Such application for approval shall be subject to the same procedures and conditions as an original application for the Development Plan approval. This new application shall comply with the terms of the Zoning Code then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the Planned Residential District. In addition, the Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property to its former (or another similar) classification upon expiration of the Development Plan approval period.

- (3) Upon written request by the owner(s) submitted to the Township prior to the expiration date, the Board of Trustees may extend the time limit provided by Section 3V3-01(D)(2). Such extension may be given upon a showing of the purpose and necessity for such extension and upon a showing that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Development Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the Planned Residential District.

(E) Plat Required

In the Planned Residential District, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been approved by the Township Trustees and has been recorded in accordance with the Subdivision Regulations for Fairfield County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include, or other evidence as hereinafter provided shall show or include:

- (1) site arrangement, including building sites, sizes of building and height of buildings; water, sewer and other public utility installations, including sanitary sewage, surface drainage and waste disposal facilities; public and private street rights-of-way, easements and walks; school sites, recreation areas and other land to be dedicated to public use, including

the purpose and intent of such dedication; and the land to be commonly owned and maintained;

- (2) the nature and extent of earthwork required for site preparation and development;
- (3) deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Any of the foregoing requirements for said Plat which need not be shown on a plat under the subdivision regulations of Fairfield County, Ohio, may be illustrated and evidenced by other documents, plans or agreements, including but not limited to building permit plans or site plans and copies of recorded deeds, easements or other instruments in the chain of title to said property in which event such other evidence shall be considered a part of the aforesaid plat for purposes of this ordinance and shall be as binding on the owner as though included in said plat.

The plat shall be approved by the Township Trustees if it is in accordance and consistent with the part of the approved Development Plan relating to the part of said tract the subject of the Subdivision Plan and with the Development Standards provided in Section 3V3-02. At the time of the Approval and recording of the Subdivision Plat, and thereafter the tract which is the subject of said Plat may be used and developed consistent with the Development Plan and the recorded Subdivision Plat.

- (F) Upon application by the owner(s), the Board of Trustees, at a duly noticed public hearing, may modify the approved Development Plan or Subdivision Plat. Written notice of the hearing shall be mailed by the Township, by first class mail, at least ten (10) days before the date of the hearing to all owners of property within, contiguous to and directly across the street from the area proposed to be modified. Additional means of notification may also be required by the Board of Trustees. Such modification may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original Development Plan, and that such modification is not in conflict with the general health, safety and welfare of the public or the development standards of the Planned Residential District.
- (G) Public Hearings - the Development Plan shall be approved only after the public hearings, required by Section IX of this Code and the laws of Ohio, have been advertised and conducted in accordance with law.

### 3V3-02: Development Standards

The following minimum standards for arrangement and development of land and buildings are required in the Planned Residential District.

- (A) Intensity of Use – The maximum net density shall be two (2) living units per acre, average for the area in the Planned Residential District to be devoted to residential use, as hereinafter defined, and as shown on the Development Plan;
- (B) Calculation of Density - the calculation of residential density shall include all land devoted to residential use, including easements for utilities directly serving individual dwelling units, minor surface drainage channels, recreation space and other areas provided as common open space including land dedicated to public use except required street rights-of-way.
- (C) Open Space – a minimum of fifteen percent (15%) of the total gross acreage of the PD shall be provided as open space for public use, organized, arranged and restricted by easement, covenant, deed or dedication, and not included in the minimum yard space required for the dwelling unit or used to provide the required off-street parking.
  - (1) For purposes of this calculation, ‘public use’ shall be those areas devoted to open space designed to provide active or passive recreation, the preservation of natural site amenities, or any combination thereof. The buildings, structures or facilities, if any, built in the open space shall be appropriate for the designed uses of the open space and shall occupy no greater than five percent (5%) of the total gross acreage of the PD. Public utilities, public easements, rights-of-way for roads, flood plains, flood ways, and rights-of-way or easements for watercourses, ditches or drainage shall not be included in the calculation of open space unless such land is improved with walking trails, bicycle paths or similar purposes for public enjoyment.
  - (2) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than 50 feet, measured from the river or stream bank. All perennial streams shall be located within areas designated as open space. This buffer area shall be restricted from development and managed to promote the growth of vegetation indigenous to the area and capable of maintaining the structural integrity of the stream banks.
  - (3) A wetlands buffer shall be provided for all wetlands required to be retained by the Army Corps of Engineers or the Ohio EPA. The buffer area shall have a width not less than 25 feet, measured from the edge of

the designated wetland. The buffer area shall not be disturbed other than as is necessary to establish a natural landscape.

- (4) A pedestrian circulation plan, showing all proposed trails and walkways designed for the use of residents shall be provided. The plan shall be reviewed for the ability to provide all residents with reasonable access to common areas.
- (5) The responsibility for the maintenance of all open spaces shall be specified by the developer in the text that is part of the Development Plan. Legal title to the open space shall either be in the name of the developer for the benefit of the residents or shall be conveyed to the homeowners' association with deed restrictions that it be used only for permitted open space uses. The legal documents that reflect this ownership and maintenance responsibility are to be filed with the Development Plan and are subject to the approval of the Zoning Commission and the Trustees.

(D) Arrangement of Areas – the location and arrangement of various residential lots and dwellings within the Planned Residential District (PD) shall be configured in a manner that provides a reasonable transition of residential density from the contiguous areas located within an R-1, R-2, R-7 or PD District that have been previously developed or platted. Issues that may be properly considered by the Zoning Commission and the Board of Trustees include:

- (1) If the contiguous property on any boundary of the PD has been previously developed, or if a final plat for development of that property has been approved and filed with the Fairfield County Recorder, the perimeter lots or living areas of the PD which are contiguous with such previously developed or platted property shall conform to the minimum lot area, yard and setback standards of the zoning district applicable to that contiguous property, subject to the exceptions contained in Sections 3V3-02(D)(2) through (4), below.
- (2) In no event shall buildings in the PD District be situated closer than fifty feet (50') to contiguous property which is zoned R-1, R-2, R-7, whether or not developed or platted. If the contiguous property is also zoned PD, the rear setback shall be no less than the rear setback in that previously zoned PD.
- (3) Previously developed or platted areas that are separated from the PD by a public right-of-way that is fifty feet (50') or more in width shall not be considered to be contiguous properties for purposes of this Section 3V3-02(D).

- (4) If the PD provides for a landscaped buffer area of at least one hundred feet (100') in depth along the perimeter of the areas which are contiguous to the previously developed or platted areas, the restrictions of Section 3V3-02(D)(1), above, shall not apply. The landscaped buffer areas referred to herein may be either an area dedicated to public use or a "no-build" area restricted by the recorded plat and/or appropriate covenants in the deeds of conveyance to the individual property owners of the residential units in those perimeter areas.
- (5) "Perimeter lots or living areas" is defined for this Section as those areas within the PD District that are within one hundred feet (100') of the PD's property line that is immediately adjacent to or contiguous with property located in the R-1, R-2, R-7 or PD District.
- (E) Yards - unless otherwise provided on Development Plan and the Subdivision Plat, the physical relationship of dwelling units and their minimum, yard space shall be determined by the yard requirements contained in the other sections of this Zoning Code which would otherwise be most appropriate for the dwelling type involved in the absence of the PD District.
- (F) Private Roads and Parking Private roads as a common easement may be used to provide access to clustered lots and/or structures in accordance with the following:
  - (1) The easement shall not be counted as required open space;
  - (2) Such easement has been approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.

Residential parking may be provided in group garages or parking lots within two hundred (200) feet of the dwellings served. Curb indented parking bays or courts may be provided within the street rights-of-way but in addition to the required roadway.

Such parking shall be permitted only along streets internal to the area and not a major thoroughfare. For each living unit there shall be provided not less than four hundred (400) square feet of off street parking space for motor vehicles.

**3V4-01:** Flood Plains - nothing contained in this Section 3V shall be construed or interpreted to change the uses permitted in F District property, and the provisions of Section 3G (F District - Flood Plain) shall govern all F District property, even such property is included in the Planned Residential District.

### **3W Signs And Outdoor Advertising Structures**

#### **3W1 Statement of Purpose**

The purpose of this subsection is to promote the general safety and welfare of the citizens of Violet Township by facilitating an easy and pleasant communication between people and their environment through the establishment of a comprehensive system regulating the erection, installation and display of signs and other outdoor advertising in the Township. Within this framework, the general objectives are as follows:

- (a) To permit public and private signs that are compatible with their surroundings, aid orientation, identify activities, advertise or promote the interests of any persons, products or services, express local history and character, or serve educational purposes, while at the same time preserving the natural beauty of the Township and its rural character.
- (b) To encourage public and private signs that are appropriate to the zoning districts in which they are located.
- (c) To encourage public and private signs that are readable.
- (d) To control the number, size and location of signs to reduce clutter and to preserve the rural beauty and character of the Township.
- (e) To regulate signs so that they do not obstruct vision or interfere with the functions to be performed by drivers.

#### **3W2 Regulations Pertaining to Signs and Outdoor Advertising**

(A) Compliance - no sign shall be permitted in any zoning district except as hereinafter provided.

(B) General Provisions

- (1) Signs not exceeding twelve (12) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property, except that a maximum size sign of six (6) square feet shall be permitted in any residential district. Real estate "open house" signs will be permitted only three days prior to and the day of an open house. No more than one such sign will be permitted on each property for sale, rent or lease.
- (2) Bulletin boards and signs for a church, school, community or other public building shall be permitted provided such bulletin board or sign shall not exceed twenty-four (24) square feet in area per face of the sign, shall not

exceed six (6) feet in height from the ground level to its highest point, and shall not have more than two (2) sign faces.

- (3) Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed fifteen (15) square feet.
- (4) No building shall be used for display of advertising except that pertaining to the use carried on within such building.
- (5) Temporary signs used for announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc., shall not exceed twenty-four (24) square feet and may be erected for the period of thirty (30) days, plus the construction period and no longer.
- (6) No sign shall be located within or project into any public road or street right-of-way, except publicly owned signs, such as traffic control signs and directional signs.
- (7) Signs, including a political sign, shall not be located within any public road or street right-of-way or interfere with the clear sight triangle of vehicular traffic entering or leaving a public road or street; shall not be posted, attached or affixed to any structure including telephone poles, light poles and fences; and shall not interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal, or device. Political signs shall be permitted in any district, provided said signs are located on private property with the owner's permission. No permit shall be required for a political sign. Political sign shall mean a sign designed for the sole purpose of promoting candidates for elective office, public issues, and similar matters to be decided by public election and which is built and/or erected in such a manner as to be temporary in nature.

(C) Commercial or Industrial District Signs

(1) Definitions

- (a) An on-premise sign is one which is located on the premises of the business or land use associated with the sign which is used to identify, advertise or promote any persons, products or services available at the specific location.
- (b) An off- premise sign is one used to identify, advertise or promote any persons, products or services available principally at locations other than at the location of the sign.



- (c) A wall sign is one which is attached to a building with the exposed face thereof in a plane parallel to the wall with which it is associated.
  - (d) A free-standing sign is one which is not attached to a building.
- (2) In a commercial or industrial district, each business shall be permitted one mounted wall sign. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the building. The sign shall contain no moving parts. The area of all permanent wall advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign. Such sign shall be erected on the designated frontage.
- (3) A free-standing sign, on-premise sign, may be erected to serve a group of business establishments provided it is not over thirty (30) feet in height, has a maximum total sign area of one hundred (100) square feet and is located not closer than ten (10) feet to any street right-of-way line and not closer than thirty-five (35) feet to any adjoining lot line. There shall be only one freestanding sign for each building, regardless of the number of businesses conducted in such building. The sign shall have no moving parts.
- (4) On-premise pole signs of symbolic design may be permitted for business establishments provided:
- (a) No part of such sign shall project nearer than ten (10) feet to the right-of-way of any street or highway.
  - (b) The maximum area of any face of such sign shall not exceed fifty (50) square feet.
  - (c) No part of the sign shall be less than (50) fifty feet from any lot in any "R" District, and no less than thirty-five (35) feet from any side property line.
  - (d) No temporary signs shall be attached to a free-standing sign.
  - (e) In computing the area of free-standing, symbolic or wall signs, all faces on which advertising is displayed are considered sign area.
  - (f) The sign shall have no moving parts.
- (5) The area of all permanent on-premise advertising signs for any single building shall not exceed one and one-half (1-1/2) square feet of sign area

for each lineal foot of width of the building, but shall not exceed a maximum area of one hundred (100) square feet. In computing the area of free-standing, symbolic or wall sign all faces on which advertising is displayed are considered sign area.

