

**FAYETTE COUNTY  
ZONING  
RESOLUTION**

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*MAY, 2007*



# FAYETTE COUNTY ZONING RESOLUTION

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**PART ONE**  
*AUTHORIZATION AND GENERAL PROVISIONS*



## **ARTICLE I**

### **AUTHORIZATION AND PURPOSE**

#### **Section 1.01 Title**

This Resolution shall be known and may be cited as the

#### ***ZONING RESOLUTION OF FAYETTE COUNTY COUNTY, OHIO***

and shall be considered as a comprehensive amendment to the Fayette County Zoning Resolution originally adopted January 30, 1964, along with subsequent amendments to said Resolution. Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Resolution as those governing the interpretation of the Ohio Revised Code.

#### **Section 1.02 Purpose**

The Board of Fayette County Commissioners hereby find it necessary, advisable and beneficial to the residents of Fayette County to provide for the division of the unincorporated area of the County into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general welfare by:

- regulating the use of land areas and the construction, restoration and/or alteration of buildings and uses therein
- restricting the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers
- controlling the bulk, height, density, and location of buildings
- protecting and preserving existing natural resources.
- assuring the orderly growth and development of lands, consistent with the *Comprehensive Land Use Plan for Fayette County*, as adopted.

all as permitted and duly authorized by the provisions of Chapter 303 of the Ohio Revised Code.

#### **Section 1.03 Applicability and Limitations**

Subject to the limitations specified in Section 303.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated areas of Fayette County, Ohio under the jurisdiction of this Resolution.

#### **Section 1.04 Interpretation and Consistency**

The provisions of this Resolution shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses of land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, resolution or regulation of Fayette County, or part thereof, not specifically repealed, amended, modified, altered or changed herein.

#### **Section 1.05 Separability**

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



## ARTICLE II

### DEFINITIONS

#### Section 2.01 Interpretation

For the purpose of this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Particular terms directly related to particular topics may be defined within the specific sections of the Resolution where those general requirements are found.

#### Section 2.02 Definitions

**"Accessory use"** means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

**"Accessory building"** or **"accessory structure"** means a building or structure occupied by an accessory use.

**"Administrative and business offices"** means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

**"Agribusiness"** means manufacturing, warehousing, storage, and/or related industrial or commercial activity that provides services for or are dependent upon the agricultural community, but are not necessarily suited to locations within such established areas. Such activities are a principal use not connected with any general farming on the same lot. Agribusiness may include fertilizer production; commercial stockyards; livestock auctions; retail nurseries; large concentrated animal feeding operations or major concentrated animal feeding facilities as defined in Section 903.01 of the Ohio Revised Code.

**"Agricultural use"** means the same as stated in Section 303.01 of the Ohio Revised Code, as may be amended, to include 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, provided that the operation of such accessory use shall be secondary and incidental to the normal agricultural activities, and shall not include the operation of a commercial stockyard.

For the purposes of this Resolution, "agricultural use" shall not include the operation or maintenance of any concentrated animal feeding operation or concentrated animal feeding facility as defined in Section 903.01 of the Ohio Revised Code. For the purposes of this Resolution, any such use of land for these purposes shall constitute an agribusiness as defined above.

**"Building"** means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

**"Height of building"** means the vertical distance from the average grade surrounding the building to the highest point of the roof.

**"Building line"** means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

**"Business services"** means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

**"Cemetery"** means land used or intended to be used for the burial of human dead.

**"Clinic, Human"** means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

**"Cluster housing"** means a residential development technique whereby dwelling units are concentrated on one portion of the total site with the remaining portions of the site being retained as open space. This results in a development whereby the overall residential density of the site is significantly lower than that portion of the site actually occupied by dwellings. In Fayette County, the cluster housing technique is allowed only in particular districts as specified.

**"Commercial stockyard"** means land used for the confining and commercial feeding of livestock or poultry for mass production and marketing. Such activities are a principal use not connected with any general farming on the same or adjoining lot(s), and require a state or federal permit(s) for operation. Commercial stockyards may include the operation or maintenance of any concentrated animal feeding operation or concentrated animal feeding facility as defined in Section 903.01 of the Ohio Revised Code.

**"Conditional use"** means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article IX of this Resolution.

**"Congregate or group home"** means a residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with

room, board, specialized care, rehabilitative services and supervision in a family environment.

**“County”** means Fayette County, Ohio.

**“Development”** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**“District”** means a part, portion, zone or geographic area within Fayette County within which certain development standards, as delineated by this Resolution, apply.

**“ Dwelling”** or **“residence”** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

**“Multiple-family dwelling”** or **“multiple-family residence”** means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

**“Single family dwelling”** or **“single family residence”** means a building designed for or occupied exclusively by one family.

**“Two-family dwelling”** or **“two-family residence”** means a building designed for or occupied exclusively by two families living independently.

**“Family”** means an individual, two or more persons related by blood, marriage or law, or a group of not more than five (5) persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or more persons related by blood, marriage or law, are part of the family for this code.

**“Federal Emergency Management Agency (FEMA)”** means the agency with the overall responsibility for administering the National Flood Insurance Program.

**“Flood”** or **“flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

**“Flood Insurance Rate Map (FIRM)”** means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Fayette County.

**“Floodway”** means the channel of a creek, stream or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**“Floor area”** of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

**“Frontage”** or **“lot frontage”** means that portion of the lot that directly abuts the roadway right-of-way, and has direct access thereto.

**“Home occupation”** means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in this Resolution.

**“Hospital”** means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

**“Industrialized unit”** means a building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure, that requires transportation to the site of intended use. “Industrialized unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized unit” does not include a manufactured or mobile home as defined herein.

**“Institution”** means an organization providing social, cultural, educational or health services to member agencies, organizations, and individuals, or to the general public.

**“Junk”** means old or scrap copper, brass, rope rags, trash, waste, batteries, unused tires, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, and includes inoperable vehicles and parts thereof.

**“Junk Yard”** means an establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying or selling junk, and includes garbage dumps and sanitary landfills.

**“Kennel”** means an establishment which provides for the raising and/or boarding of more than five (5) dogs at any one time, on a temporary or permanent basis. For the purposes of this Resolution, the raising of a single litter of related dogs shall not be considered as an activity requiring treatment as a kennel.

**“Lot”** means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

**“Corner lot”** means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

**“Front lot line”** means that lot line that directly abuts the roadway right-of-way. In the case of a corner lot, the front lot line shall be that lot line so designated for purposes of computing front yard depth.

**“Rear lot line”** means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot (i.e., a triangular lot) the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line.

**“Side lot line”** means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

**“Lot of record”** means any lot which individually or as a part of a sub-division has been recorded in the Office of the Recorder, Fayette County, Ohio, as of the effective date of this Resolution.

**“Minimum area of lot”** means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

**“Lot width”** is the width of a lot at the front lot line measured at right angles to its depth.

**“Manufactured home”** means a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

**“Manufactured home community”** or **“manufactured home park”** means a development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the land or lots upon which the manufactured homes are located will not be owned by the resident of the individual manufactured home.

**“Mobile home”** means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length or, when erected on the site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the ORC, or as an industrialized unit, as defined herein and in division (C)(3) of Section 3781.06 of the ORC.

Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district.

**“Modular home”** means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

**“Nonconforming use”** means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolution.

**“Nursery”** or **“Day care center”** means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the

resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

**“Nursing home”** includes convalescent, assisted living and extended care facilities; an establishment which specializes in providing necessary care, shelter, and nursing and related services and to those unable to be responsible for themselves.

**“Off-street parking space”** means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Ordinance.

**“ORC”** means the Ohio Revised Code.

**“Parking area”** or **“parking lot”** means any area other than street, drive, or alley used or intended to be used for the temporary parking of motor vehicles, with or without a fee.

**“Permanent foundation”** means a permanent masonry, concrete or a footing or foundation approved by the manufactured homes commission pursuant to Chapter 4781 of the ORC, to which a manufactured home may be affixed.

**“Permanently sited manufactured home”** means a manufactured home that meets all of the following criteria:

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

**“Person”** means any individual, corporation, company, business, partnership, association or legal entity.

**“Personal services”** means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

**“Professional offices”** means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

**“Recreational facilities”** means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and/or passive recreation.

**“Residence”** - see “Dwelling”.

**“Restaurant”** means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

**“Retail store”** means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

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

**“Similar use”** means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Ordinance.

**“Storage yard”** or **“salvage yard”** means an area for the temporary storage of operable motor vehicles for a period of time generally less than one (1) month, such as an impound lot.

**“Story”** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that habitable portion of the building included between the upper surface of the topmost floor and ceiling or roof above.

**“Street”, “road”** or **“thoroughfare”** means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

**“Structure”** means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things, walls, buildings, and patios. “Structure” does not include fences.