- (6) A free-standing off-premise sign may be erected in districts zoned C-1, C-2, C-3, M-1, M-2 and M-3, provided all of the following regulations are complied with:
  - (a) The sign shall be in one of three standard sizes: six (6) x twelve (12) feet, twelve (12) x twenty five (25) feet, or fourteen (14) x forty eight (48) feet.
  - (b) The maximum height from the ground to the top of the sign shall be limited to fifteen (15) feet for a six (6) x twelve (12) foot sign, twenty five (25) feet for a twelve (12) x twenty five (25) foot sign and thirty five (35) feet for a fourteen (14) x forty eight (48) foot sign.
  - (c) The sign shall be ground mounted, of metal construction and attached to a single pole.
  - (d) At any location a sign shall contain only one sign face unless the two sign faces are back to back and of the same size. If the sign contains only one sign face, a decorative covering shall be placed on the side of the structure which contains no sign face. "V" type signs are strictly prohibited.
  - (e) The sign shall only face or be oriented to a state or federal highway.
  - (f) The sign shall be set back from the district boundaries a distance of six hundred sixty (660) feet. The sign shall be set back from the road a distance of the greater of eighty-five (85) feet from the center line, fifty (50) feet from the right-of-way edge or six hundred sixty (660) feet from a district boundary.
  - (g) The sign shall be separated from all other free-standing signs under this provision by a distance of one thousand three hundred twenty (1,320) feet in every direction.
  - (h) The sign shall not be located within one thousand three hundred twenty (1,320) feet of any public park, public school, cemetery or historic site.
  - (i) The sign shall have no moving parts.
- (D) Setback Requirements- Except as specifically provided otherwise in paragraph 3W2, signs and outdoor advertising structures shall be set back

from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modification:

- (1) Real estate signs and bulletin boards for a church, school or any other public or semipublic, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided that such sign or bulletin board does not obstruct visibility at street or highway intersection.
- (E) Special Yard Provisions - the following special provision shall be observed in the erection or placement of signs and outdoor advertising structures.
- (1) Signs and advertising structures, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within fifty (50) feet to a side or rear lot line in any "R" District.
- (F) Illumination- the following provisions shall be observed in the illumination of signs and advertising structures:
- (1) All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
  - (2) No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted.
- (G) Subdivision Signs - upon application to the Zoning Inspector, a permit may be issued as a special exception to the terms of this Zoning Ordinance allowing a land sales sign or subdivision entry sign, provided that:
- (1) The sign may be illuminated provided the source of light is not visible to adjoining premises or traffic.
  - (2) The sign shall advertise only the sale or development of a recorded lot subdivision.
  - (3) The sign shall be erected only upon the property for sale or being developed and shall be set back from the street right-of-way at least one foot for each square foot of sign area.
  - (4) The sign shall not be in excess of forty (40) square feet.

- (5) Not more than one such sign shall be placed along single road frontage on any property in single and separate ownership, provided that not more than two (2) such signs may be permitted in any single development.
  - (6) A permit for the erection, construction or maintenance of such sign shall expire within one year except for permits for signs that identify the entry to subdivisions that are permanently mounted to stone, brick, wood, wrought iron or a similar decorative wall or fence
- (H) Gasoline Service Stations - in the case of gasoline service stations whose principal business is the sale of automotive fuel, such stations may display signs in addition to those herein above authorized. Such additional signs shall not exceed three in number, each having a total aggregate display area, including the sign frame and surrounding surfaces, of not more than sixteen (16) square feet on each side. The top of such signs shall not extend in height more than five (5) feet above the finished grade of the gasoline service station. Such signs may be fixed or portable but shall not be located nearer to the street on any side than the gasoline pump islands that are nearest such street. Such signs shall not be subject to the permit requirements of 3W2 (I) hereof.
- (I) Permits
- (1) A separate permit shall be required for the erection of signs regulated in this Zoning Code, except that no permit shall be required for a political sign, temporary real estate signs with an area of twelve (12) square feet or less for the sale or lease of property, professional name plates not exceeding two (2) square feet in area and for small announcements signs with an area of less than two (2) square feet. Announcement and political signs shall be removed by the person and/or persons responsible for posting the same, or the candidate, within ten (10) days after the election or event.
  - (2) Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols method of illumination; the exact location of the sign in relation to the building and property, and the details and specifications for construction. An application of for a permit to erect a free-standing, off-premise sign pursuant to 3W2 (C)(6) shall also contain a plan listing any required removal of vegetation or trees or required regrading. In addition, this plan must indicate the conditions that will exist after the sign is constructed and how the area around the sign will be maintained in a neat and attractive manner. Fees for sign permits shall be established by the Violet Township Board of Trustees in a fee schedule to be published by it pursuant to Section V hereof. Fees are hereby exempted for public or semipublic, religious or educational institutions.

- (J) Exemptions - public notices by governmental bodies, control signs and other official signs and notices are exempt from the provisions of this Zoning Ordinance.
  - (K) Removal of Signs - portable or temporary signs in existence at the effective date of this section which do not comply with the provisions of this section and all other signs heretofore erected or displayed without legal authorization or as to which a non conforming use has not been established, shall be removed within ten (10) days after the delivery or written notice to that effect by the Zoning Inspector to the owner or occupant of the premises on which such signs are located.
  - (L) Portable Signs - portable signs, pennants, streamers, flashing lights, strings of lights "A" frame signs, or air-activated attraction devices are expressly prohibited and shall not be permitted in the Township.
  - (M) Maintenance - all signs, together with all their supports, braces, guys, anchors and poles shall be kept in good repair and in a proper state of preservation at all times. The display surfaces of signs shall be kept neatly painted or posted at all times.
- Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition free and clear of all obnoxious substances, rubbish and weeds.
- (N) Conflict With Other Code Sections - if any of the provisions of this subsection 3W are in conflict with or inconsistent with the other subsections of Section III of this Code, the provisions of this subsection shall prevail as to the regulation of signs and outdoor advertising structures in all zoning districts.

### **3X Off-Street Parking And Loading Requirements**

#### **3X1 Off-Street Parking Space and Loading Space Required**

Off-street parking spaces shall be provided for the use of occupants, employees and patrols of all uses in all zoning districts and off-street loading and vehicle storage space shall be provided for the handling of materials and products of commercial and industrial uses. The requirements contained herein shall apply in all zoning districts to the extent that these requirements are not inconsistent with the specific restrictions contained in the sections, which create the zoning districts. All inconsistencies shall be resolved by applying the more specific parking or loading requirement which results in the largest parking or loading area.

Such required facilities and access drives thereto, except in R-1, R-2, R-7 and R-8 Districts, shall be sloped and constructed to provide adequate drainage of the area, surfaced with a

sealed surface pavement, and maintained in such a manner that no dust will be produced by continuous use.

**3X1-01:**

- (a) **Parking Space Size** - a parking space for one motor vehicle shall be rectangular area having dimensions of not less than nine feet by twenty feet plus adequate area for ingress and egress.
- (b) **Location of Space** - required off street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking space required of several uses may be contiguous with and in common to the several structures and uses being served.

**3X1-02:** **Minimum Number of Parking Spaces Required** - a minimum number of off-street parking spaces shall be provided in accordance with the following schedule and shall be shown on the plans submitted with the application for a Zoning Permit.

- (a) **Schedule of Parking Spaces** - the parking space requirement for a use not specifically named herein shall be the same as required for a listed use which is most similar in nature

<u>Use</u>	<u>Parking Spaces Required</u>
<u>Residential:</u>	
One, two or three dwelling units per lot	One space per dwelling unit
Four or more dwelling units per lot or Mobile home park	Six (6) spaces per four dwelling units.
Institutional Housing	One space per ten (10) occupants plus one space per two employees.
<u>Use</u>	<u>Parking Spaces Required</u>
<u>Commercial:</u>	
Commercial lodging such as motels, guest homes, etc.	One space per each sleeping room.
Barber shop, beauty shop or similar personal service	Three spaces per barber or beautician.

Restaurant, bar or similar eating or drinking establishment

One space per fifty (50) square feet of gross floor area, five times this amount if drive-in car service is provided

Open display or automotive, furniture, lumber and similar sales

One space per one thousand (1000) square feet of display area.

Retail sales or service establishment, not otherwise specified herein

Three spaces per first fifteen hundred (1500)square feet of gross floor area plus one space per each additional one hundred (100)square feet of gross floor area.

Office, Educational or Institutional:

Administrative or business office

One space per two hundred fifty(250) square feet of gross floor area.

Medical or Dental Office

Five spaces per doctor

Hospital

One space per each three beds, plus one space per each two employees and staff on the combined major work shifts.

School or other place of instruction

One space per fifteen (15) students under the age of sixteen, and one space per five students sixteen years of age and older.

Auditorium, church, stadium or similar place with fixed seating for assembly

One space per four seats.

**Use**

**Parking Spaces Required**

Assembly hall, club room, enclosed place of amusement or recreation or similar place of assembly

One space per one hundred (100) square feet of area devoted to assembly.

Golf course, swimming pool, bowling alley or similar recreational

One space for each three patrons the establishment is designed to serve.

place

Industry:

Manufacturing, warehousing, wholesaling space or similar establishments

One space per two employees on the combined work shifts plus one per ten thousand (10,000) square feet of gross building area.

- (b) Computing Number of Spaces- where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements. In the event that a fractional space results from a computation, the parking spaces required shall be to the next highest whole number.

**3X1-03: Minimum Number of Loading Spaces Required**

A loading space shall consist of a rectangular area of one of the following dimensions:

- (A) Class A  
An area at least fourteen (14) feet by fifty-five (55) feet with a vertical clearance of fifteen (15) feet or more plus adequate area for ingress and egress.  
  
Class B  
An area at least twelve (12) feet by thirty (30) feet with a vertical clearance of fifteen (15) feet or more plus adequate area for ingress and egress.
- (B) Schedule of Loading Spaces - loading space shall be provided for all retailing, wholesaling, warehousing, manufacturing, processing and similar activities or uses in accordance with the following schedule

<u>Size of Building</u>	<u>Loading Space Required</u>
Building area of less than 750 square feet	None required.
More than 750 but less than 1500 square feet	One Class B area.
More than 1500 but less than 2500 square feet	One Class A area or two class B areas.



More than 2500 but less than 10,000 square feet	One Class A area and one Class B area, or three Class B areas.
More than 10,000 but less than 50,000 square feet	One Class A area and one Class B area, or three Class B areas, plus one Class A area for each 10,000 square feet of area over 10,000 square feet.
More than 50,000 square feet	One Class A area for each 10,000 square feet over 10,000 square feet of building area, plus one Class A space for each 25,000 square feet over 50,000 square feet of area.

### **3Y Swimming Pools – Non Commercial**

#### **3Y1 Uses Permitted**

- 3Y1-01:** Swimming pool is defined as a private noncommercial structure for swimming or recreational bathing which is twenty-four inches (24”) or more in depth at any point when filled to capacity, together with the equipment and appurtenances thereof. These include in-ground, above-ground and on-ground swimming pools. Spas and hot tubs are not included within the definition of swimming pools. However, they are subject to all applicable setback, zoning and building permit requirements.
- 3Y1-02:** Temporary swimming pool is defined as a swimming pool constructed to be disassembled and reassembled to its original integrity on a seasonal basis (4 months or less).
- 3Y1-03:** Barrier is defined as a sturdy and well maintained fence, wall, building wall or combination thereof, which completely surrounds and encloses the swimming pool and obstructs access to the swimming pool. For the purpose of these regulations, the term “sturdy” shall mean and shall be interpreted to mean that the barrier meets the standards for handrails and guards contained in Section 1607.7.1 (1607.7.1.1 through 1607.1.3) of the Ohio Building Code or any successor regulation, and also shall mean that the barrier will not fail under a single concentrated load of 200 pounds, applied in any direction at any point along the top of the barrier.

#### **3Y2 Regulations Pertaining to Building and Land Use**

- 3Y2-01:** Swimming pools must be located at the rear of a dwelling and if a corner lot, shall not be closer to the street line than the dwelling. In addition, no swimming pool shall be located nearer than fifteen feet to the side or rear line of the lot or parcel upon which it is located or any nearer to the street than a distance that is ten feet greater than the building setback line. If a deck surrounds or partially surrounds an above ground swimming pool, the deck and its appurtenances shall be located no closer than fifteen feet from the side or rear line of the lot or parcel.
- 3Y2-02:** No lights, diving boards or other accessories shall project more than ten feet above the surface of the pool.
- 3Y2-03:** Pool lights shall be designed and installed to confine direct beams to the lot or parcel upon which the pool is located in a manner that does not constitute a nuisance or undue annoyance to occupants or adjoining properties.
- 3Y2-04:** Swimming pools shall be completely enclosed by a barrier of sturdy construction. The top of the barrier shall be at least forty-eight (48) inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches. Openings in the barrier shall not allow the passage of a 4-inch-diameter sphere. Gates in the barrier shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates shall be kept locked at all times when the pool is not in use. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps must be capable of being secured, locked or removed to prevent access when the pool is not in use.

If an adjacent deck area, either at one side or completely around an aboveground pool, is constructed access to the pool must be limited by additional fencing or gates if the deck adjoins the house or when steps are installed down from the deck to the ground. The deck shall be built with normal 36-inch high guardrail with pickets no more than 4 inches apart except at the end of the deck where the stairs will be located. The guardrail on the end of the deck where the stairs begin shall be 48 inches high and shall extend 3 feet in each direction beyond the top step of the stairs with no more than 4 inch spacing between the pickets. A gate shall be installed at the steps leading to the aboveground pool, open outward away from the pool and must be equipped with a self-closing and self-latching device and the

maximum vertical clearance shall be not more than two (2) inches. Gates shall be kept locked at all times when the pool is not in use.

- 3Y2-05:** Where the wall of a dwelling serves as part of the barrier of a swimming pool, the pool shall be equipped with a powered safety cover in compliance with the American Society of Testing Materials (ASTM) ASTM F1346; or all dwelling doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are open. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and/or screen is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. All fences and barriers shall be located so as to prohibit permanent structures, equipment or other objects from being used to climb the fence or barrier.
- 3Y2-06:** Owners and occupants shall ensure that the discharge of any water from a swimming pool, spa, hot tub or any similar installation is accomplished in accordance with all applicable requirements of the Ohio Environmental Protection Agency. All water shall be dechlorinated before it is discharged. In no case shall a pool, spa, hot tub or similar installation be drained directly or indirectly into any street, road, or storm sewer.
- 3Y2-07:** Temporary swimming pools are only permitted from May 15 through September 15. Temporary pools shall be enclosed with a sturdy barrier as defined and described in Section 3Y2-04 and shall otherwise meet all other requirements of this Section. Temporary pools shall be removed after September 15<sup>th</sup> of each year and stored in a completely enclosed structure.
- 3Y2-08:** No person shall construct or install any swimming pool, spa or hot tub or make any changes therein without first having obtained a zoning and a building permit. This permit requirement shall not apply to temporary pools, spas, hot tubs or similar installations holding less than twenty-four inches (24") in depth when filled to capacity.
- 3Y2-09:** All swimming pools shall be maintained and kept in a sanitary condition, free of algae, vegetation and debris.

## **3Z Telecommunications Towers & Antennae**

### **3Z1**

Purpose and Intent - The purpose and intent of this section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennae and related facilities (hereinafter "telecommunication towers"). The regulations contained herein are designed to protect, and promote public health, safety, morals and the aesthetic quality of Violet Township

within Fairfield County, as set forth within the goals, objectives and policies of the Zoning Code, while at the same time permitting the development of needed telecommunications facilities and to encourage managed development of the telecommunications infrastructure.

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

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

### **3Z2**

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

- (a) The personal use of all television antennae and satellite dishes.

- (b) All citizens band radio antenna operated by a federally licensed amateur radio operator. (Ham Radio)
- (c) The personal use of short wave, AM or FM radio antennae.
- (d) Mobile services providing public information coverage of news events of a temporary nature.

### **3Z3**

Areas in Which Telecommunication Towers are Permitted with Conditional Use Approval - Telecommunications facilities may be permitted in the following zoning districts in the Township subject to Conditional Use review and approval by the Violet Township Board of Zoning Appeals pursuant to Section VII of this Zoning Code:

- (a) In all residential areas that are zoned R-1, R-2 and R-7, R-8, and Planned Residential Districts that are not, at the time of the hearing on the application, platted or subdivided of record in the Fairfield County Recorder's Office;
- (b) In all residential areas zoned R-3, R-4, R-5 or R-6, whether platted or unplatted;
- (c) As an attachment or accessory use to a nonresidential building or structure that is subject to a Conditional Use permit for use as a church, hospital, school, governmental building or a building owned by another public utility.

### **3Z4**

Areas in Which Telecommunication Towers are Prohibited - No telecommunication towers, except exempt facilities as defined in Section 3Z2, shall be permitted within:

- Historic sites and districts listed on the National Register of Historic Places
- 1 mile radius of a public/private airport landing strips or runways
- wetlands
- flood plains, unless located on governmental properties
- Platted subdivisions within R-1, R-2, R-7, and PD zoning districts.

All maps identifying the prohibited areas are located within the Violet Township Zoning Inspector's Office.

### **3Z5**

Conditional Use Application - Locating and constructing a telecommunication tower or a new alternative support structure, including the buildings or other supporting equipment used in connection with said tower, shall require a Conditional Use Permit. After a public hearing takes place, and all application materials submitted are in

accordance and found to be sufficient by the Board of Zoning Appeals with the purpose and intent of this Section and the general criteria for such permits contained in Section 7D of this Zoning Code, a Conditional Use Permit may be issued.

(1) Submittal Information and Criteria for Conditional Use: For all telecommunication towers subject to zoning under Section 3Z3, the following information shall accompany every application:

- Completed conditional use applications and a fee to be determined by the Board of Township Trustees in its general zoning and building permit fee schedule;
- Original signature of the owner of the property (if the telecommunication tower is located in an easement, the beneficiaries of the easement and underlying property owner must authorize the application);
- The identity of the carrier and/or provider of the telecommunication services;
- The name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application;
- A current survey, showing the parcel boundaries, tower, facilities, location, access, landscaping and fencing;
- A written legal description of the site;
- In the case of a leased site, a lease agreement or a binding lease memorandum which shows on its face that it does not preclude the site owner from entering into leases on the site with other provider(s) and the legal description and amount of property leased;
- A description of the telecommunications services that the registrant intends to offer and/or provide, or is currently offering or providing, to persons, firms, businesses or institutions;
- Written explanation as to why a newly-constructed tower is necessary because co-location on an existing tower is not feasible, the reason it is not feasible, and the reasons why non-residential areas are not available to service the applicant's service area;
- Copies of approvals from the Federal Communications Commission and a statement that the facility complies with the limits of radio frequency emissions standard set by the Federal Communications Commission. The statement shall list the particular Federal Communication Commission emission limits the site and the tested or designed limit for the telecommunications facility;

- Copies of approvals from the Federal Aviation Administration including any aeronautical study determination if applicable;
- Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854 submitted to the Federal Communications Commission, if applicable;
- Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communications Commission, if applicable;
- An analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in Section 3Z2, subject to the review and approval of the Board of Zoning Appeals, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunications service. The intention of the alternative analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the Township. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The Township may require independent verification of this analysis at the applicant's expense;
- Plans indicating security measures for the site and the tower (i.e. access, fencing, lighting, fire prevention);
- A definitive landscaping plan that demonstrates how the facilities will be screened from the adjoining property owners;
- A report prepared by an Engineer licensed by the State of Ohio certifying the structural design of the tower and its ability to accommodate additional antenna.
- When it deems it necessary to have assistance in understanding and analyzing technical issues, the Board of Zoning Appeals is explicitly authorized at its discretion to employ on behalf of the Township an independent technical expert to review any technical materials submitted, including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay the reasonable fees and expenses of the consultant or engineer performing said review. The payment shall be due prior to the issuance of a Conditional Use Permit.

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

### **3Z6 Conditional Use Annual Review**

- (1) Conditional Use Annual Review.
  - (a) All telecommunication carriers and providers of any new or existing telecommunication towers shall submit annually, on or before January 31 of each year, with the Violet Township Zoning Inspector, a Telecommunications Facility Annual Review Report. The Annual Review Report shall include the owner and operators names, address, phone numbers, contact person(s), type of antennae applicable FCC license numbers, applicable FAA licenses, annual registration fee, type of support structure (tower, alternative support), Violet Township Permit approval numbers, and any other appropriate information deemed necessary by the Violet Township Zoning Inspector. Tower owners and operators shall also supply the number of co-locations positions designated, occupied, or vacant.
  - (a) Structural certification of existing telecommunications towers shall be submitted with the Telecommunications Facility tenth (10th) Annual Review Report for the tower and facility. The structural certification shall state general structural conditions and the ability to add additional antennae to the tower. The Telecommunications Facility Annual Review Report shall include a structural certification every five (5) years thereafter.
- (2) Conditional Use Annual Registration Fee. Following the initial conditional use approval, every year thereafter all telecommunications carriers or providers shall submit, on or before January 31 of each year, to the Zoning



Inspector an annual registration fee pursuant to schedule of zoning fees to be adopted by the Board of Trustees. The fee submittal is the responsibility of each telecommunication carrier or provider. The fee shall be used to cover the costs and expenses of the Township in reviewing the annual reports and the structural certifications, including the fees and expenses of engineers or consultants who are retained to perform such review.

- (4) Proof of Bond. Satisfactory proof of the continuation of the Bond or Letter of Credit required by 3Z11 shall be submitted each year.

### **3Z7 Non-Conforming Telecommunications Towers and Antennae**

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

### **3Z8 Compliance**

- (1) Revocation. Grounds for revocation of the Conditional Use Permit shall be limited to one of the following findings:
  - (a) The facility fails to comply with the relevant requirements of this section as they exist at the time of annual registration and the permittee has failed to supply assurances acceptable to the Zoning Administrator that the facility will be brought into compliance within one hundred and twenty (120) days of the Zoning Inspector's finding of non-compliance, which shall be evidenced by written notice to the owner;
  - (b) The permittee has failed to comply with the conditions of approval imposed; or
  - (c) The facility has not been properly maintained.
- (2) Abandonment. It is the express policy of Violet Township and this Zoning Code that telecommunication towers shall be removed following their abandonment. The determination of abandonment shall be made by the Zoning Inspector when the telecommunication tower has not been operated for a continuous period of 180 days, or the owner has failed to comply with the Annual Registration procedures in 3Z6 hereof. The owner and the telecommunication provider shall be jointly responsible for the removal of the

facilities and restoration of the site. Restoration shall return the site to its original condition, including the removal of any subsurface structure or foundation used to support the facility. In such circumstances, the following shall apply:

- (a) The owner of such antenna or tower shall remove said antenna and or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the Zoning Inspector notifying the owner of such abandonment. The owner of the antenna or the real property may request a hearing before the Board of Zoning Appeals if it wishes to challenge the Zoning Inspector's determination of abandonment. If the removal, to the satisfaction of the Zoning Administrator, does not occur within the said ninety (90) days, the Township may order removal and salvage said antenna or tower and all supporting equipment and building(s) at the property owner's expense.
- (b) The applicant for a Conditional Use Permit under this section shall submit a copy of a signed agreement between the property owner and the operator or owner of the tower, antenna(s) and supporting equipment and buildings detailing requirements for abandonment and subsequent removal based on the above section (a). The property owner shall also execute and deliver to the Township a recordable license on a form approved by the Township granting to the Township the right to enter upon the property to perform its rights to remove the abandoned tower, antenna(s) and supporting equipment and buildings.
- (c) If the owner fails to remove the abandoned tower or fails to restore the property to its original condition pursuant to this Section, the Township shall have all right and authority to proceed against the surety issuing the bond to cover the costs and expenses of such removal and restoration.

### **3Z9 Structural, Design and Environmental Standards**

- (1) Tower, Antenna and Facilities Requirements. All telecommunication facilities, except exempt facilities as defined in Section 3Z2, shall be designed to be safe, have structural integrity, and blend into its surrounding environment to the greatest extent reasonably practicable. To this end, the following standards shall be applicable:
  - (a) All telecommunications facilities shall comply at all times with all Federal Communications Commission rules, regulations and standards. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communications Commission adopted standards for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the Federal Government. All telecommunication towers and antennae shall meet or exceed current

standards and regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the Federal Government with the authority to regulate towers and antennae;.

- (b) Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically conditioned by the Board of Zoning Appeals to be otherwise;
- (c) All ground-mounted telecommunication towers shall be self-supporting monopoles except where satisfactory evidence is submitted to the Board of Zoning Appeals that a guyed/lattice tower is required;
- (b) Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence acceptable to the Board of Zoning Appeals is submitted showing that this is infeasible. Satellite dish and parabolic antennae shall be situated as close to the ground as possible to reduce visual impact without compromising their function;
- (e) Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of nonreflective materials (visible exterior surfaces only). Telecommunication support facilities shall be no taller than one story, fifteen (15) feet in height and shall be designed to blend with existing architecture in the area and shall be screened from sight from adjacent properties by mature landscaping, and shall be located or designed to minimize their visibility to adjacent properties;
- (f) All buildings, poles, towers, antenna supports, antennae, and other components of each telecommunications facility shall be initially painted and thereafter repainted as necessary with a "flat" green or blue paint so as to reduce visual obtrusiveness and blend in to the natural setting and environment of the surrounding area. As an alternative, the Board of Zoning Appeals may accept the natural, unpainted poles constructed of galvanized steel or concrete or other material which is non-reflective and which blends into the natural setting and environment of the surrounding area. No signage shall be permitted on the poles, towers or facilities unless mandated by federal or state law;
- (g) All telecommunications towers shall be designed to collapse within a designated falldown radius. The falldown radius for a telecommunications tower shall be contained within the leased parcel and shall be identified in the initial application materials supporting the request for a Conditional Use Permit;
- (h) The falldown radius shall equal one hundred and twenty-five (125) percent of the tower height, unless an engineering certification shows that

in the event of collapse, the telecommunication tower is designed to collapse within a smaller area;

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

to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crankup" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

- (3) Lighting. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable regulatory authority. If lighting is required, the lighting design which would cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit, except for security lighting, or when authorized personnel are present.
- (4) Site Development. All telecommunication towers leased parcel lots shall be a minimum of five thousand (5000) square feet in size. The owner of the tower shall own or control by lease the land in every direction from the outer edge of the base of the telecommunications tower a distance equal to the tower height or falldown radius as described above. This area is referred to in this Code as the "leased parcel." The entire falldown radius shall be contained within the leased parcel. Telecommunication Facilities sites shall not be used for the outside storage of materials or equipment, or for the repair or servicing of vehicles or equipment.
- (5) Fire Prevention. All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end all of the following measures shall be implemented for all telecommunication towers, when determined necessary by the Violet Township Fire Chief:
  - (a) At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
  - (b) Monitored automatic fire alarm systems approved by the Violet Township Fire Chief shall be installed in all equipment buildings and enclosures;
  - (c) Rapid entry (KNOX) systems shall be installed as required by the Violet Township Fire Department;
  - (d) All tree trimmings and trash generated by construction of the facility shall be removed promptly from the property and properly disposed of.
- (6) Noise and Traffic. All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby residential properties. To that end all the following measures shall be implemented for all telecommunication towers:

- (a) Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 8:00 a.m. and 7:00 p.m.; and
- (a) Backup generators shall only be operated during power outages and for testing and maintenance purposes.