**“Structural alteration”** means any change which would replace, change or alter a supporting member of a structure, such as bearing walls, columns, beams, or girders.

**“Telecommunications Tower”** means any freestanding structure or structure attached to a building or other structure, that meets all of the following criteria:

1. The freestanding or attached structure is proposed to be owned or principally used by a public utility or private entity engaged in the provision of telecommunications services.
2. The freestanding or attached structure is proposed to be located in the unincorporated area of Fayette County.
3. The freestanding structure is proposed to top at a height of greater than fifty (50) feet.
4. The freestanding or attached structure is proposed to have attached to it electromagnetic frequency transmission or reception equipment.

**“Use”** means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

**“Variance”** means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**“Yard”** means a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot.

**“Front yard”** means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

**“Rear yard”** means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

**“Side yard”** means that portion of a lot that is located between the side lot line and the nearest building or structure.

**“Zoning certificate”** or **“Zoning permit”** means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Resolution.

**“Zoning District”** means a portion of the County within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

**“Zoning district map”** or **“Zoning Map”** means the map of the County showing the locations of established zoning districts, together with all amendments subsequently adopted by the County Commissioners, and established pursuant to Section 12.02 of this Resolution.

**“Zoning Inspector”** means the enforcement officer, hired by the Board of County Commissioners, who is charged with enforcing the provisions of this Zoning Resolution.



**PART TWO**  
*ADMINISTRATION AND ENFORCEMENT*



## ARTICLE III

### ADMINISTRATIVE BODIES AND THEIR DUTIES

#### Section 3.01 Zoning Inspector

##### 3.01.01 Office of Zoning Inspector Established

The Zoning Inspector designated by the Board of County Commissioners shall enforce the Zoning Resolution. He/she shall be considered an employee of the County, and be provided with such assistance and support as is necessary for the performance of duties by the Board of County Commissioners.

##### 3.01.02 Relief From Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this Resolution. In any of these actions, the Zoning Inspector shall be defended or represented by the jurisdiction's legal counsel until the final termination of the proceedings.

##### 3.01.03 Duties of Zoning Inspector

For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

- A. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
- B. Issue zoning certificate(s) when the provisions of the Zoning Resolution have been met, or refuse to issue same in the event of noncompliance.
- C. Collect designated fees as, established by separate resolution, for zoning certificates, appeals, variances and conditional uses.
- D. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of the Zoning Resolution and action taken on same.
- E. Inspect any buildings or lands to determine whether any violations of the Zoning Resolution have been committed or exist.
- F. Advise the Rural Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Resolution.

## **Section 3.02 Rural Zoning Commission**

### **3.02.01 Establishment**

Pursuant to Ohio Revised Code Chapter 303, there is hereby established a Rural Zoning Commission in and for Fayette County. Such Commission shall consist of five (5) residents of the unincorporated area of the County as appointed by the Board of County Commissioners. Not more than one (1) member of the Commission shall be a resident of any single township. The terms of tenure of the members shall be as arranged by the Commissioners.

### **3.02.02 Removal of Members**

Members of the Rural Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of County Commissioners, after public hearing and notification, following the procedures specified for the Zoning Inspector in Section 3.01.04 above.

### **3.02.03 Proceedings**

The Zoning Commission shall elect a Chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, and at such other times as deemed appropriate by the Commission. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public record, and shall be immediately filed in the office of the Commission. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required.

### **3.02.04 Powers and Duties**

For the purposes of this Resolution, the Rural County Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this Resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of County Commissioners.
- C. Make recommendations to the Board of County Commissioners regarding additions to territory in which the county zoning plan is in effect.

## **Section 3.03 Board of Zoning Appeals**

### **3.03.01 Establishment**

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 303.13 through 303.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of County Commissioners. Every member shall be a resident of the unincorporated territory of Fayette County, Ohio under the jurisdiction of this Resolution. Not more than one (1) member of the Board shall be a resident of any single township. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed. Vacancies shall be filled by resolution of the Board of County Commissioners for the unexpired term of the member affected.

### 3.03.02 Removal of Members

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of County Commissioners, after public hearing and notification, following the procedures specified for the Zoning Inspector in Section 3.01.04 above.

### 3.03.03 Proceedings

The Board shall organize annually and elect a Chairman, and other officials as it deems necessary. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Resolution. All meetings of the Board shall be open to the public.

The Board shall designate a Secretary to keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact. The Secretary shall keep records of its examinations and other official action, all of which shall be a public record and immediately filed in the offices of the Board of County Commissioners.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

### 3.03.04 Powers and Duties

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VII of this Resolution.
- B. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article VIII of the Resolution.
- C. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- E. Authorize the substitution or extension of nonconforming uses, as specified in Article V of this Resolution.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section 4.08 of this Resolution
- G. Declare zoning permits void, pursuant to Section 4.09 of this Resolution.

**Section 3.04 Board of County Commissioners**

The powers and duties of the Board of County Commissioners pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals.
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map
- C. Override a written recommendation of the Zoning Commission on a text or map amendment, provided such action is passed by a unanimous vote.

**Section 3.05 Powers of Zoning Inspector, Board of Zoning Appeals, and Board of County Commissioners on Matters of Appeal**

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers of the Board of County Commissioners in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of County Commissioners shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Zoning Inspector on matters of appeal or variance. Nonetheless, nothing in this Resolution shall be interpreted to prevent any official of the County from appealing a decision of the Board of Zoning Appeals to the

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## **ARTICLE IV**

### **ENFORCEMENT AND PENALTY**

#### **Section 4.01 Zoning Certificate Required**

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. No such certificate shall be issued by the Zoning Inspector until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following subject to the limitations of section 303.211 of the Ohio Revised Code:

- A. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article V.

#### **Section 4.02 Application for Zoning Certificate**

Three (3) copies of an application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Fayette County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is presently located.
- F. Plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Height of proposed buildings.

- H. Number of proposed dwelling units.
- I. An approval by the Fayette County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- J. Any permits for driveways or other access to property as required by the Fayette County Engineer and/or the Ohio Department of Transportation (ODOT).
- K. Such other material and information as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Resolution.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

#### **Section 4.03 Approval of Zoning Certificates**

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Resolution, unless the provisions of Section 4.04 are applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application. All zoning certificates shall be conditional upon the commencement of work within six (6) months. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance along with one (1) copy of the application.

#### **Section 4.04 Submission to the Director of the Department of Transportation**

Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if

notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provision of this Resolution, issue the zoning certificate.

#### **Section 4.05 Record of Zoning Certificates**

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or his/her designated agent, and copies shall be considered part of the public record.

#### **Section 4.06 Expiration of Zoning Certificates**

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained. The Zoning Inspector is hereby granted the authority to grant not more than one (1) six (6) month extension of this expiration date for cause. Any further extension(s) must be granted by the Board of Zoning Appeals.

#### **Section 4.07 Certificate of Zoning Compliance**

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution.

#### **Section 4.08 Schedule of Fees, Charges and Expenses**

The Board of County Commissioners shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the County Offices, and may be altered or amended only by the Board of County Commissioners. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

#### **Section 4.09 Void Zoning Certificate**

A zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.

- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

## **Section 4.10 Violation and Penalty**

### **4.10.01 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates**

Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.10.03.

### **4.10.02 Complaints Regarding Violations**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Resolution.

### **4.10.03 Penalties for Violation**

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the County or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

**ARTICLE V**  
**NONCONFORMITIES**

**Section 5.01 Intent**

Within the districts established by this Resolution, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these nonconformities to continue until they are removed and to permit reasonable extensions and improvements as allowed by law, but not to encourage their survival.

**Section 5.02 When Permitted**

**5.02.01 Existing Land or Buildings**

Any use of land or buildings existing on the effective date of this Resolution may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning resolution in effect in the County at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Resolution.

**5.02.02 Construction Commenced**

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

**Section 5.03 Discontinuance**

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

#### **Section 5.04 Substitution**

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification. However, in any residential district, no change shall be authorized by the Board of Zoning Appeals to any use which is not a permitted or conditional use in any "R" District.

#### **Section 5.05 Extension**

No nonconforming use or structure shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Resolution or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Resolution.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.
- D. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

#### **Section 5.06 Damage and/or Destruction of a Nonconforming Building or Use**

When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6)

months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Section 5.05.

### **Section 5.07 Maintenance and Repair**

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. when required by law.
- B. to convert to a conforming use.
- C. to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

### **Section 5.08 Nonconforming Lots of Record**

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not meet the development standards of the district in which it is located, provided such lot receives the approval of the Fayette County Board of Health, and further provided that the owner of such lot does not own adjacent property and did not own such property at the time this Resolution became effective.

If the owner(s) of such lot owns adjacent property, or owned such property at the time this Resolution became effective, then the owner(s) shall redivide such property to provide for the lot area and width requirements of the district in which the lot is located. However, if the width of the lots resulting from such redivision would exceed the required lot width in the district by more than twenty percent (20%), such redivision may be made so as to provide one (1) more lot than would otherwise be permitted.

If development of a nonconforming lot occurs consistent with the provisions above, the structure shall be located on the lot in such a manner that the resulting front, side and rear yards are as close as possible to the setbacks established in this Resolution for the district in which it is located.

## **ARTICLE VI**

### **DISTRICT CHANGES AND AMENDMENTS**

#### **Section 6.01 Intent**

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are found to be inconsistent with the provisions of Section 303 of the Ohio Revised Code as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

#### **Section 6.02 Initiation of Zoning Amendments**

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

- A. By referral of a proposed amendment to the Zoning Commission by Board of County Commissioners.
- B. By the adoption of a motion by the Zoning Commission submitting the proposed amendment to the Board of County Commissioners.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

#### **Section 6.03 Contents of Application**

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 1,000 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Fayette County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Resolution.



- I. A fee as established by the Board of County Commissioners.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant with a listing of deficiencies.

#### **Section 6.04 Submission to Planning Commission**

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of County Commissioners, or the filing of an application pursuant to Section 6.03 above, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Fayette County Planning Commission. The Fayette County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05 below.

#### **Section 6.05 Public Hearing by Zoning Commission**

##### **6.05.01 Date of Public Hearing**

The Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of County Commissioners, or the filing of an application pursuant to Section 6.03 above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

##### **6.05.02 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required, notice of such hearing shall be given by the Zoning Commission in at least one (1) newspaper of general circulation in the County at least ten (10) days before the date of such hearing. The notice shall set forth the following information:

- a. The time and place of the public hearing.
- b. A statement that the hearing is being conducted by the Fayette County Rural Zoning Commission.
- c. A statement indicating that the proposed action is an amendment to the zoning resolution.
- d. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- e. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.

- f. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing,
- g. The name of the person responsible for giving notice of the public hearing.
- h. A statement that, at the conclusion of such hearing, the matter will be referred to the Board of County Commissioners for further determination.

**6.05.03 Notice to Property Owners**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing, to all owners of property within, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Fayette County Auditor's current tax list, as provided by the applicant in Section 6.03 (F) above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.02 above.

**Section 6.06 Recommendation by Zoning Commission**

Within thirty (30) days after the hearing required in Section 6.05 above, the Zoning Commission shall recommend to the Board of County Commissioners that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

**Section 6.07 Public Hearing by the Board of County Commissioners**

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of County Commissioners shall hold a public hearing. Notice of such hearing shall be as specified in Section 6.05 above.

**Section 6.08 Action by the Board of County Commissioners**

Within twenty (20) days after the public hearing required in Section 6.07 above, the Board of County Commissioners shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of County Commissioners denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of County Commissioners is required.

**Section 6.09      Criteria**

In reviewing the proposed amendment and arriving at its decision, the Board of County Commissioners shall consider the following factors:

- A.      Compatibility of the proposed amendment with the zoning and use of adjacent land, and the Comprehensive Plan.
- B.      The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.
- C.      The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of adjacent properties.

**Section 6.10      Effective Date and Referendum**

Such amendment adopted by the Board of County Commissioners shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the County or part thereof included in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of County Commissioners to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

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

## **ARTICLE VII**

### **APPEALS**

#### **Section 7.01 Appeals**

Any official action of the Zoning Inspector may be appealed to the Board of Zoning Appeals by any person aggrieved, or by any officer of the County affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 303.14 through 303.15 of the Ohio Revised Code, as may be amended.

#### **Section 7.02 Notice of Appeal**

A notice of appeal may be filed with the Secretary of the Board of Zoning Appeals by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal.

#### **Section 7.03 Action by the Board of Zoning Appeals**

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a time for a public hearing and give ten (10) days notice in writing to parties in interest. Notice of such public hearing shall be provided by publication in one (1) or more newspapers of general circulation in Fayette County at least ten (10) days before the date of such hearing. At such hearing, any person may appear in person or by representative. The Board of Zoning Appeals shall decide the appeal within thirty (30) days from the date of the hearing.

## ARTICLE VIII

### VARIANCES

#### Section 8.01 Authority of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the authority to grant, in specific cases, such variances from the provisions of this Resolution as will not be contrary to the public interest. Such variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in *practical difficulty* and *unnecessary hardship* that would deprive the owner of the reasonable use of the land and buildings involved.

No variance from strict application of any provision of this Resolution shall be granted by the Board unless it finds that the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That, because of such physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such necessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

#### Section 8.02 Application for Variance

Any owner, or his/her agent, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. An application for a variance shall be filed with the Secretary of the Board of Zoning Appeals. The Secretary shall forward such application to the members of Board of Zoning Appeals.

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

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as approved by the Fayette County Engineer and recorded in Fayette County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 1,000 feet, contiguous to, and directly across the street from the property, as appearing on the Fayette County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution which apply.
- F. A narrative statement explaining the following:
  - 1. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted.
  - 2. The specific reasons why the variance is justified, according to Section 8.01 A-D above.

### **Section 8.03 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals may hold a public hearing regarding the application for a variance. If such hearing is held, it shall occur within thirty (30) days after receipt of the application by the Secretary. Notice of such hearing shall be given in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed variance.

### **Section 8.04 Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 8.03, or sixty (60) days if such hearing is not held, the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under Section 4.10 of this Resolution.

If such application is disapproved, the grounds for such action shall be stated in the minutes of the Board.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

## ARTICLE IX

### CONDITIONAL USES

#### Section 9.01 Authority and Purpose

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as *conditional uses* within the respective zoning districts.

The conditional use provisions of this Article are based upon the recognition that although certain uses are not necessarily inconsistent with the zoning objectives of the specific zoning district, their nature is such that their compatibility in particular areas depends upon surrounding circumstances.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution and the promotion of health, safety and general welfare of the present and future citizens of the County.

#### Section 9.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Secretary of the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Fayette County Recorder's office.
- C. Present zoning district.
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.

- G. The names and addresses of all property owners within 1,000 feet, contiguous to, and directly across the street from the property, as appearing on the Fayette County Auditor's current tax list.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board. The applicant shall provide specific evidence that the proposed use complies with the standards in Section 9.03 below.

**Section 9.03 Standards for Conditional Uses**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all of the following requirements:

- A. The use is in fact a conditional use as cited under the district regulations.
- B. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the character of the general vicinity and that such use will not change the essential character of the same area.
- C. The use will not pose a discernible hazard to existing adjacent uses.
- D. The use will be served adequately by essential public facilities and services such as highways and roadways, police and fire protection, emergency services, drainage structures, refuse disposal, water and sewers, and schools.
- E. The use 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 or glare.
- F. The use will be consistent with the objectives of this Zoning Resolution and the *Comprehensive Land Use Plan for Fayette County*.

In addition to the above, requirements for specific conditional uses may be found in the district regulations and in *APPENDIX A*.

**Section 9.04 Supplementary Conditions**

In granting any conditional use, the Board may prescribe other appropriate conditions and safeguards in conformance with this Resolution.

**Section 9.05 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals may hold a public hearing regarding the application for a conditional use. If such hearing is held, it shall occur within



thirty (30) days after receipt of the application specified in Section 9.02 above. The requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.03 of this Resolution.

**Section 9.06      Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 9.05, or sixty (60) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 9.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

**Section 9.07      Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions.**

The approval of the zoning certificate issued in accordance with Section 9.06 shall become null and void if such use is not carried out within two (2) years from the date of issuance, unless extended pursuant to the conditions specified in Section 4.06. The Board may revoke the zoning certificate upon written evidence by any resident or official of the County of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

**ARTICLE X**

**RESERVED FOR FUTURE USE**

**PART THREE**  
*ZONING DISTRICTS*



## **ARTICLE XI**

### **STANDARD ZONING DISTRICT REGULATIONS**

#### **Section 11.01 Regulations for the Use of Land or Structures**

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

#### **Section 11.02 Rules of Application**

##### **11.02.01 Identification of Uses**

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Resolution.

##### **11.02.02 Permitted Uses**

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district and any use not so designated shall be prohibited unless:
  - 1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Resolution.
  - 2. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 11.02.05 of this Article.
- B. No more than one (1) permitted residential use shall exist on any one residential zoning lot.

##### **11.02.03 Accessory Uses**

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use.

##### **11.02.04 Conditional Uses**

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with or adversely impact the use of adjacent properties. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article IX of this Resolution.

### 11.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found substantially similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no greater danger to health and safety, creates no greater levels of offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

### 11.02.06 Development Standards

In seeking to develop his/her property, an owner/applicant shall meet the development standards of this Resolution in addition to the requirements of any other lawfully adopted rule, regulation, or law, including those that may be more restrictive than the requirements of this Resolution.