### **3Z10 Separation and Setback Requirements**

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

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

### **3Z11 Bond Requirements:**

- (1) For each telecommunications tower, the owner or operator shall provide to the Township, and for its express benefit, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Section 3Z are performed and complied with, including necessary repairs and the costs and expenses of removal in the event of abandonment. The bond or letter of credit shall be issued by a surety or bank that is acceptable to the Violet Township Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than 50% of the construction value of the tower. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination,

cancellation or other event of non-renewal no later than 120 days prior to the date of such event.

- (2) The Violet Township Board of Trustees may draw upon the performance bond to recover any costs, damages or expenses incurred by the Township which arise out of the violations of this Section 3Z or the abandonment or discontinuance of the use of a tower.
- (3) No Conditional Use Permit issued hereunder shall become operative and effective until said performance bond has been delivered to the Township Clerk.
- (4) The requirement to maintain this performance bond shall cease only upon a written determination by the Township Board of Trustees that it is no longer necessary.

### **3Z12 Definitions**

For the purpose of Section 3Z, the following terms and phrases shall have the meaning ascribed to them in this section:

- (1) "Alternative Support Structure" shall mean clock towers, steeples, silos, light poles, building or structures that may support telecommunication facilities.
- (2) "Antenna" shall mean any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennae shall include devices having active elements extending in any direction, and directional beamtype arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.
- (3) "Antenna building mounted" shall mean any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, water tower or structure other than a telecommunications tower.
- (3) "Camouflaged Tower" shall mean any telecommunication tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennae.
- (5) "Falldown Radius" shall mean the designated area of a telecommunication facility surrounding a telecommunication tower, which, in the event of a structural failure of all or part of the telecommunications tower, would likely contain the failed or collapsed telecommunication tower. This area may also be called the collapse zone.

- (6) "Guyed Tower" shall mean a telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.
- (7) "Height, Telecommunications Tower" shall mean the distance measured from ground level to the highest point of the tower. This measurement excludes any attached antennae, and lighting.
- (8) "Lattice Tower" shall mean a telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.
- (9) "Monopole" shall mean a telecommunication tower of a single pole design.
- (10) "NIER" shall mean nonionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).
- (11) "Platted" or "platted subdivision" means any subdivision plat that has been filed for record in the Fairfield County Recorder's Office prior to the hearing on the application for a Conditional Use Permit for the telecommunications tower.
- (12) "Platform" shall mean a support system that may be used to connect antennae and antenna arrays to telecommunication towers or alternative support structures.
- (13) "Public Service Use or Facility" shall mean a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, emergency response network, solid waste management, or utilities.
- (14) "Satellite Dish" means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennae.
- (15) "Telecommunications Equipment Building" shall mean the telecommunication support facility structure located on a tower site, which houses the electronic receiving and relay equipment.
- (16) "Telecommunication Facility" shall mean a facility, site, or location that contains one or more antennae, telecommunication towers, alternative support structures, satellite dish antennae, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals.
- (17) "Telecommunication Facility Co-Located" shall mean a telecommunication facility comprised of a single telecommunication tower or building supporting



three or more antennae, dishes, or similar devices owned or used by more than one public or private entity.

- (18) "Telecommunication Support Facility" shall mean the telecommunication support equipment and cabinets located on a tower site.
- (19) "Telecommunications Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including camouflaged towers, lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, and common carrier towers. The term shall exclude alternative support structures and those facilities exempted under Section 3Z2.
- (20) "Utility Pole Mounted Antenna" shall mean an antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

### **3Z13 Severability**

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

## **3AA Procedures And Requirements For Conditional Use Permits, Substantially Similar Uses, Accessory Buildings Or Uses, And Home Occupations**

The following provisions apply to the location and maintenance of any and all Conditional Uses, Substantially Similar Uses, Accessory Uses, and Home Occupations within residential districts, and other conditional uses as provided in other sections of this Zoning Code. Where the provisions of this Section conflict with the specific requirements for conditional uses, accessory uses and home occupations contained in other sections of this Zoning Code, the specific requirements of those other sections shall prevail.

### **3AA1 Purpose**

In recent years, the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and morals of the community. Toward these ends, it is

recognized that this Zoning Code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional uses, substantially similar uses, accessory uses and home occupations shall conform to the procedures and requirements of Sections 3AA et seq. and Section VII of this Zoning Code.

## **3AA2 Conditional Uses**

### **3AA2-01 Contents Of Conditional Use Permit Application**

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a Conditional Use Permit by filing it with the Zoning Inspector. Such application, at a minimum, shall contain the following information:

- (1) Name, address, and telephone number of the applicant, the current owner, and the intended user of the property.
- (2) Legal description of the property.
- (3) Current zoning district.
- (4) Description of existing use.
- (5) Description of proposed conditional use.
- (6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utility, signs, yards, landscaping features, septic tanks, leaching areas, if existing, other underground storage tanks, and such other information as the Board may require.
- (7) A current and accurate legal description of the property and a current and accurate survey or suitable drawing that depicts the boundaries and building locations referred to in (6) above.
- (8) A list of owners of property contiguous to, directly across the street from, and within five hundred (500) feet of such area proposed to be considered for a conditional use. Such list to be in accordance with the Fairfield County Auditors' current tax list and shall include all owners addresses.

### **3AA2-02 Fee**

A fee shall be paid to Violet Township for each application for a Conditional Use Permit to cover the necessary administrative and advertising costs. The fee shall be in

accordance with the current fee schedule approved by the Board of Township Trustees which is available at the Township office.

### **3AA2-03 Hearing**

The application shall be transmitted to the Board of Zoning Appeals, who shall cause a public hearing to be held within sixty (60) days from the date of acceptance of a completed application. The Zoning Inspector shall determine whether or not the application is complete. Nothing in this section shall prevent the Board of Zoning Appeals from granting a continuance of a public hearing, either prior to or during the hearing. In the event a continuance is granted, the Board shall set and announce a definite time and place for the hearing to resume. Such continued hearing shall be noticed by publication as provided in 3AA2-04, but no further mail notification shall be required.

### **3AA2-04 Notice**

Notice of the application for a Conditional Use Permit and the scheduled hearing thereon shall be given to all property owners contiguous to, directly across the street from, and within five hundred (500) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto, one (1) notice of said hearing shall be published in a newspaper of general circulation within the Township not less than ten (10) days prior to the scheduled hearing.

### **3AA2-05 Decision**

The Board of Zoning Appeals shall make its decision within a reasonable time after the hearing has been closed. The Board may approve an application for conditional use if the applicable general standards and specific criteria are met, or it may approve the application with modifications that it deems to be necessary to comply with said standards and criteria.

In the event the Board approves the Conditional Use Permit, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the zoning district. Violations of such conditions made as a part of the terms of the Conditional Use Permit shall result in the revocation of the Conditional Use Permit and respective Certificate of Zoning Compliance and shall be punishable as prescribed in Section VIII of this Code.

The Board may, in addition to approving the request as presented or approving the request with modifications, deny the requested conditional use if it fails to meet certain of the general standards referred to in Section 3AA2-06, or the specific criteria in Section 3AA2-07, or the requirements of Section 3Z, if applicable, have not been met.

### **3AA2-06 General Standards For All Conditional Uses**

In addition to the specific criteria for conditionally permitted uses as specified in Section 3AA2-07, the Board of Zoning Appeals shall review the particular facts and

circumstances of each proposed use in terms of the following standards and determine whether such use at the proposed location:

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

### **3AA2-07 Specific Criteria For Conditional Uses**

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

The specific requirements of the following subsections shall be applicable to those conditionally permitted uses as referenced in Sections 3A1-02, 3B1-02, 3C1-02, 3D1-02, 3G1-04, 3J1-02, and 3K1-02. The Conditional Uses permitted in Section 3Z shall be subject to these specific requirements only to the extent they are not in conflict with the specific requirements of Section 3Z. In the event these specific requirements conflict

with the specific requirements of Section 3Z, the requirements of Section 3Z shall prevail.

**3AA2-07(A): The Specific Regulations and Requirements for  
Conditionally Permitted Uses are as Follows:**

- (1) All structures and activity areas including parking areas, shall be arranged in a manner that best preserves the residential character of the area.
- (2) Loud speakers which could cause a hazard or annoyance to the general public or to residents of neighboring properties shall not be permitted.
- (3) All points of vehicular entrance or exit must conform to state and county regulations and requirements for thoroughfares and proximity to intersections.
- (4) Lighting shall not create a nuisance for the general public or for the residents of neighboring properties; shall not impair safe movement of traffic on any street or highway; and shall not shine directly on adjoining properties.
- (5) Such uses should be properly landscaped to be harmonious with the adjoining and neighboring residential uses, and the applicant shall be required to provide adequate screening of the Conditional Use from the adjacent residential uses through landscaping or other means acceptable to the Board of Zoning Appeals.
- (6) If applicable, truck routes shall be established for movement in and out of the property being granted a Condition Use in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community, the general public and the residents of neighboring properties.
- (7) Areas proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
  - (a) Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
  - (b) Minimum area required for a cemetery site to be ten acres.
  - (c) A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
  - (d) Pavement width of driveways shall be at least twenty feet (ten feet per moving lane).
  - (e) Drives shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.

- (f) Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Board of Zoning Appeals.
  - (g) Adequate screening with shrubs, trees, or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees, and hedges shall not be less than two feet in height and must be maintained in good condition.
  - (h) Provisions shall be made for landscaping throughout the cemetery.
  - (i) Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
  - (j) No gravesides shall be located within one hundred feet of the right-of-way lines of any publicly dedicated thoroughfare.
  - (k) A graveside shall not be within one hundred feet of any adjoining residential property line.
- (8) For conditional uses for recreational or camping purposes, the campsite, cabins, lodges, rooms or other accommodations shall be used for six months or less on a seasonal basis only. No permanent or year-round occupancy shall be permitted. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.
- (9) For farm markets permitted under §519.21(C), Ohio Revised Code, the following Township regulations in the zoning district in which the conditional use is sought shall apply:
- (a) Size of building shall be that which is permitted as an accessory building in such district;
  - (b) Location - the setback and side yard requirements for that district;
  - (c) Parking - the parking restrictions in such district;
  - (d) Other issues to protect public health and safety, such as traffic, ingress and egress and congestion, may be considered.
- (10) A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

- (a) The pool is intended and used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (b) The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than one hundred feet to any property line or easement.
- (c) The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition with a gate and lock, and shall be locked when not in use. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
- (d) Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
- (e) Such pool facilities shall not be operated prior to 7:00 a.m. in the morning or after 11:00 p.m. in the evening.
- (f) A state building permit must be obtained before a Conditional Use Permit will become effective.
- (g) A concession stand serving food and beverages to the occupants shall be permitted if properly licensed by the government authority having control over such activity.

(11) Conditional Uses for “Sexually Oriented Businesses”:

- (a) 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 businesses 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 Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

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

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

The 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 increased crime, preserve the quality of life, and protect the health, safety and welfare of the citizenry.

(b) The Board of Zoning Appeals may issue a conditional use permit for sexually oriented business, ONLY if it finds in each particular instance the proposed sexually oriented business is located within a C-3 District and is more than 1,000 feet from:

- (1) a church;
- (2) a public or private elementary or secondary school;
- (3) boundary of a residential district as established by the Board of Township Trustees;
- (4) Public park adjacent to a residential district as established by the Board of Township Trustees;
- (5) The lot line of lot devoted to residential use;
- (6) from an already existing sexually oriented business or one that has received a conditional use permit; or
- (7) from any structure that contains a residence.

and that the proposed use meets all other requirements of the C-3 District; and if the proposed use is to be or includes an adult motel, it must meet all of the requirements of the R-5 District. Said Conditional Use Permit shall automatically expire if the premises are not improved within nine (9) months of the date of the grant of the permit, or if improved, closed or not operated for ninety (90) days, or if the property changes ownership. The permit does not run with the title to the land.

(c) The following definitions shall apply to Section 3AA2 (11):

- “Sexually oriented business” means any 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.
- “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically, electrically, or



mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

- “Adult bookstore” or “adult video store” means a commercial establishment which as one of its business purposes offers for sale or rental for any form of consideration any one or more of the following:
  - (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas" or
  - (b) instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or
- “Adult cabaret” means a nightclub, bar, restaurant or similar commercial establishment which regularly features:
  - (a) persons who appear in a state of nudity; or
  - (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities; or
  - (c) films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- “Adult motel” means a hotel, motel or similar commercial establishment which:
  - (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, 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; or
  - (b) offers a sleeping room for rent for a period of time that is less than 10 hours; or
  - (c) allows a tenant or occupant of a sleeping room to rent the room for a period of time that is less than 10 hours.