### 11.02.07 Development Plan

For particular uses in specific districts, a *Development Plan* may be cited as required. In such cases, unless otherwise indicated, the Development Plan shall be submitted by the applicant at the time of the application for a zoning certificate. The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent property.

The Development Plan shall be reviewed by the Zoning Inspector and a recommendation shall be made to the Zoning Commission. The Development Plan must be approved by the Zoning Commission as a condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and buffering of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed use has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.

## **ARTICLE XII**

### **ZONING DISTRICTS AND ZONING DISTRICT MAP**

#### **Section 12.01 Zoning Districts Established**

The following zoning districts are hereby established for Fayette County:

(F)	FARM DISTRICT
(SR-1)	SUBURBAN RESIDENTIAL MEDIUM DENSITY DISTRICT
(SR-2)	SUBURBAN RESIDENTIAL HIGH DENSITY DISTRICT
(FS)	FARM SECURITY DISTRICT
(GC)	GENERAL COMMERCIAL DISTRICT
(RC)	REGIONAL COMMERCE DISTRICT
(I-1)(I-2)	INDUSTRIAL DISTRICTS
(PB)	PLANNED BUSINESS DISTRICT
(PUD)	PLANNED UNIT DEVELOPMENT DISTRICT
(SU)	SPECIAL USE DISTRICT
(FP)	FLOOD PLAIN OVERLAY DISTRICT

#### **Section 12.02 Official Zoning Map**

The districts established in Section 12.01 of this Resolution are shown on the Official Zoning Map(s) which, together with all notations, references, data, district boundaries and other explanatory information, is/are hereby adopted as a part of this Resolution. The Official Zoning Map shall be identified by the signatures of the Board of County Commissioners and shall be on file in the Fayette County Building and Zoning Office.

#### **Section 12.03 Interpretation of Zoning District Boundaries**

Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Resolution. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation shall be made by the Board of Zoning Appeals.



## ARTICLE XIII

### (F) FARM DISTRICT

#### Section 13.01 Purpose

The Farm District is established to promote the continuance of agriculture and farm-based uses and to provide areas for low density single family residential environments reflecting a rural lifestyle. Such areas are typically not served by public water or sewer systems, but are serviced primarily by the existing roadway system.

#### Section 13.02 Permitted Uses

- A. Agricultural uses, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling.
- B. One-family detached nonfarm dwellings.
- C. Public parks and nature preserves.
- D. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- E. Greenhouses and nurseries, including tree farms.
- F. Woodlots and timber harvesting facilities.

#### Section 13.04 Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Resolution.
- B. Home occupations, subject to the requirements of Section 29.03 of this Resolution.
- C. Temporary seasonal roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 303.21 (C).

#### Section 13.05 Conditional Uses

- A. Agribusiness, as defined in Article II, subject to the conditions in *APPENDIX A*.
- B. Kennels and similar facilities for boarding of animals, provided adequate measures will be employed to minimize any adverse impacts on adjoining properties.

- C. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least 200 feet from any adjacent property.
- D. Churches and places of public worship provided the seating of the main sanctuary does not exceed 400 persons.
- E. Cemeteries, provided that a distance of not less than 200 feet is maintained from burial plots and any structures to any adjacent property line.
- F. Bed and Breakfast establishments, provided the facility is owned and operated by the resident of the property.

**Section 13.06 Development Standards**

13.06.01 Minimum Lot Area

For permitted and conditional uses, the lot area shall be not less than 75,000 square feet, or such size as determined by the Fayette County Health Department, whichever is larger.

13.06.02 Minimum Lot Width

All lots shall have a minimum lot width of 300 feet, or such distance as is required by the Fayette County Engineer, Ohio Department of Transportation or other applicable agency for obtaining a permit for driveway installation, whichever is larger.

13.06.03 Minimum Front Yard Depth

All nonfarm structures shall be located not less than 120 feet from the center line of any county or township road; 150 feet from the center line of any federal or state highway.

13.06.04 Minimum Side Yard Width

Thirty (30) feet.

13.06.05 Minimum Rear Yard Depth

Forty (40) feet.

13.06.06 Maximum Building Height

Thirty-five (35) feet.

13.06.07 Permit for Driveway Installation Required

Before any zoning certificate is issued in the F District, the applicant shall provide documentation that a permit for driveway installation can be obtained for all homesites, from the Fayette County Engineer, Ohio Department of Transportation or other applicable authority.

### **Section 13.07    Agricultural Nuisance Disclaimer**

Lands within the Farm District may be located within areas where land is utilized for agricultural production. Residents and other users of property within this District may be subject to inconvenience, injury and/or discomfort arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of agricultural machinery, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of property within the F District should be prepared to accept such inconvenience, injury and/or discomfort.

## **ARTICLE XIV**

### **(SR-1) SUBURBAN RESIDENTIAL MEDIUM DENSITY DISTRICT**

#### **Section 14.01 Purpose**

The SR-1 Medium Density District is established allow for the development of medium-density suburban type subdivision growth in selected rural areas. It is intended that the development would be by new streets and roadways constructed to approved subdivision standards, and not by the existing roadway system. The residential densities allowed in the SR District mean that the district is to be used in areas served by central water and sewer systems.

#### **Section 14.02 Permitted Uses**

- A. One-family detached dwellings.
- B. Public parks and nature preserves.
- C. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least 200 feet from any adjacent property.

#### **Section 14.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, and/or similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Resolution.
- B. Home occupations, subject to the requirements of Section 29.03 of this Resolution.

#### **Section 14.04 Conditional Uses**

- A. Cluster housing, provided that the overall density of the residential development, including open space, does not exceed that which would result if the project was constructed to the standards in 14.05.A below, that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals

**Section 14.05 Development Standards**

**A. Minimum Lot Area**

20,000 square feet, or such size as determined necessary by the Fayette County Health Department, whichever is larger.

**B. Minimum Lot Width**

For each principal use, there shall be lot width of not less than 100 feet with continuous frontage on a publicly dedicated, improved roadway within the development. Minimum lot width on curved street shall be not less than 60 feet. Notwithstanding the above, the minimum lot width shall not be less than is required by the Fayette County Engineer, Ohio Department of Transportation or other applicable agency for obtaining a permit for driveway installation. In addition, lot width shall be sufficient to maintain a lot length-to-lot width ratio of not greater than 3:1.

**C. Minimum Front Yard Depth**

80 feet from the center line of any roadway.

**D. Minimum Side Yard Width**

Twenty (20) feet.

**E. Minimum Rear Yard Depth**

Thirty (30) feet.

**F. Maximum Building Height**

Thirty-five (35) feet.

**G. Permit for Driveway Installation Required**

Before any zoning certificate is issued in the SR District, or any land is rezoned into the SR District, the applicant shall provide documentation that a permit for driveway installation can be obtained for all homesites, from the Fayette County Engineer, Ohio Department of Transportation or other applicable authority.

## **ARTICLE XV**

### **(SR-2) SUBURBAN RESIDENTIAL HIGH DENSITY DISTRICT**

#### **Section 15.01 Purpose**

The SR-2 District is established to allow for a diversity of housing opportunity and choice within Fayette County by providing areas for alternative forms of residential development, including higher density housing. The SR-2 District may be used in those cases where particular and specific conditions warrant the creation of homesites at higher densities than those allowed under SR-1 standards. The County recognizes that such housing may have unique characteristics that require special treatment related to location, placement and land use compatability. The higher residential densities allowed in the SR-2 District mean that the district is to be used in areas served by central water and sewer systems.

#### **Section 15.02 Permitted Uses**

- A. One-family detached dwellings, subject to the development standards below.
- B. Manufactured housing not meeting all the criteria for permanently sited manufactured homes, as cited in Article II of this Resolution, on individual lots.
- C. Public parks, playgrounds and play fields.

#### **Section 15.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools, and similar facilities for primary use by occupants of the principal use of the property on which the principal use is located.
- B. Home occupations, subject to the regulations of Section 29.03 of this Resolution.

#### **Section 15.04 Conditional Uses**

- A. Manufactured home communities, provided that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals
- B. One-family detached dwellings on lots of less than 10,000 SF in area, provided that the lot is provided with public water and sewer, a Development Plan is submitted and specific approval is granted by the Board of Zoning Appeals.
- C. Cluster and zero lot line housing, provided that the lot is provided with public water and sewer, a Development Plan

is submitted and specific approval is granted by the Board of Zoning Appeals.

- D. Multiple-family housing, provided that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.
- E. Congregate or group homes, as defined in Article II of this Resolution.
- F. Churches and places of public worship or assembly provided the seating of the main sanctuary does not exceed 400 persons and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.

**Section 15.05 Development Standards**

**A. Development Plan**

A Development Plan pursuant to the requirements of Section 11.02.07 of this Resolution shall be required for all permitted and conditional uses in the SR-2 District. such Development Plan shall be submitted to the Board of Zoning Appeals and approved prior to issuance of any zoning certificate.