- “Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."
- “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to model privately lingerie or to perform privately a striptease for another person.
- “Escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
- “Nude model studio” means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- “Sexual encounter center” means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (b) activities between male and 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.
- “Nudity” or a “state of nudity” means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
- “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- “Semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- “Specified anatomical areas” means human genitals in a state of sexual arousal.
- “Specified sexual activities” means and includes any of the following:

- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (c) masturbation, actual or simulated; or
- (c) excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

(12) Self Service Storage Facility shall be a structure or structures on permanent foundation(s), comprised of self-contained, enclosed, individual storage spaces of varying sizes and which are leased or rented to tenants who are to have access to such space for the purpose of storing and removing personal property.

Self Service Storage Facilities are subject to the specific development standards of the C-2, Limited Commercial zoning district (3Q) to the extent they are not in conflict with Section 3AA2-07(A)(12). In the event these development standards conflict with Section 3Q2, the regulations specified herein shall prevail.

(a) Off-Street Parking: There shall be a minimum of four off-street parking spaces located adjacent to the leasing office and there shall be one additional parking space provided adjacent to the leasing office for each employee working on a single or combined work shift.

Parking for purpose of tenant's access to storage units shall be provided by parking/driving lanes adjacent to the self-storage buildings. These lanes shall be at least twenty-five (25) feet wide when storage spaces open onto one side of the lane only and at least thirty (30) feet wide when storage spaces open onto both sides of the lane.

(b) Lot Size: An area devoted to self service storage facilities located in the C-2, Limited Commercial District shall be located on a lot or portion of a lot containing a minimum of one acre but not greater than three (3) acres in size.

(c) Yard and Building Setback Requirements: Yard and building setback requirements for self service storage facilities shall be maintained in accordance with the provisions of this Zoning Resolution.

(d) Limits on Storage and Use: No business activity other than the rental of storage units shall be conducted on the premises including the following prohibited uses:

1. Auctions, commercial, wholesale, or retail sales, or other miscellaneous garage sales;
2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;

3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
  4. The establishment of a transfer and storage business;
  5. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations;
  6. Any outside storage area shall not be permitted as a part of the required Conditional Use Development Plan;
  7. The storage of explosives, radioactive materials and flammable or hazardous chemicals shall be prohibited;
  8. Unless located in a manufacturing zoning district, no individual storage unit size shall exceed 600 square feet.
- (e) Height: Unless specifically approved as a part of the Development Plan, no Self Service Storage Facility shall exceed fifteen (15) feet in height and shall be no greater than one (1) story.
- (f) Fencing/Screening: Screening shall be accomplished in accordance with Section 3E2-10 of this Resolution.
- (f) Signage: Signs or other advertising mediums shall not be placed upon, attached to, or painted on said fencing or screening. All signage shall be accomplished in accordance with Section 3W of this Resolution and shall be approved as part of the required Conditional Use Development Plan.
- (h) Landscaping: All areas on the site not covered by pavement or structures must be brought to finished grade and planted with turf or other appropriate ground cover(s) and with deciduous and/or coniferous plant materials. The area located between a street and a Self Service Storage Facility shall be fully landscaped including trees, shrubbery, lawn area, and/or decorative block wall or earth mound treatment.

A landscape plan shall be submitted along with an application for a Conditional Use for a Self Service Storage Facility. The contents of the plan shall include:

1. A plot plan, drawn to an easily readable scale (no smaller than one inch equals thirty feet) showing and labeling by name and dimensions all property lines, easements, buildings and other structures, parking areas and access drives, storm drainage outlets and landscape materials, installation size and quantities for all plants and existing trees to be retained as a part of the landscaping plans;
2. Required screening accomplished entirely or in part by natural plant material shall be included in the required landscape plan;

3. Typical building elevations and/or cross sections as may be required;
4. Title block with pertinent names and addresses as of property owner and person drawing the plan;
5. Front Yard Area Landscaping: A landscape plan designed to provide an attractive, natural looking buffer between a Self Service Storage Facility and a street shall be prepared when a Self Service Storage Facility or a portion abuts a public right-of-way. The landscape plan shall be designed to improve the appearance of these facilities along the street rights-of-way and to protect, preserve and promote the aesthetic appeal of commercial areas with the placement of landscaping.

A minimum of 10% of the total area devoted to the Self Service Storage Facility shall be comprised of front yard landscaping when said facility is adjacent to a public right-of-way.

The following landscape standards shall apply for that area of the proposal located between a public right-of-way and the Self Service Storage Facility.

For every 500 square feet of front yard landscaped area or fraction thereof, one tree with a minimum of one inch caliper as measured 24 inches from ground level shall be placed between a public right-of-way and the Self Service Storage Facility. Existing trees shall be shown on the required landscaping plan and may be used to satisfy these requirements in whole or in part where, such trees meet the requirements of this Section.

In addition to required trees, the area between a Self Service Storage Facility and a public right-of-way shall also be landscaped with natural plant material and may include earthmounds or decorative walls to accent the desired landscape and buffering plan.

A minimum of one (1) shrub or ornamental plant for each 100 square feet of area required for front yard landscaping shall be planted and maintained. All shrubs and ornamental plants shall be at least three (3) feet in average height when planted. All trees and plant materials shall be living plants. Artificial plants and, or trees are prohibited.

All landscaping plans shall be approved by a landscape architect licensed to practice in the State of Ohio.

All plantings shall be maintained in good condition by the property owners.

- (i) Lighting: All outdoor lights shall be shielded to direct light and glare only to the Self Service Storage Facility premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining property.

### **3AA3 Substantially Similar Uses**

#### **3AA3-01: Procedure And Requirements To Determine That A Use Is Substantially Similar**

- (A) Where a specific use is proposed that is not listed or provided for in this Zoning Code, the Board of Zoning Appeals may make a determination, upon appeal from a denial of a zoning permit, or from a notice of zoning violation by the Zoning Inspector, that the proposed use is substantially similar to a specific use that is listed or provided for in this Code. If the Board of Zoning Appeals finds that a use is substantially similar to a specific use permitted in this Code, the substantially similar use is deemed to be a Substantially Similar Permitted Use in those districts where the specific use is a permitted use, or a Substantially Similar Conditional Use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board of Zoning Appeals shall follow the procedures relating to appeals and variances as specified in this Code. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Violet Township Board of Township Trustees of its decision. Unless the decision is rejected within thirty (30) days of its receipt by the Violet Township Board of Township Trustees, such substantially similar use determination by the Board shall become effective, in which event the procedures and regulations for permitted uses or for conditional permitted uses, respectively, shall be controlling for the substantially similar use. Any rejection of said determination must be by unanimous vote of the Violet Township Board of Township Trustees.

- (B) Remedy by Application for Amendment

If the Board of Zoning Appeals, or the Board of Township Trustees, determines that a proposed use is not substantially similar, such determination may not be appealed, but remedy may be sought by the owner through the submission of an application for amendment of the zoning for the subject property as provided in this Code. If the application for an amendment of the zoning is not approved, the owner shall have all rights of appeal of that determination as provided under the laws of Ohio.

- (C) Standards for Consideration of Substantially Similar Uses

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

- (1) The compatibility of the proposed use with the general use classification system as specified in this Code.

- (2) The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Code as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- (3) The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Code.

(D) Effect of Determination that a Use is Substantially Similar

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

(E) Record of Substantially Similar Uses

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

### **3AA4 Accessory Buildings And Uses**

#### **3AA4-01 Regulation Of Accessory Buildings Or Uses**

The provisions of Sections 3AA4 of this Resolution shall apply to the location and maintenance of Accessory Buildings or Uses, as herein defined, where such uses are permitted in any Zoning District. A Zoning Permit shall be required for Accessory Buildings or Uses.

#### **3AA4-02 Purpose**

It is the purpose of Section 3AA4 of this Resolution to regulate accessory buildings or uses in order to promote the public health, safety, and welfare. It is the intent of this Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal permitted uses upon the property and harmonious with permitted uses upon adjacent properties.

### **3AA4-03 Definition Of Accessory Buildings And Use**

As used herein, "Accessory Building or Use" means either a use or an object, building or structure applied, constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, building, object, or structure, and which is subordinate to or services the principal use, building, object, or structure; is subordinate in area to the principal use, building, object, or structure; and is customarily incidental to the principal use, building, object, or structure. Among other things, "Accessory Buildings or Use" includes anything of a subordinate nature attached to, or detached from, a principal structure or use. Except as otherwise regulated in this Code, an accessory use must be a permitted use within the District. This zoning classification does not alter, amend, or negate valid and enforceable deed restrictions that are applicable to the property.

### **3AA4-05 General Requirements**

Where specifically provided in the Districts in this Code, an accessory building or use shall be permitted in association with a principal use or structure provided that the following requirements are met:

#### **(A) Accessory Building Restrictions**

- (1) On lots of one acre or less in area, the total floor area of all accessory buildings on the property, when added together, shall not exceed fifty percent (50%) of the minimum gross floor area permitted for a principal building in that district, or fifty percent (50%) of the actual gross floor area of the principal building, whichever is larger.
- (2) On lots larger than one acre in area, the total floor area of all accessory buildings on the property, when added together, shall not exceed the total gross floor area permitted for a principal building in that district, or the actual total gross floor area of the principal building, whichever is larger.
- (3) "Gross floor area" as used herein shall be total livable floor area exclusive of unfinished basements, unfinished attics, and attached garages;
- (4) The height of the accessory structure shall not exceed the height of the principal use's roof's highest peak or ridge.
- (5) The accessory structure shall meet all yard area requirements of the principal use, except that:
  - (a) An accessory building attached to the principal building on a lot shall be made structurally a part thereof, and shall comply in all respects with requirements of these regulations applicable to the principal building.
  - (b) Accessory buildings, structures, and uses which are not a part of the main building must be located in the rear yard at least ten feet (10') from the main building, shall be located no closer than fifteen feet (15') of the rear lot line,



and must conform to the front yard building setback line and side yard width. An accessory building which is not a part of the main building shall not occupy more than 30 percent of the required net rear yard as measured and calculated from the rear walls of the principal building.

- (6) An accessory building or structure shall only be allowed in conjunction with, and on the same lot as an existing principal structure.

## **(B) Accessory Use Restrictions**

### **(1) Dwellings As Accessory Uses –**

Dwellings may be accessory uses in residential districts if attached to the principal home or if detached as a garage apartment, only if it is used as a noncommercial guest house, a residence for relatives of the owner, or a residence for household servants of the occupants of the principal residence.

## **3AA5 Home Occupations**

### **3AA5-01 Purpose**

It is the purpose of Sections 3AA5-01 to 3AA5-07, inclusive, of this Code to promote the public health, safety, and morals through the regulation of permitted home occupations. It is further the intent of these sections to allow limited nonresidential uses in residential structures that are compatible with the residential character of their surroundings.

### **3AA5-02 Definition Of Home Occupations**

"Home Occupation" means a use which is a revenue-producing activity, profession, occupation, service, craft, or hobby which is clearly incidental and subordinate to the principal use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or within a permitted accessory building, without any significant adverse effect upon the surrounding residential environment. Activities such as teaching, tutoring, dance classes, craft classes and workshops and the like shall involve not more than five students or receivers of services at any one time. The traffic generated by the home occupation shall be compatible with the residential character of the neighborhood and may not create congestion or unusually heavy traffic on the residential streets. The maintenance, servicing, selling or storing of commercial, industrial or heavy motor vehicles shall not be included in the definition of home occupation under any circumstances.

### **3AA5-03: Home Occupation As A Conditional Permitted Use**

A home occupation in a residential district may be a Conditional Permitted Use if it complies with the following requirements:

- (A) The structure shall conform to the building code for residences, which has been adopted by the Violet Township Board of Township Trustees.
- (B) The external residential character and appearance of the structure in which the use is conducted shall not be altered.
- (C) There shall be no outside storage of the materials or products used or produced in the home occupation unless such storage is screened from view from adjoining properties and from the street with landscaping or solid walls. Only commodities produced on the premises may be sold on the premises. Samples of the items produced may be displayed out-of-doors to the public within the building set back and side yard lines during daylight hours only.
- (D) The primary and principal use of the property shall always remain residential, and should the dominant or principal use of the property become commercial or industrial, the home occupation shall be deemed to have been terminated by the owner and the conditional use permit shall be revoked pursuant to paragraph 3AA5-05 of this Code.
- (E) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- (F) No additional parking demand beyond what is reasonable for the residential area shall be created.
- (G) No signs advertising the home occupation shall be permitted on the property or in the rights-of-way adjoining the property, except resident physicians, surgeons, attorneys, accountants, clergy, architects, dentists, teachers, realtors, insurance agents, or other similar service professions may have a sign identifying them and their profession, which sign shall not exceed four (4) square feet in size, and shall not be free-standing but shall be mounted on a wall of the dwelling. The provisions of Section 3W of this Code will apply where applicable.
- (H) Non-residents of the dwelling and non-family members may not participate in the home occupation as an employee, employer, or volunteer.
- (I) Only a principal resident of the dwelling may be the owner/proprietor of the home occupation.
- (J) The repair, welding, painting, servicing, building, towing, restoring or storing of any motor vehicle, in exchange for money or other services or compensation, is expressly declared to be excluded from the definition of home occupation and expressly prohibited in all residential districts. The restoration and possession of classic motor vehicles for personal use of the owner is not prohibited so long as such vehicles are stored in garages, are owned by the principal resident, and are not being restored or repaired for non-residents of the property in exchange for money or other services or compensation.

- (K) Excessive waste materials or trash shall not be generated.
- (L) No more than one motor vehicle which is used by the resident in his or her home occupation may be parked, stored or otherwise kept at the residence at any one time.
- (M) No more than one motor vehicle which is used by the resident in his/her regular off-premises business, trade or occupation, or owned or leased by the owner's off-premises business, trade or occupation, may be parked, stored or otherwise kept at the residence at any one time. No vehicles having more than two axles or weighing more than two tons (gross) may be parked, stored or kept at the residence, except for deliveries, moving, or other necessary services for the residence. The parking of such vehicles is not a permitted home occupation.
- (N) The primary and principal use of the dwelling, the accessory buildings, and the property will always remain residential.

#### **3AA5-04: Conditional Use Permit For Home Occupations**

A home occupation is a conditional use in a residential district, and as such a Conditional Use Permit will be required. In a district zoned PD (Planned Development), any restrictions in the applicable Development Plan for the PD District regarding home occupations that are more restrictive than those pertaining to conditional uses in this section shall prevail in that District. The procedures for Conditional Use Permits contained in 3AA2 hereof shall govern to the extent those provisions are not in conflict with the procedures specified in this Section 3AA5, et seq.

#### **3AA5-05: Invalidation Of Home Occupation Conditional Use Permit**

For the purposes of this Code, a Conditional Use Permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the person to whom the permit was issued; or upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals at the time the permit was issued. Upon conveyance of the property, the new owner shall file his or her own application for a Condition Use Permit if he or she desires to continue the previous home occupation. The Board of Zoning Appeals shall then determine at hearing whether to permit the new owner to continue the previous home occupation.

#### **3AA5-06: Conditional Use Permit Procedures For Home Occupations**

- (A) The application and hearing procedures contained in Section 3AA of this Zoning Code shall apply to Conditional Use Permits for Home Occupations.
- (B) A Conditional Use Permit for Home Occupations does not have to be renewed unless the use is expanded, modified or altered or unless the use has been invalidated pursuant to Section 3AA5-05 hereof.

- (C) The application fee for a Conditional Use Permit for Home Occupation shall be determined by the Violet Township Board of Township Trustees and collected by the Zoning Inspector.

### **3AA5-07:Special Conditional Use Permits For Home Occupation Existing Prior To December 21, 2000**

The Violet Township Zoning Code, prior to this effective date, addressed certain “home occupations” in a general manner which, in the rapidly urbanizing area of Violet Township, may be inappropriate and over which there were few procedures or controls for permitting or regulating. Home occupations which now are seen as less than desirable uses have grown in residential districts over a number of years with or without neighborhood objections. Other more traditional customary home occupations have not been subject to zoning regulations. Some of these enterprises would not meet all of the criteria for a home occupation as a conditional use under this Section, and some constitute violations of the Zoning Code that existed prior to the effective date hereof.

To safeguard both the property rights and personal freedoms of the persons who have operated these enterprises over the years and the rights and general welfare of the general community, the Board of Zoning Appeals may, upon application of the owner, grant a Special Conditional Use Permit for Home Occupation for home occupations existing prior to the effective date hereof, taking into account the following factors:

- (A) The length of time the enterprise has been operated as it currently is;
- (B) Any history of written complaints from neighbors living within 500 feet of the activity and the disposition of the issues raised;
- (C) Any history of written complaints, warnings or citations issued by the Violet Township Zoning Inspector and the disposition of the issues raised;
- (D) A plan, submitted by the owner, showing how the activity can be brought into conformity with rules for home occupation as a conditional use and how long that will take, or if that is not possible, a statement as to why it is not possible and what will be done to assure that the residential character of the neighborhood will not be compromised.

Within ninety (90) days of the adoption of this section, the Zoning Inspector shall prepare and forward to the Board of Zoning Appeals a list of owners or operators of home businesses whose enterprises are in violation of the Zoning Code that existed prior to the effective date of this Section. The owners/operators will be notified by certified mail that they are not in compliance with this Section and that within thirty (30) days of their notification, they may file an appeal with the Board of Zoning Appeals requesting a special conditional permit for home occupation on forms to be provided by the Zoning Inspector. A failure to file such appeal shall result in the issuance of a zoning violation citation by the Zoning Inspector. If, after hearing the application, the Board of Zoning Appeals does not issue a Special Conditional Use Permit for Home

Occupation, a zoning violation citation may be issued by the Zoning Inspector, and the Zoning Inspector may institute the appropriate enforcement proceedings against the property owner.

Those home occupations which are existing as of the effective date of this Section and which are not in violation of the then existing Zoning Code shall be treated as non-conforming uses pursuant to Section IV of this Zoning Code.

## **3AA6 Zoning Overlay for Violet Township/Canal Winchester CEDA District**

### **3AA6-01 Purpose**

It is the purpose of this Section 3AA6-01 to, pursuant to the provisions of the Cooperative Economic Development Agreement (“the CEDA”) entered into by Violet Township and the City of Canal Winchester in July of 2001, as that agreement has been amended and as it may be amended in the future (“the CEDA”), to provide for additional regulations and development standards for buildings and uses remaining in the Township and included in the area governed by the CEDA (“the CEDA District”). The CEDA provides for and contemplates the adoption of development standards, and those standards have been developed and approved by both jurisdictions for the purpose of imposing and harmonizing development plans and zoning regulations upon all property and property uses within the CEDA District, irrespective of whether the property is within the jurisdiction of the Township or Canal Winchester. To that end, a Joint Land Use Committee has developed, and the legislative bodies of both jurisdictions have approved, a Land Use Plan and Development Standards for the CEDA District.

### **3AA6-02 Uses Permitted and Zoning Regulations Within the CEDA District**

- (A) The CEDA Development Standards are hereby adopted as a part of this Zoning Resolution, and incorporated in this Resolution by this reference, and made applicable to property as an overlay applying to land governed by the CEDA.
- (B) Any amendment to the Township's zoning map (i.e., any rezoning) for property located within the CEDA District shall follow the procedures for amendments contained in Article IX of this Zoning Code, with the following additional procedures required:
  - (1) Prior to the hearing by the Violet Township Zoning Commission under Article IX, the Zoning Inspector shall forward to the Zoning Officer of the City of Canal Winchester a complete copy of the proposed zoning amendment for technical review by the Joint Land Use Committee. The Joint Land Use Committee shall thereafter compare the proposed zoning amendment with the CEDA Development Standards, and shall

file a report with the Township Zoning Inspector. The Joint Land Use Committee report shall include a recommendation of approval, disapproval, or modification, and may contain comments on:

- (a) The compatibility of the proposed use, and the compliance of the proposed use, with the Development Standards and Land Use Plan applying in the CEDA District; and
  - (b) All other observations or requests that the Joint Land Use Committee deems necessary or appropriate in applying the Development Standards and the standards imposed by law of the jurisdiction where the property is located to the rezoning request and the property that is the subject of the request.
- (2) At the Article IX public hearing upon the proposed development or improvement, the Violet Township Zoning Commission shall receive and consider the technical review report from the Joint Land Use Committee in the same manner that it receives and considers reports and recommendations regarding re-zonings from the Fairfield County Regional Planning Commission.
- (C) Any plan for development or redevelopment upon property located within CEDA District shall follow the following procedures:
- (1) The Zoning Inspector shall forward to the Zoning Officer of the City of Canal Winchester a complete copy of the proposed development for technical review by the Joint Land Use Committee. The Joint Land Use Committee shall thereafter compare the proposed development with the CEDA Development Standards, and shall file a report with the Township Zoning Inspector. The Joint Land Use Committee report shall include a recommendation of approval, conditional approval, disapproval, or modification, and may contain comments on:
    - (a) The compatibility of the proposed use, and the compliance of the proposed use, with the Development Standards and Land Use Plan applying in the CEDA District; and
    - (b) All other observations or requests that the Joint Land Use Committee deems necessary or appropriate in applying the Development Standards and the standards imposed by the jurisdiction where the property is located.
  - (2) If the proposed development complies with all aspects with the Canal Winchester and Violet Township CEDA Development Standards, and a recommendation for approval is received from the CEDA Land Use Committee, then the Zoning Inspector is authorized to issue a Zoning Permit for the proposed development or redevelopment.

- (D) Any plan for development or re-development on property located within the CEDA District that does not require rezoning but does not strictly comply with and conform to the CEDA Development Standards shall follow the following procedure:
- (1) An applicant for development within the CEDA District which aspects of development do not comply with the provisions of the CEDA Development Standards may file an application for Variance from such standards. Such application shall be considered in accordance with the procedures specified in Article VII, Section 7C of the Violet Township Zoning Resolution.
  - (2) Prior to the hearing upon the variance request or requests by the Violet Township Board of Zoning Appeals under Article VII, the Zoning Inspector shall forward to the Zoning Officer of the City of Canal Winchester a complete copy of the proposed variance or variances for technical review by the Joint Land Use Committee. The Joint Land Use Committee shall thereafter compare the proposed variance or variances with the CEDA Development Standards, and shall file a report with the Township Zoning Inspector. The Joint Land Use Committee report shall include a recommendation of approval, disapproval, or modification.
  - (3) At the Article VII public hearing upon the proposed development or improvement, the Violet Township Board of Zoning Appeals shall receive and consider the technical review report from the Joint Land Use Committee as a recommendation, and not as a binding determination.
- (E) Every effort shall be made to comply with the spirit and intent of the CEDA by harmonizing and coordinating development within the Township portion of the CEDA District with the Canal Winchester and Violet Township CEDA Development Standards. Property owners are to be encouraged to consider and adopt the common goals of the Township and Canal Winchester as enumerated in the Canal Winchester and Violet Township CEDA Development Standards when the owners prepare plans for zoning amendments and the development of the redevelopment of their property.
- (F) Owners and other applicants are encouraged to engage in informal consultations with Land Use Committee and any agency that the Land Use Committee recommends prior to formal submission of an application for a zoning amendment, zoning permit application, or variance application. No statement or action by Township, City or Land Use Committee in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township statutes or rules.

### 3AA7 Agricultural Uses

Subject to the provisions of paragraph A, below, with respect to lots greater than five (5) acres of land, nothing contained in this Resolution shall prohibit the use of any such land for agriculture 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, provided that this code does require that structures be used exclusively for agricultural purposes and no zoning certificate shall be required for any such agricultural use, building or structure.

- (A) In any platted subdivision approved under Ohio Revised Code Sections 711.05, 711.09 or 711.10, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture shall be regulated as follows:
- (1) Agricultural uses, except for well maintained gardens for personal consumption, are prohibited on lots of one acre or less.
  - (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to all setbacks, size and height requirements that apply in the underlying zoning district. Subject to subsection A(3) below, agriculture uses are permitted on lots greater than one (1) acres but not greater than five (5) acres.
  - (3) Unless otherwise permitted as part of an approved Development Plan in a Planned Residential District, dairying and animal and poultry husbandry are permitted on lots greater than one acre but not greater than five acres only until thirty-five percent of the lots in a platted subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Ohio Revised Code. After thirty-five percent of the lots in the subdivision are so developed, ongoing dairying and animal and poultry husbandry, except for equine activities, shall be considered a nonconforming use pursuant to Section 519.19 of the Ohio Revised Code and Section IV of this Resolution. Dairying and animal and poultry husbandry, except for equine activities, shall be prohibited on such lots after thirty-five percent of the lots are so developed.

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



- (B) Farm markets that derive at least fifty percent of their gross income from produce raised on farms owned or operated by the farm market operator in a normal crop year are permitted in any zoning district, subject to the following regulations:
- (1) Temporary and seasonal buildings, tents, trailers and other structures associated with a seasonal and temporary farm market shall be placed outside of the road right-of-way and located at least 25 feet from the edge of any road pavement so as to safely allow for adequate ingress and egress and for customer off-street parking. Seasonal and temporary farm markets may use marked grassed areas reasonably cleared and limited in size for parking. In no case shall any portion of any road pavement be used for or considered customer parking to serve a farm market. If a culvert is required in order to obtain access to a seasonal and temporary farm market, then the farm market operator shall obtain a driveway permit from the Violet Township Engineer or, if applicable, the Fairfield County Engineer or the Ohio Department of Transportation. Temporary and seasonal farm markets are farm markets that are open to the public and operate for no more than a total of 90 calendar days in a calendar year. Any temporary and seasonal buildings, tents, trailers and other structures associated with a farm market remaining for more than ninety (90) days in a calendar year shall be considered structures associated with a permanent farm market and shall comply with the provisions of subsection B(2) below.
  - (2) All buildings and structures associated with a permanent farm market shall comply with the applicable setback requirements for the underlying zoning district. Parking for permanent farm markets shall be graveled or paved and provide ingress and egress in accordance with the Violet Township Access Management Plan. Operators of a permanent farm market shall obtain a driveway permit from the Violet Township Engineer or, if applicable, the Fairfield County Engineer or the Ohio Department of Transportation. Off-street parking shall be provided at a ratio of one space for each 100 square feet of farm market. Permanent farm markets are farm markets that are open to the public and operate for more than 90 calendar days in a calendar year.
  - (3) No more than one sign for a permanent or temporary and seasonal farm market denoting the name and address of the operator, denoting produce or products for sale on the premises and denoting membership in organizations may be permitted on a property. Farm market signs shall be located at least ten feet outside the road right-of-way and may not exceed twenty-four (24) square feet of area per side.