In reviewing the Development Plan required above, the Zoning Commission or Board of Zoning Appeals has the authority to seek the recommendation of the Soil and Water Conservation District (SWCD), Fayette County Engineer and/or other sources for input on specific issues. In the event such input is deemed necessary, the costs of such assistance shall be paid by the applicant.

**B. Water and Sewer**

Any development or individual lot shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

**C. Minimum Lot Area**

The minimum lot area for any permitted use shall be 10,000 square feet. Individual lots within a manufactured home community shall be not less than 4,000 square feet in area, and the maximum gross density shall not exceed six (6) dwelling units per acre. For multiple family housing, a minimum of 4,000 square feet of aggregate lot area per dwelling unit shall be provided.

D. Minimum Lot Width

The minimum lot width for any manufactured home community or multiple family project shall be not less than 300 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty (30) feet. The minimum lot width for any other use shall be not not less than eighty (80) feet

E. Minimum Front Yard

The minimum front yard depth for any manufactured home community or multiple family project shall be not less than 150 feet from the center line of any roadway. The minimum front yard depth for any other use shall be not not less than seventy (70) feet from the center line of any roadway.

F. Minimum Side Yard Width

The minimum side yard width for any manufactured home community or multiple family project shall be not less than fifty (50) feet from any adjacent property line. The minimum side yard width for any individual lot within a manufactured home community or other use shall be not less than ten (10) feet

G. Minimum Rear Yard Depth

The minimum rear yard depth for any for any manufactured home community or multiple family project shall be not less than eighty (80) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet. The minimum rear yard depth for any other permitted use shall be not less than thirty (30) feet.

H. Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.



I. Off-Street Parking

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

J. Access

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

K. Streets and Street Layout

All streets or drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the standards and requirements of the Fayette County Subdivision Regulations. The proposed layout of such streets shall be shown on the required Development Plan and approved by the board of Zoning Appeals. In making such determinations, the Board may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant.

L. Storm Drainage

All areas shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited unless approved by zoning variance pursuant to Article VIII of this Resolution. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Fayette County Engineer, or his designated agent. All costs associated with such approvals shall be paid by the applicant.

M. Underground Utilities

All utility lines, including electricity, telephone, and cable television shall be located underground.

**ARTICLE XVI**

***RESERVED FOR FUTURE USE***

## **ARTICLE XVII**

### **(FS) FARM SECURITY DISTRICT**

#### **Section 17.01 Purpose**

The Farm Security District is established to secure the continuance of agricultural activity in Fayette County and protect streamside and groundwater quality and other physical resources of lands most suitable for farming. This district intends to protect and stabilize the County's viable agricultural economy by controlling uses that are incompatible with farming. Consequently, many commercial, industrial and mining uses are not permitted. Industrial, commercial and residential uses are limited and future residents of this district must be willing to accept the impacts associated with normal farming practice.

#### **Section 17.02 Permitted Uses**

- A. Agricultural uses, as defined in Article II, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached farm dwelling.
- B. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- C. Greenhouses and nurseries, including tree farms.
- D. Woodlots and timber harvesting facilities.

#### **Section 17.03 Accessory Uses**

- A. Accessory uses customarily associated with and incidental to a permitted use, including the following:
  - 1. Accessory buildings or structures customarily associated with residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools, and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located.
  - 2. Lakes or ponds for the primary use of the occupants of the principal residence.
  - 3. Temporary roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 303.21 (C).
- B. Home occupations, subject to the regulations of Section 29.03 of this Resolution.

- C. Farm-based occupations, subject to the following:
1. A farm occupation may involve a wide range of activities, provided it remains secondary to and compatible with active farm use. Examples include seed or fertilizer sales, metal or machine work, farm machinery repair/service.
  2. Evidence shall be provided that all hazardous or dangerous materials shall be properly secured, and wastes associated with the farm occupation will be disposed in a manner consistent with State and/or federal regulations.
  3. Not more than four (4) permanent nonresidents of the premises not involved in agriculture shall be employed on site by the farm-based occupation.
  4. The use shall be conducted primarily within enclosed buildings. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
  5. Any sign used for the farm occupation shall not exceed thirty-two (32) square feet in size.

**Section 17.04 Conditional Uses**

- A. Agribusiness, as defined in Article II, subject to the conditions in *APPENDIX A*.
- B. Single-family detached nonfarm dwellings and accessory uses, subject to the requirements of Section 17.05 below
- C. Conservation or natural areas, provided such areas are enclosed by perimeter fencing designed to control movement of wild animals into adjacent areas.
- D. Private landing fields for not more than two (2) aircraft, provided that a Development Plan is approved by the Zoning Commission.
- E. Facilities for the boarding of animals, including but not limited to dogs and horses, including facilities for the exercise and training of such animals.

**Section 17.05 Maximum Number of Permitted New Home Sites**

- A. For each tract of contiguous land within the Farm Security District in single ownership as of the effective date of this Resolution, the maximum number of new lots for single-family detached dwellings shall be according to the following schedule:

<i>ACREAGE OF SINGLE-OWNER TRACT</i>	<i>MAXIMUM NUMBER OF NEW HOME SITES</i>
2-59	1
60-99	3
100-199	4
200 and over	5

- B. Such created residential lots shall meet requirements of the F (Farm) District.
- C. Lot add-ons involving agricultural land in which no new lots are created shall not be counted against the number of new residential homesites permitted to be created.
- D. Lots created pursuant to the provisions of Section 17.07 below shall not be counted against the number of new residential homesites permitted to be created according to this Section.
- E. Regardless of size, no tract of land separated from its original tract subsequent to the effective date of this Resolution shall qualify for additional single-family homesites pursuant to this Section.

**Section 17.06 Development Standards**

17.06.01 Lot Area

- A. Single-Family Detached Non-Farm Dwellings:  
For each principal permitted use, the lot area shall not be less than two (2) acres, or such size as determined by the Fayette County Health Department, whichever is larger.
- B. Other Permitted Uses and Conditional Uses:  
Five (5) acres.

17.06.02 Minimum Lot Width

All lots shall have at least 300 feet continuous frontage on a dedicated, improved street or highway.

17.06.03 Minimum Front Yard Depth

150 feet from the center line of any road or highway.

17.06.04 Minimum Side Yard Width

- A. Single-Family Detached Non-Farm Dwellings  
Twenty-five (25) feet.
- B. Other Permitted Uses and Conditional Uses  
Fifty (50) feet.

17.06.05 Minimum Rear Yard Depth

Fifty (50) feet.

**Section 17.07 Homestead Development**

In order to facilitate the continuance of multi-generational farming operations within the FS District, the Board of Zoning Appeals may allow homestead development on any tract of contiguous land of 150 acres or more in single ownership as of the effective date of this Resolution. On such tracts, the Board may allow the one-time only creation of not more than three (3) homesites, subject to the standards of the Farm (F) zoning district, as specified in Article XIII. The applicant desiring to use this provision must provide the Board with clear and substantial evidence that the created homesites are primarily intended for occupancy by members of the applicant's family, and that the creation of such homesites will promote the continuance of agricultural production on the tract into the future.

**Section 17.08 Agricultural Nuisance Disclaimer**

Lands within the Farm Security District are located within areas where land is utilized for agricultural production. Residents and other users of property within this District may be subject to inconvenience, injury and/or discomfort arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of agricultural machinery, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of property within the FS District should be prepared to accept such inconvenience, injury and/or discomfort.

**ARTICLE XVIII**

***RESERVED FOR FUTURE USE***

## **ARTICLE XIX**

### **(GC) GENERAL COMMERCIAL DISTRICT**

#### **Section 19.01 Purpose**

The GC District is established to provide for the orderly development of a wide range of commercial activity. Because these businesses may be located in close proximity to residences, possible adverse impacts on adjacent property are considered.

#### **Section 19.02 Permitted Uses**

- A. Administrative, business and/or professional offices engaged in providing services to the general public, including professional, medical, legal, engineering/consulting, accounting/bookkeeping, insurance, real estate and/or brokers or dealers in securities.
- B. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including business, professional, civic, social and fraternal organizations and/or charitable organizations.
- C. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of those goods, including food and food products, drug and hardware stores, home furnishings and specialty retail stores, but not including beverage carry outs and/or drive through establishments.
- D. Personal services involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal property. Examples include restaurants; banks, savings and loans; barber and beauty shops; funeral services; on-premises duplication and printing, and repair shops, but not including motor vehicle repair and/or maintenance, or drive through establishments.
- E. Churches and similar places for public assembly, along with accessory uses commonly associated with the principal use, such as church sponsored day care.
- F. Nursing homes, as defined in Article II of this Resolution.
- G. Institutions for human care, including congregate or group homes, hospitals, clinics, sanitariums and homes for the elderly.
- H. Nursery schools and day care facilities.
- I. Veterinary and animal hospitals.