### **3AA8 Temporary Uses**

**Temporary Uses Purpose.** Because of the special characteristics and needs of temporary uses, special standards to properly locate and control the activities of temporary uses are necessary in order to secure the health, safety, and morals of the community. An application for a Temporary Permit shall be filed at least sixty (60) days prior to the

commencement of the proposed temporary use. No temporary use shall commence until a Temporary Permit shall have been issued by the Township Zoning Inspector.

**(A) Temporary Use Permit.** Each application for a Temporary Use Permit shall contain a graphic description of the property to be utilized, a description of the proposed use, a site plan in triplicate, drawn to scale, which illustrates the following:

- (1) The actual dimensions of the lot, including easements.
- (2) The exact size, location, and height of all existing and proposed buildings and structures, whether principal or accessory, on the lot.
- (3) The existing and intended use of all parts of the land and buildings and structures, whether principal or accessory, and all details of the event, including location of activities that will be conducted as part of the event.
- (4) Existing zoning on the lot in question and on all adjacent lots.
- (5) Existing and/or proposed parking spaces, including off-site parking, traffic flow, access drives, building and parking setbacks, sanitary facilities, refuse control, security, traffic control, noise and lighting.
- (6) Existing and proposed signs, location and size detail.
- (7) Such other information as may be required by the Zoning Inspector with regard to the temporary use, lot, and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

**(B) FEES.** When making an application for a Temporary Use Permit, the application fees shall be paid in accordance with the Schedule of Fees as may from time to time, be adopted by the Board of Violet Township Trustees.

**(C) ISSUANCE OF PERMITS.** Temporary Use Permits shall be issued or refusal thereof given within fourteen (14) days of the completed application and fee. Written notice of such refusal and reason thereof shall be given to the applicant.

**(D) PROHIBITED TEMPORARY USES.** Temporary retail sales (conducted on parking lots, vacant lots, or along roadsides by transient vendors) shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code Section 505.94.

**(E) PERMITTED TEMPORARY USES.** The following temporary uses are deemed to be permitted temporary uses and are subject to the following requirements in addition to applicable development standards of the district which the use is located:

- (1) Temporary Real Estate Offices:** Temporary real estate sales office, including model homes, may be permitted within any district for any new subdivision, provided sales activities are limited to that subdivision only and such office is not used as a dwelling. Unless otherwise provided for as part of a planned district,

one sign not to exceed twelve (12) square feet shall be permitted. Such signs shall not be located within ten (10) feet from the edge of the right-of-way and shall be landscaped at the base. Any temporary use permit issued for a temporary real estate office conducted out of trailer under this section is valid for one (1) year and must be renewed annually. Such office use shall cease upon completion of the sales of lots within the subdivision. Rental or resales of lots/and or units in the subdivision shall not be conducted from the temporary office.

**(2) Temporary Contractor's Offices:** Temporary buildings, including construction trailers (both licensed and unlicensed), for uses incidental to construction work on the property may be erected in any of the zoning districts herein established; however, such temporary building or trailer shall be removed within sixty (60) days following the completion or abandonment of the construction work. Abandonment shall be presumed if no substantial work toward completion has occurred within ninety (90) consecutive days. Temporary buildings, accessory buildings (except as otherwise permitted by Section 3AA4-05(B)), construction trailers, barns, tents, recreational vehicles, campers, and etc. are not to be used as temporary or permanent dwellings.

**(3) Temporary Public Events:** Temporary public events sponsored by a public or non-profit organization may be permitted within any non-residential zoning district or upon a church, school or other similar site within a Residential Zoning District. The applicant shall, prior to submitting an application for a Temporary Use Permit, engage in consultations with staff from the Township, including the Zoning Inspector, Building Department, Fire Department, Township Engineer and the Fairfield County Sheriff's Office and any other applicable agency or department to discuss and review the potential impacts of the event on the community. No statement or action by Township or County Officials in the course of these consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township, County or State statutes or rules. When planning such an event, the applicant shall take into consideration the potential impacts to surrounding properties. In order to address the impact of the event on the public health, safety and welfare of the community, temporary public events shall meet the following requirements:

(a) Adequate off-street parking, including on-site and off-site (if applicable) shall be provided. A parking plan shall be provided delineating proposed parking areas. Parking shall be provided to accommodate the number of anticipated guests on any given day of an event.

(b) All temporary buildings and structures associated with the event shall meet any and all applicable current Ohio Building and Fire Codes, including but not limited to Fire, Building, Mechanical and Plumbing Codes. Inspections and approvals shall be obtained from the Violet Township Building Department and Fire Department.

- (c) Adequate traffic control shall be provided. A traffic control plan shall be approved by the County Sheriff, County Engineer, and Township Engineer.
- (d) Adequate sanitary facilities and refuse control shall be provided. The sanitary and refuse plan shall delineate the number and location of such facilities and provisions for the removal of such. Sanitary facilities shall accommodate the number of anticipated guests on any given day of an event. Trash removal time restrictions shall be discussed during the pre-application consultation with the Township and be included as part of the application.
- (e) Adequate lighting, including security lighting, shall be provided. A lighting plan shall be provided delineating the location of all current and proposed lighting. All lighting shall be directed inward and away from any abutting Residential Zoning District and/or dwellings. Except for security lighting, all lighting shall be turned off no later than 1 hour after the event closes.
- (f) Adequate security, fire and emergency medical services shall be provided. A security plan shall be provided and approved by the Violet Township Fire Department and County Sheriff. Security shall be provided 24 hours a day during both operational and non-operational hours of the event.
- (g) Operational hours of an event shall be limited to 9:00 a.m. to 11:00 p.m. Monday through Friday, 9:00 a.m. to midnight on Saturdays, 10:00 a.m. to 6:00 p.m. on Sundays.
- (h) Adequate noise control shall be provided. A noise control plan shall be provided showing the location of all amplification and noise generating devices. All amplification and noise generating devices shall be placed inward and away from any abutting Zoning District and/or dwellings. Prior to submitting an application for a Temporary Use Permit, an applicant may obtain an exemption from the Violet Township Board of Trustees from the provisions of the Violet Township Noise Control Resolution. Otherwise, all events shall comply with the provisions of the Noise Control Resolution.
- (i) A signage plan shall be provided. Up to two entry signs may be permitted, provided that both are not located at the same ingress/egress point. Except as otherwise provided in this Section, all signs shall conform to the requirements of Section 3W. Temporary signs located inside the boundaries of the event are exempt from the provisions of this Section. No signs shall be placed in any road right-of-way except directional signs as approved by the County Engineer, Township Engineer and/or the Ohio Department of Transportation.

- (j) An applicant shall be required to obtain any business license or any other permit which may be required by any other federal, state or local statute, rule or regulation.
- (k) Temporary public events shall be limited to not more than four (4) consecutive operational days and no more than one (1) such event may be conducted in any one (1) calendar year by the same organization or any related business, entity or affiliate organized for the same or similar purpose.
- (l) The event organizer must have a policy or policies of general liability insurance in the state of Ohio providing coverage for personal injury and property damage. This shall be in the amount, not less than \$1,000,000 for each person or occurrence and \$2,000,000 in aggregate for personal injuries or death or property damage suffered by any person or persons arising out of the temporary event. A certificate of insurance shall be included as part of the application.

Temporary uses permitted in this Section do not include outdoor, stand-alone music concerts or organized events for music concert only but do include music concerts in conjunction with the temporary public event. Government sponsored and approved events, school related activities, including sporting events, are exempt from the provisions of this Section. In addition, small temporary sales/fundraising events conducted by schools or churches entirely at the school or church location are exempt from the provisions of this Section. Such small temporary sales/fundraising events include, but are not limited to bake sales, flower sales, bazaars, fish fries, spaghetti dinners and car washes. Small temporary sales/fundraising events that include live or amplified music or any temporary structures, or other types of unrelated activities shall be required to obtain a Temporary Use Permit in accordance with this Section.

## **SECTION IV: Existing Nonconforming Uses**

- 4A** Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, uses of land, structures, uses of structures and uses of structures and land in combination 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 amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may otherwise be permitted in this Resolution. Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. After passage of this Resolution a non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in

combination shall not be extended or enlarged by attaching to a building or premises additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located. To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual construction has been diligently pursued. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastening such materials in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

- 4B** In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals.
- 4C** Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:
- (1) No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
  - (2) No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
  - (3) If any such non-conforming uses of land are voluntarily discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
  - (4) No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.
- 4D** Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other

requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- (2) Any non-conforming structure or non-conforming portion of a structure which is removed, partially removed, damaged, destroyed or partially destroyed by any means by less than sixty percent (60%) of its fair market value at the time of such removal, damage or destruction may be restored to its prior condition and the same use or occupancy continued or resumed, provided that the total cost of such restoration does not exceed sixty percent (60%) of its then fair market value; and provided further that such restoration is started within one (1) year after such removal, damage or destruction and is diligently pursued to completion.
- (3) Any non-conforming structure or non-conforming portion of a structure which is removed, partially removed, damaged, destroyed or partially destroyed by any means by more than sixty percent (60%) of its then fair market value shall not be repaired or reconstructed except in conformity with the provisions of this Resolution.
- (4) Should any non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**4E** If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to or housing a non-conforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any non-conforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building that was not used for such non-conforming use at the time of adoption or amendment of this Resolution.
- (3) If no structural alterations are made, any non-conforming use of a structure or structure and land in combination, may, upon application to and approval by the Board of Zoning Appeals as a Conditional Use, be changed to another non-conforming use provided that in addition to any other criteria, the Board of Zoning Appeals finds after consideration of the nature, predominate

character, and intensity of the proposed use and the size, dimensional requirements, and other regulatory characteristics of the proposed use, that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use and that the size, dimensional requirements, traffic generation, signage needs, parking requirements and other regulatory characteristics are not greater than the existing non-conforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.

- (4) The use of any structure or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- (5) When a non-conforming use of a structure, or structure and land in combination, is voluntarily discontinued or abandoned for more than two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (6) When a structure and land in combination is devoted to or houses a non-conforming use, the removal, damage or destruction of the structure to the extent of more than sixty percent (60%) of its fair market value at the time of such removal, damage or destruction shall eliminate the non-conforming use of such structure or structure and land.

**4F** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **SECTION V: Zoning Permits**

- 5A** A Zoning Permit shall be required for any nonfarm land use and for all new non-farm buildings or other structures hereafter located, relocated, erected or constructed or where existing buildings or structures are enlarged or converted to new or different uses (except where Conditional Zoning Certificates may be issued by the Board of Zoning Appeals as specified in Section III). No permit is required for normal maintenance such as painting, re-roofing, installing siding, etc.
- 5B** Each application for a Zoning Permit shall fully describe the intended land use. When new buildings or structures are to be erected or relocated, or when existing



buildings or structures are to be enlarged or converted to a new or different use, the application shall be accompanied by an outline plan of the proposed structure together with a plat layout showing the location of the structure with reference to all road and property lines and adjoining lots. Compliance with all County and State sanitary regulations will be required. The permit shall be issued or denied within a period of two weeks and, if denied, reasons will be stated.

- 5C** Zoning Fees – Each application for a zoning permit, a zoning change or amendment, a conditional use permit, a variance, or an appeal shall be accompanied by money order or check made payable to the Violet Township Board of Township Trustees in the amount shown on the schedule of zoning fees most recently adopted by the Violet Township Board of Township Trustees at a duly noticed meeting of that Board. The schedule of fees shall be available for inspection and copying at the Township offices during normal business hours.
- 5D** A certificate of occupancy shall be required before any new building or structure may be used or occupied. The certificate shall be issued or denied within a period of two weeks, and, if denied, reasons will be stated. No fee shall be assessed to obtain a certificate of occupancy but the failure to procure the certificate before using or occupying the new building or structure will subject the violator of this provision to the penalties set out in Section VIII.

## **SECTION VI: Zoning Inspector**

- 6A** The job responsibilities and duties of Zoning Inspector may be included within the responsibilities and duties of other duly appointed township officers, such as the Director of Operations. Assistants may be appointed by the Violet Township Board of Township Trustees to serve as zoning inspectors, code enforcement officers and in administrative capacities. As used in this Zoning Code, the title 'Zoning Inspector' and its powers and duties shall apply to each such officer appointed by the Board of Township Trustees pursuant to this paragraph.
- 6B** The Inspector shall administer and enforce this code as an officer of the Zoning Commission and the Board of Trustees. He will receive applications for and issue zoning permits, collect fees, and maintain records as required by the Trustees and otherwise as required by law.