- J. Auction or public sale facilities.
- K. Outdoor advertising, subject to the requirements of Section 31.05 of this Resolution.

**Section 19.03 Conditional Uses**

- A. Establishments selling gasoline, kerosene, propane and/or diesel fuel, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property and that a plan for traffic circulation and parking, submitted by the applicant, is approved by the Board of Zoning Appeals.
- B. Carry out food and beverage establishments with drive-through facilities, provided a plan for traffic circulation and parking, submitted by the applicant, is approved by the Board of Zoning Appeals.
- C. Motor vehicle sales and service establishments, provided that no inoperable or unlicensed vehicles are stored or parked outside the principal building(s) for a time period exceeding three (3) months.
- D. Lumber and home improvement sales, provided a Development Plan is submitted and approved by the Board of Zoning Appeals.
- E. Kennels
- F. Similar uses consistent with the purpose of the GC District, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 11.02.05 of this Resolution.
- G. Agribusiness. as defined in Article II of this Resolution.

**Section 19.04 Development Standards**

19.04.02 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

19.04.03 Minimum Lot Width

Continuous frontage on a publicly dedicated and improved street or highway is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes.

19.04.04 Minimum Front Yard Depth

110 feet from the center line of any state or federal highway;  
Seventy-five (75) feet from the center line of all other roads.

**19.04.05 Minimum Side Yard**

When abutting a non-residential zoning district, fifty (50) feet for structures, thirty (30) feet for paved areas: When abutting a residential zoning district, 100 feet for structures, fifty (50) feet for paved areas.

**19.04.06 Minimum Rear Yard**

When abutting a non-residential zoning district, thirty (30) feet for structures, ten (10) feet for paved areas: When abutting a residential zoning district, 100 feet for structures, fifty (50) feet for paved areas.

**19.04.07 Height of Structures**

Forty (40) feet

**19.04.08 Parking and Loading**

Parking and loading spaces shall be provided as required in this Resolution.

**19.04.09 Landscaping**

The landscaping of all yards adjacent to areas zoned for single-family dwellings is encouraged in the GC District.

**19.04.10 Trash and Garbage Control**

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

**19.04.11 Lighting**

Lighting shall adequate for safety and be arranged so as not to shine on adjacent properties.

## **ARTICLE XX**

### **(RC) REGIONAL COMMERCE DISTRICT**

#### **Section 20.01 Purpose**

The RC District is established to provide for the development of large commercial and quasi-industrial projects serving a primarily regional customer market, along with businesses directly serving such regional projects. Such projects are characterized by a mixture of large scale uses, large volumes of traffic and increased needs for accessibility and visibility from regional access thoroughfares. Central water and sewer shall be required for any project in the RC District.

#### **Section 20.02 Permitted Uses**

- A. Uses specified above in Section 19.02 A through L and 19.03 A through E of this Resolution .
- B. Multiple permitted businesses in an integrated physical setting such as a shopping center or office building.
- C. Administrative, professional or business offices.
- D. Commercial recreational facilities within an enclosed building, such as skating rinks, bowling alleys and physical fitness centers.
- E. Hotels and motels.
- F. Outdoor advertising, subject to the requirements of Section 31.05 of this Resolution.
- G. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 11.02.05 of this Resolution.

#### **Section 20.03 Conditional Uses**

- A. Retail stores featuring outdoor display and storage.
- B. Motor vehicle sales and service establishments, provided that any inoperable, unlicensed or unused vehicles stored or parked outside the principal buildings shall be subject to the requirements of Sections 20.04.11 below, if adjacent property is not located in the RC or I District.
- C. Facilities for the storage of personal or corporate property offered on a rental basis.

## **Section 20.04 Development Standards**

### **20.04.02 Minimum Lot Area**

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

### **20.04.03 Minimum Lot Width**

Continuous frontage on a publicly dedicated and improved street or highway is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes.

### **20.04.04 Minimum Front Yard Depth**

200 feet from the center line of any arterial, state or federal highway; Eighty-five (85) feet from the center line of any roadway designated as an arterial or major collector on the Fayette County Thoroughfare Plan; seventy-five (75) feet from the center line of all other roads.

### **20.04.05 Minimum Side Yard**

When abutting a non-residential zoning district, twenty (20) feet for structures, ten (10) feet for paved areas: When abutting a residential zoning district, fifty (50) feet for structures, thirty-five (35) feet for paved areas, subject to the requirements of Section 20.03 above.

### **20.04.06 Minimum Rear Yard**

When abutting a non-residential zoning district, thirty (30) feet for structures, ten (10) feet for paved areas: When abutting a residential zoning district, fifty (50) feet for structures, thirty-five (35) feet for paved areas, subject to the requirements of Section 20.03 above.

### **20.04.07 Height of Structures**

Forty (40) feet.

### **20.04.08 Parking and Loading**

Parking and loading spaces shall be provided as required in this Resolution.

### **20.04.09 Trash and Garbage Control**

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

### **20.04.10 Lighting**

Lighting shall be arranged so as not to shine on adjacent properties.

#### 20.04.11 Exterior Storage

Exterior Storage includes the outdoor storage of raw or finished goods (packaged or bulk) including building materials, packing materials, salvage goods, machinery, equipment damaged vehicles, etc. Exterior storage shall not be permitted in the RC District unless an acceptable plan for screening such storage is submitted to and approved by the Board of Zoning Appeals.

**ARTICLE XXI  
(I-1, I-2) INDUSTRIAL DISTRICTS**

**Section 21.01 Purpose**

The I-1 and I-2 Districts are established to provide for a range of industrial and similar activities. Two (2) separate industrial districts are established.

**A. I-1 - General Industrial District**

This district provides areas where most industrial and industrial-related activities may locate. Residential uses are prohibited, but some non-industrial activity (i.e., office, business and retail uses) is allowed. Although this district is primarily intended for areas which are undeveloped, it may also be utilized to encourage the adaptive reuse of existing older industrial areas. The I-1 District limits the exterior adverse impacts of such activities.

**B. I-2 - High Intensity District**

This district provides areas for a wider range of purely industrial activities, including some uses that might have a greater potential for adverse impacts on adjacent property.

**Section 21.02 Permitted Uses**

Permitted uses in the I-1 and I-2 Districts are specified below:

**A.. I-1 District**

1. Manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers.
2. Industrial service, consisting of firms engaged with the repair or servicing of industrial, business or consumer machinery, equipment or products.
3. Industrial product sales, consisting of firms involved with the sale, rent or lease of products generally intended for industrial or commercial users. Emphasis is on on-site order-taking and may include display areas, with products typically delivered to the customer.
4. Vehicle service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats and/or recreational vehicles, provided all service activities occur within the structures on the site.

5. Warehousing and distribution, consisting of firms involved with the movement, storage and/or sale of goods for themselves or other firms. Goods are generally delivered to other firms for final sale.
6. General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity.
7. Retail sales and service, consisting of firms involved with the sale, lease or rent of products or goods to the general public and/or providing on-site product repair or services for consumer or business goods. Goods or services are generally taken off-site by the consumer at time of the transaction.
8. Outdoor advertising, subject to the requirements of Section 31.05 of this Resolution.

B. I-2 District

1. Manufacturing and production, consisting of firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site.
2. Industrial service, consisting of firms engaged with the repair or servicing of industrial, business or consumer machinery, equipment or products.
3. Industrial product sales, consisting of firms involved with the sale, rent or lease of products generally intended for industrial or commercial users. Emphasis is on on-site order-taking and may include display areas, with products typically delivered to the customer.
4. Vehicle service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats and/or recreational vehicles.
5. Warehousing and distribution, consisting of firms involved with the movement, storage and/or sale of goods for themselves or other firms. Goods are generally delivered to other firms for final sale.
6. General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity.

7. Outdoor advertising, subject to the requirements of Section 31.05 of this Resolution.

### **Section 21.03 Conditional Uses**

Conditional uses in the I-1 and I-2 Districts are specified below:

#### **A. I-1 District**

1. Personal services consisting of firms providing personal services or entertainment to business persons or the general public, including barbers, hair salons, banks and savings and loans, credit unions, medical related offices, optometrists, veterinarians, funeral homes and mortuaries, and similar establishments.
2. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
3. Uses similar to 1 through 3 above, as determined by the Board of Zoning Appeals, in accordance with the provisions of Section 11.02.05 of this Resolution, and the purpose of the I-1 District.

#### **B. I-2 District**

1. Motor vehicle storage and salvage yards, provided those uses meet applicable State requirements related to fencing and other standards.
2. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
3. Quarrying or mining operations, provided that all State and federal regulations are met and licenses are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate in accordance with APPENDIX A.
4. Structures and sites associated with drilling for oil and/or natural gas in accordance with APPENDIX A.
5. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
6. Other uses of an industrial nature determined by the Board of Zoning Appeals to be similar to those listed in 21.03 B 1-5 above.



## **Section 21.04 Minimum Development Standards**

### **21.04.01 Minimum Lot Area**

No minimum lot size is required in the I-1 and I-2 Districts; however, lot area shall be sufficient to provide for all yards and distances as required by this Section.

### **21.04.02 Minimum Lot Width**

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street or roadway and shall have adequate width to provide for yard spaces and distances as required by this Section.

### **21.04.03 Side Yards**

When abutting a non-residential zoning district, the side yard width in the I-1 District shall be twenty (20) feet for structures, ten (10) feet for paved areas.

When abutting a non-residential zoning district, the side yard width in the I-2 District shall be 100 feet for structures or outdoor activity or paved areas.

### **21.04.04 Front Yard Depth**

Any structure or parking area must be located not less than 200 feet from the center line of the road or highway on which the use has frontage.

### **21.04.05 Minimum Rear Yard Depth**

Any structure or parking area must be located not less than 50 feet from the interior lot line.

### **21.04.06 Height**

No structure shall exceed a height of fifty (50) feet

### **21.04.07 Distance from Residential Districts.**

All structures, service areas and parking areas in the I-1 District shall be located not less than 200 feet from any district where residences are a permitted use. All structures, service areas and parking areas in the I-2 District shall be located not less than 500 feet from any district where residences are a permitted use.

21.04.08 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

**Section 21.05 Exterior Development**

21.05.01 Exterior Operations

Exterior Operations include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the I-1 District, but permitted in the I-2 District.

21.05.02 Exterior Display

Exterior Display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall be permitted in the I-1 and I-2 Districts

21.05.03 Exterior Storage

Exterior Storage includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials; packing materials; salvage goods; machinery; equipment; damaged vehicles, etc.

In the I-1 District, the open exterior storage of material and equipment incidental to the principal use shall be allowed, provided the area used for open storage shall be effectively screened from adjoining properties by means of walls, fences or plantings, as approved by the Board of Zoning Appeals. Exterior storage shall be permitted in the I-2 District.

**Section 21.06 Off-Site Impacts**

No land or structure in the I-1 and/or I-2 Districts shall be used or occupied in such a manner so as to create any dangerous, injurious, or noxious impact on adjacent or proximate property. Such impacts may result from noise, vibration, odor, smoke or dust, or glare. Statements in writing that such uses comply or will comply with such standards may be required from the owner by the Board of Zoning Appeals. In cases of doubt, the County shall have the authority to select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such service shall be paid by the applicant.

A. Fire and Explosion Standards

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshall. 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 (OEPA)

B. Air Pollution

No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

C. Glare, Heat and Exterior Light

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within and enclosed building and not be visible beyond the lot line bounding the property whereon the use is conducted.

D. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration and Noise

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without instruments at or beyond the property line of the subject premises. Noise standards of the OEPA shall be adhered to.

F. Odors

The applicable standards of the OEPA shall be adhered to.

F. Storm Drainage and Runoff

Excessive water runoff from the developed site shall be addressed in a manner that minimizes the impact of such runoff on adjacent property. Generally it will be necessary to route such stormwater to a watercourse, stream or existing storm system that has the capacity to accommodate the additional flow, or other acceptable on-site water retention methods.

## **ARTICLE XXII**

### **(PB) PLANNED BUSINESS DISTRICT**

#### **Section 22.01 Purpose**

The Planned Business District is established to provide for a limited business activity in locations where commercial activity as permitted in the other districts may be inappropriate. The district permits the property owner to design a business environment which may meet his/her general objectives, while providing a suitable level of protection for present and future owners of adjacent property.

#### **Section 22.02 Permitted Uses**

Land and buildings within the Planned Business District shall be used only for the specific use or uses identified by the applicant for zoning plan amendment and found in the GC or I Districts. The applicant shall show that the proposed use or uses are appropriate to and compatible with the neighborhood where the proposed activity is to occur. All permitted uses shall be approved by the Zoning Commission as part of the Development Plan that is required for zoning the site into the Planned Business District. Said permitted uses shall run with the land as long as the PB zoning, as approved, remains in effect.

#### **Section 22.03 Procedures**

The procedures to be followed in placing land in the (PB) Planned Business District shall comply with those specified in Article VI of this Resolution, with the following additions:

##### **22.03.01 Application**

The owner or owners of a tract of land of any size may request that the Official Zoning Map be amended to include such lands as a Planned Business District. The applicants are encouraged to meet with the Zoning Commission prior to submittal of the application to familiarize themselves with the requirements for this district.

##### **22.03.02 Development Plan**

In addition to the material required for amendment as specified in Section 6.03 of this Resolution, the applicant shall also submit not less than five (5) copies of a Development Plan, which shall contain, in text and map form, the following information.

- A. A survey map of the boundaries of the area requested for zoning map amendment.
- B. A site plan showing the specific location of all existing and proposed buildings, setbacks and yards, surface drainage,

existing and proposed landscaping, and other prominent physical features.

- C. Specific uses to be permitted within the proposed development, specified according to area or specific building location. An explanation of how these uses shall be designed, or activities carried out, so as to create desired compatibility with adjacent land uses.
- D. Existing roads and drives, anticipated traffic impacts and methods to be employed to address adverse impacts.
- E. A list of the specific restrictions applicable to the area proposed for zoning map amendment which are designed to fulfill the concept proposed. Such restrictions shall become part of the conditions on which any approval is given.

#### 22.03.03 Criteria for Approval

In acting on the proposed application pursuant to Sections 6.06 and 6.08 of this Resolution, the Zoning Commission and the Board of County Commissioners shall consider the following factors:

- A. that the proposed development is consistent with the intent and purpose of this Resolution and this specific Article
- B. that suitable measures and restrictions are proposed so as to promote compatibility with adjacent and nearby properties
- C. that the proposed development advances the general welfare of the immediate vicinity

#### 22.03.04 Effect of Approval

The Development Plan as approved by the Board of County Commissioners shall constitute an amendment to the Resolution as it applies to the specific land in question. Such approval shall be contingent on the development being completed, as shown on the Development Plan, within three (3) years from date of approval.

### **Section 22.04 Development Standards**

The development standards cited in Section 22.03.03 above, in addition to the performance standards cited in Section 22.05 below, shall apply to the Planned Business District. In taking action on the application, the Zoning Commission and/or Board of County Commissioners may impose special conditions and/or requirements as may be deemed appropriate in the specific case.

## **Section 22.05 Performance Standards**

No land or structure in the PB District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts shall include noise, vibration, odor, smoke or dust, or glare. Statements in writing that such uses comply or will comply with such standards may be required by the Zoning Commission.

### **A. Noise**

The sound pressure level of any operation on a lot within the PB District shall not exceed the average intensity of traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, beat frequency or shrillness.

### **B. Vibration**

No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the boundary of the property in the PB District.

### **C. Odor**

No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the boundary of the property in the PB District.

### **D. Dust and Smoke**

The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the boundary of the property in the PB District.

### **E. Glare**

Exterior lighting shall be used in a manner that produces no glare on public highways or adjacent land.

## **ARTICLE XXIII**

### **(PUD) PLANNED UNIT DEVELOPMENT**

#### **Section 23.01 Purpose**

The Planned Unit Development (PUD) District is established to provide areas in Fayette County for developments containing a mixture of uses and/or housing densities. It the intent of the PUD District to achieve:

- A. a greater choice of living environments by allowing a variety of housing and building types and densities within a single development, and
- B. a development pattern which preserves and utilizes natural terrain and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns, and
- C. a more efficient use of land than is generally achieved through conventional development under standard zoning district(s), resulting in substantial savings through shorter utilities and streets, and
- D. a development pattern consistent with land use, density, transportation, and community facilities objectives of the *Comprehensive Land Use Plan for Fayette County*.

Due to the generally higher housing densities, the PUD District is to be used in areas serviceable by central water and/or sewer systems.

#### **Section 23.02 Definition**

“Planned Unit Development” (or PUD) shall mean a single property in which a variety of uses and/or housing types are accommodated in a planned environment, under more flexible standards, such as lot size and setbacks, than would normally apply under these regulation. The effective use of such flexible standards and generally higher residential densities means that the approval of planned unit developments typically involves additional requirements to those of the standard zoning districts, such as building design principles, and landscaping plans.

Under this Resolution, use of the planned unit development approach shall require a rezoning of the subject property into the PUD District.

#### **Section 23.03 Permitted and Conditional Uses**

An approved PUD may contain a combination of residential and nonresidential uses as specified in the Development Plan, as approved. The “clustering” of residential units is specifically encouraged in the PUD District.