## **SECTION VII: Board of Zoning Appeals**

- 7A** The Violet Township Trustees shall appoint members of the Violet Township Board of Zoning Appeals pursuant to Sections 519.13 through 519.15, Ohio Revised Code, as amended. The Board of Zoning Appeals shall construe this Zoning Code liberally so long as the spirit and intent of the Code as stated in Section I is maintained.
- 7B** The Board of Zoning Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement or application of the provisions of this Zoning Code;
- (2) To authorize, upon appeal in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Zoning Code will result in unnecessary hardship, and so that the spirit of the Code will be observed and substantial justice done;
- (3) To grant conditional zoning certificates for the use of land, buildings or other structures where such certificates are provided for in Section III of this Zoning Code.

In exercising the above described powers, the Board of Zoning Appeals may, in conformity with such provisions, reverse or affirm, wholly or partly, or may 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 has all powers of the Zoning Inspector from whom the appeal is taken.

- 7C** Before conditional zoning certificates or variances are issued, or appeals heard, the Board of Zoning Appeals shall hold a public hearing and shall advertise said hearing at least once in a newspaper of general circulation in the Township ten (10) days prior to the hearing and shall notify by mail the applicant and all adjoining property owners at least ten (10) days prior to the hearing. Applications for conditional zoning certificates and variances shall be accompanied by a money order or check made payable to the Violet Township Board of Township Trustees in the amount shown on the schedule of fees adopted pursuant to Section 5C of this Zoning Code. The application shall also contain a full description of the existing zoning, the proposed use, the variances requested and shall be accompanied by a map of the property and an accurate list of all adjoining property owners with their current mailing address as shown on the auditor's current tax list.

## **SECTION VIII: Enforcement and Penalties**

- 8A** No building shall be located, erected, constructed, reconstructed, enlarged, maintained or used in violation of any section or provision of this Zoning Code, or any amendments or supplements hereto adopted by the Violet Township Board of Township Trustees. Each day's continuation of a violation of this section may be deemed a separate offense.

- 8B** In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of this Zoning Code or in violation of Sections 519.01 to 519.99, inclusive, of the Ohio Revised Code, the Board of Township Trustees, the Fairfield County Prosecutor, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The Violet Township Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section.
- 8C** Any person, firm, corporation, association, partnership or other organization who violates any regulation, provision, amendment or supplement of this Zoning Code shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day's continuation of a violation may be deemed a separate offense.

## **SECTION IX: Amendments, Supplements and Revisions**

- 9A** Amendments to this Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution by the Board of Trustees, or by the filing of an application by one (1) or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission.
- 9B** Every application for a change of zoning shall be signed by at least one owner or lessee of the property, shall be in writing on a form prescribed by the Violet Township Zoning Commission and filed with the Commission at its regular meeting, shall be accompanied by a check or money order made payable to the Violet Township Board of Trustees in the amount shown on the schedule of fees adopted pursuant of Section V of this zoning code. The application shall also contain a full description of the existing zoning, the proposed use of the property, a list of the names and current addresses of the owner and all adjoining property owners as shown on the county auditor's current tax list, and an accurate map or survey of the property showing its relationship to existing streets and surrounding property.
- 9C**
- (1) Pursuant to Section 519.12, Ohio Revised Code, upon receiving an application for a change in zoning, the Zoning Commission shall set a date for a public hearing on the application, which date shall not be less than twenty (20) nor more than forty (40) days from the date of receiving the application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more

newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

- (2) If the zoning change proposes to rezone or redistrict ten (10) or less parcels of land, as listed on the county auditor's current tax list, 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 and contiguous to and directly across the street from such area proposed to be rezoned.
- (3) Within five (5) days after the receiving the application the Zoning Commission shall transmit a copy together with text and map pertaining thereto, to the Fairfield County Regional Planning Commission, which Commission shall recommend the approval or denial of the proposed zoning change 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 together with all other evidence presented at the hearing.
- (4) The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed application, or the approval of some modification thereof, and submit such recommendation together with such application, the text and map pertaining thereto and the recommendation of the Fairfield County Regional Planning Commission thereon to the Board of Township Trustees.
- (5) The Board of Township Trustees shall upon receipt of such recommendation at its next regular meeting set a time for a public hearing on such proposed zoning change, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.
- (6) The published and mailed notices referred to herein shall contain such information as may be required under the provisions of Section 519.12 of the Ohio Revised Code.
- (7) Within twenty (20) days after the public hearing before the Board, it shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. Such zoning change adopted by the Board shall become effective in thirty (30) days after the date of its adoption unless a duly prepared referendum petition is presented to the Board within said thirty (30) day period. If a referendum is certified by the Board of Elections, the zoning change shall not become effective unless and until a majority of the vote cast on the issue is in favor of the change.
- (8) The terms "zoning change" shall include all rezoning applications, amendments or supplements to the zoning resolution as provided in" Section 519.12, Ohio Revised Code.

- (9) In the event that the application for a change in zoning is denied, no new application, reapplication or other request for the same change in zoning for the property included therein may be filed or acted upon for at least one (1) year from the date of said denial. A change in ownership of the property or in the designation of the applicant on the application shall not serve to shorten this one-year period.

## **SECTION X: Interpretation and Jurisdiction**

- 10A** This Zoning Code shall not be interpreted as interfering with, abrogating or annulling any resolutions, regulations or permits adopted or issued except where such regulations, resolutions or permits are in conflict with this Zoning Code or amendments hereto, in which event this Zoning Code or amendments hereto shall prevail.
- 10B** Where this Zoning Code or amendments hereto impose greater restrictions or higher requirements than are imposed or required by easements, covenants, and agreements or otherwise, the provisions of this Zoning Code or amendments hereto shall prevail. However, where easements, covenants, agreements or otherwise, impose greater restrictions or higher requirements than this Code, they shall prevail.
- 10C** Each section, subsection, paragraph, provision, requirement, restriction or regulation of this Zoning Code or amendments hereto is hereby declared to be independent, and the holding of a part to be invalid shall not affect the validity of this Zoning Code or amendments hereto as a whole or any part thereof except the particular section, subsection, paragraph, provision, requirement, restriction or regulation so declared invalid.
- 10D** The effective date of this resolution shall be from and after the date of certification of approval by the Board of Elections.

## **SECTION XI: Definitions** – Unless otherwise defined in a specific section or subsection, the following words shall be defined as:

- 11A Agriculture – A use which includes 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, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

- 11B Basement - any enclosed part of the building in which the floor level extends more than two and one-half (2 1/2) feet below the finished grade line.
- 11C Building - a structure having a roof supported by columns or walls for the shelter, support, or enclosures of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.
- 11D Display Area – the advertising surface of each sign face shall be measured by calculating the area of the smallest single rectangle which would encase all advertising elements in that sign.
- 11E Dwelling, Single Family - a detached building designed for or occupied exclusively by one family.
- 11F Façade – the principal face of the building that looks out onto a dedicated public street, a private street or open space.
- 11G Family – a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
- (1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
  - (2) two unrelated people; or
  - (3) two unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship.
- “Family” does not include any society, club, fraternity, sorority, association, lodge, federation or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which is specifically set forth and authorized by applicable law as being permitted uses within residential zoning districts.
- 11H Farm - a separate unit of property consisting of ten (10) acres or more with an annual gross income from the sale of agricultural products produced thereon amounting to \$250-00 or more; if the property consists of less than ten (10) acres, the annual gross income from the sale of agricultural product t\_s produced thereon shall amount to \$750.00 or more.
- 11 I Fleet Parking – parking on the same lot and designated specifically for vehicles operated by a business owner or used during the normal course of business operations for a specific purpose of the business.

- 11J Freestanding Sign – a sign which is not attached to a building
- 11K Garage - A building used for the storage or housing of motor driven vehicles.
- 11L Ground and/or First Floor - any enclosed part of the building in which the floor level is not more than two and one-half (2 1/2) feet below, or more than three and one-half (3 1/2) feet above, the finished grade line.
- 11M Ground Mounted Sign – a freestanding sign placed on the ground and attached to a supporting foundation or supported between two or more columns or posts and not attached to any building, but is constructed on the subject property and contains graphics directly related to the specific business(s) on that property.
- 11N Height, Building – the vertical distance by which the upper-most portion of the roof of a structure extends above the natural (pre-construction) or finished (post-construction) grade, whichever is lower. Architectural design features such as, but not limited to, cupolas, skylights, and chimneys, shall not be considered when measuring height.
- 11O Height, Sign – the vertical distance by which the upper-most portion of the sign extends above the natural (pre-construction) or finished (post-construction) grade, whichever is lower.
- 11P High Water Mark – the point on a stream bank to which the presence and action of surface water is so continuous as to leave a district marked by erosion. High water marks are delineated by the Fairfield Soil and Water Conservation District and the Ohio Department of Natural Resources.
- 11Q In-line Retail – a retail complex consisting of stores or restaurants in adjacent spaces in one continuous, long building or structure typically having a parking area in front of the stores that opens to a dedicated public street.
- 11R Landscape Uplight Fixtures – a light fixture sitting on the ground that is incorporated into landscaping that shines upward and is typically utilized to illuminate certain architectural or landscaped features.
- 11S Line, Road - the sideline of the road or street as designated the recorded plats in the County Surveyor's Office.
- 11T Line, Setback - a line establishing a designated distances from the front, side or rear lot lines and parallel thereto.
- 11U Living Area - any enclosed part of the building which is heated and used For living purposes not including rooms used exclusively for storage or utility functions.

- 11V Living Unit - that portion of a building which is completely equipped for living purposes including cooking, eating, sleeping and lounging areas and which includes and heating facilities. In general, each living unit will be occupied by one family or other cooperative group.
- 11W Lot - a parcel of land occupied or to be occupied by one building and accessory buildings and uses, and including open space required under this Zoning Code. A lot may be land so recorded on a plat of record or considered as a unit of property, and described by metes and bounds, but it may include parts of or a combination of such lots when adjacent to one another, provided such ground is used for one improvement.
- 11X Lot Depth - the mean distance between front and rear lot lines.
- 11Y Lot, Front Of - the front of a lot shall be considered to be that side of the lot, which fronts a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot.
- 11Z Lot, Frontage - measured at right angles to one of the lot side lines and from the Point where the lot side line intersects the road or street line.
- 11AA Lot Width - the mean distance between the lot sidelines.
- 11AB Nonconforming Use - use of a building or land that does not conform to the regulations for the District in which it is situated.
- 11AC Non-residential Uses – any use of land that is permitted by the Violet Township Zoning Code and does not include the human inhabitation of a structure or any use incidental or accessory to such inhabitation.
- 11AD Perennial Stream Channel – a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.
- 11AE Person - any natural individual, firm, trust, partnership association or corporation.
- 11AF Pole Building – a building with no continuous permanent foundation with sides typically consisting of corrugated steel or aluminum and supported by poles set in the ground and typically anchored there by concrete, rock or a combination of both.
- 11AG Pole Sign – a freestanding sign greater than six (6) feet in height supported by braces or uprights that is not attached to any building.
- 11AH Residential Uses – any permitted use of land where a dwelling has been constructed with the intent of human inhabitation of that structure. Structures may be single family, two-family, or multi-family and also include mobile homes



and modular homes. Residential uses also include all uses that are incidental to or accessory to the human inhabitation of a structure

- 11AI Outlot – a lot located adjacent to a public or private street in a larger, commercial style development that is reserved for a specific use.
- 11AJ Sign Area – the entire area comprising all of the display area(s) on all sign faces combined, including all of the elements of the matter displayed. Frames and structural member not containing advertising matter shall not be included in computation of sign area.
- 11AK Sign Face – the surface of the sign upon, against, or through which the message is displayed or illustrated.
- 11AL Public Road or Street - a right-of-way for public use which has been dedicated to and accepted by the County Commissioners.
- 11AM Trailer Coach - a residence, house car, camp car, or any portable or mobile vehicle on wheels, skids or rollers, not structurally anchored to a foundation, propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used for residential purposes. Also referred to as motor home or mobile home.
- 11AN Tributary – any stream or waterway that flows to a larger stream or other body of water.
- 11AO Wall Mounted Sign – a sign and all associated graphics fastened to a building wall, where the wall becomes the supporting structure or forms the background, which does not project outward more than twelve (12) inches and typically where the sign area is mounted flat and parallel to the wall.
- 11AP Yard - the area between the front, side or rear lot lines and the corresponding setback line designated the front, side or rear yard respectively.
- 11AQ Yard, Front - a yard extending across the full width the lot and lying between the front line of the lot and the nearest line of the building. The depth of a front yard shall be measured at right angles to the front line of the lot.
- 11AR Yard, Rear - a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. The depth of a rear yard shall be measured at right angles to the rear line of the lot.
- 11AS Yard, Side - an open unoccupied space between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be measured at right angles to the sideline of a lot