#### **Section 23.04 Project Area**

The gross area of a tract of land proposed to be developed in a single PUD District shall be a minimum of ten (10) acres..

#### **Section 23.05 Common Open Space**

A minimum of fifteen percent (15%) of the gross area of any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be restricted by easement, covenant, deed or dedication. Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Board of County Commissioners in the review of the Development Plan.

#### **Section 23.06 Utilities**

All electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.

#### **Section 23.07 Residential Density**

Fayette County is prepared to accept a higher density in particular portions of a property than that reflected by the standard zoning districts, provided the developer can utilize demonstrate that any increase in density will be compensated for by the private and/or public amenities and benefits. The overall residential density of the total development shall not exceed 2.0 dwelling units per acre; however, the Rural Zoning Commission shall have the authority to approve an overall density of 4.0 dwelling units per acre for the residential portions of a PUD, provided that it is determined that the proposed development incorporates measures to effectively integrate the development with preserved open space and natural resources.

#### **Section 23.08 Private Roads**

Private roads or streets may be used to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit developments in accordance with the following requirements:

- A. The easement shall not be counted as required open space.
- B. The road or street is approved by the Fayette County Engineer as the most appropriate form of access to lots and/or structures, and meets the design standards for roads and/or streets in the Fayette County Subdivision Regulations.
- C. Maintenance for private roads and/or streets is addressed through the creation of a homeowner's association or similar arrangement.



### **Section 23.09 Procedure for Approval of PUD District**

Planned development projects shall be processed in accordance with the procedures specified in Sections 23.10 through 23.16, as follows. When the requirements below differ from the process for zoning amendment as specified in Article VI, the requirements of this Article shall govern.

### **Section 23.10 Pre-Application**

The developer is encouraged to meet with the Zoning Inspector and Rural Zoning Commission prior to the submission of the Preliminary Development Plan. The purpose of this meeting is to discuss early and informally the purposes of this Article and the criteria and standards contained herein, and to familiarize the developer with the planned residential development process, other provisions of this Resolution, and the drainage and infrastructure systems within the County.

### **Section 23.11 Contents of Application for Preliminary Development Plan**

An application for planned unit development shall be filed with the Rural Zoning Commission by at least one (1) owner of the property for which the planned unit development is proposed. At a minimum, the application shall contain the following information and material:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Present zoning districts.
- E. A vicinity map at a suitable scale, showing property lines, streets, and existing zoning for all property adjacent to and within 200 feet from the proposed site.
- F. A list of all property owners contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and their addresses as appearing on the Fayette County Auditor's current tax list.
- G. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- H. A Preliminary Development Plan drawn to scale. Such plan shall contain the following information at a minimum:
  - 1. Selected land uses by area and building location, and relationship to adjacent land use.
  - 2. The number of housing units proposed by type; estimated residential population by type of housing; public improvements proposed for each unit of the development.
  - 3. Open space and the intended uses therein and acreage provided.
  - 4. Residential land uses summarized by lot size, dwelling type and density.
  - 5. Existing and proposed roads, buildings, utilities, permanent facilities, and abutting property boundaries.
  - 6. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
  - 7. Surface drainage and areas subject to flooding.

8. General engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, waste disposal facilities, street improvements and, the nature and extent of earth work required for site preparation and development. Such studies shall be in sufficient detail to document that the development of the site in the manner proposed is feasible.
9. A description of the code requirements from adjacent standard zoning districts that would require variance or exception.

The Preliminary Development Plan shall be accompanied by a written statement by the applicant setting forth the reasons why the property should be developed as a planned unit development, and how the proposed development meets the objectives and purposes stated in Section 23.01 of this Article.

### **Section 23.12 Submittal of Preliminary Development Plan**

Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Zoning Inspector at least ten (10) days prior to the Rural Zoning Commission's next scheduled meeting. Failure to submit a complete application, as determined by the Zoning Inspector, shall result in a refusal of acceptance. The Zoning Inspector shall transmit the complete application package to the Commission and other parties as the Zoning Inspector deems appropriate.

### **Section 23.13 Public Hearing by Zoning Commission**

Within thirty (30) days after proper submission of the Preliminary Development Plan, the Rural Zoning Commission shall hold a public hearing, following the notification procedures as specified in Article VI of this Resolution.

### **Section 23.14 Recommendation by the Rural Zoning Commission**

Within sixty (60) days from submittal of the items specified for approval of the Preliminary Development Plan, the Rural Zoning Commission shall recommend to the Board of County Commissioners that the Preliminary Development Plan be approved as submitted, approved with modification, or disapproved.

Before making its recommendation as required above, the Zoning Commission shall find that the facts submitted with the application and presented at the public hearing(s) establish that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate volumes of traffic which would overload the street network outside the development.

- C. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Preliminary Development Plan.
- D. The proposed project is generally compatible with existing development in the surrounding area in terms of type, size and scale.
- E. The existing public services are adequate for the population densities and uses proposed and in conformance with capital improvements planned for the area.
- F. The proposed project is generally consistent with the principles of the adopted *Comprehensive Land Use Plan for Fayette County*.

In making its recommendation, the Rural Zoning Commission may seek the assistance and input of the Fayette County Engineer, and/or outside consultants and/or experts procured for that purpose. All expenses involved with such review shall be paid by the applicant.

### **Section 23.15 Action by Board of County Commissioners**

Upon receipt of the recommendation by the Commission, the Board of County Commissioners shall review and take action on the application following the procedures specified in Article VI of this Resolution. If approved by Board of County Commissioners, the subject property shall be considered as zoned PUD. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Preliminary and Final Development Plans.

### **Section 23.16 Final Development Plan**

Not later than two (2) years from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Rural Zoning Commission. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void, and the property shall revert to its most previous zoning classification.

### **Section 23.17 Contents of Final Development Plan**

The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall include the following:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.

- C. A schedule for the development of units to be constructed in progression; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. A proposed landscaping plan.
- E. Engineering plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- F. Architectural renderings and accompanying narrative to discuss the design treatment of all buildings and structures where applicable.
- G. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

**Section 23.18 Action by the Rural Zoning Commission**

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to by the applicant, the Rural Zoning Commission shall approve, or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan and the standards specified in this Resolution, and that no significant constraints exist to construction of the project as planned.

**Section 23.19 Expiration and Extension of Approval Period**

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved Preliminary and Final Development Plans shall be null and void and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit, for a specific period, may be approved if the Board of Zoning Appeals finds that such extension is necessitated by conditions beyond the control of the applicant.

**Section 23.20 Platting**

The creation of new parcels under any planned unit development shall be subject to platting under the Fayette County Subdivision Regulations. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Resolution rezoning the property to PUD has been approved by Board of County Commissioners and such amendment has become effective.

**ARTICLE XXIV**

**RESERVED FOR FUTURE USE**

## **ARTICLE XXV**

### **(SU) SPECIAL USE DISTRICT**

#### **Section 25.01 Purpose**

The (SU) Special Use District is established to accommodate particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the SU District are intended to promote the compatibility of the use with adjoining residential uses and to ensure that the location of such facilities will provide for adequate and efficient access and service provision.

#### **Section 25.02 Permitted Uses**

Buildings and land within the SU District shall be utilized only for one of the uses set forth in the following use classifications:

##### **PRINCIPAL BUILDINGS AND USES**

1. Public, natural or historic monuments and/or museums.
2. Prisons and other correctional facilities.
3. Commercial facilities such as stadiums, amphitheaters, racetracks or similar facilities for conducting sporting events, concerts, and similar outdoor events on a temporary or permanent basis.
4. Commercial recreational areas such as golf courses, gun clubs, summer camps, sportsmen's clubs, seasonal campgrounds and similar uses, including non-commercial recreational facilities that are similar in size, scale and intensity to commercial facilities.
5. Fairgrounds and/or similar venues for events involving the display of local agricultural products, entertainment, and/or public assembly.

#### **Section 25.03 Accessory Uses**

Accessory uses in the SU District shall consist of those secondary and incidental uses and/or structures that are necessary for the effective functioning of a permitted use. Examples include necessary signs, parking areas, and administrative and maintenance structures.

#### **Section 25.04 Development Plan Required**

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Resolution, a Development Plan

shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include a site plan for the proposed development, calculations of the proposed traffic by daily and peak hour components, an analysis of facility's impact on any adjacent residential area and explanation of the methods proposed by the applicant to alleviate or minimize these impacts, as well as any other information deemed necessary to determine compliance with this Resolution.

The Development Plan shall be reviewed by the Zoning Commission and considered in making its recommendations to the County Commissioners. The Zoning Commission shall display the Development Plan at any public hearing held pursuant to Article VI of this Ordinance. Criteria for reviewing a Development Plan for a proposed SU zoning are as follows:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas.
- B. The location, design and operation of the proposed facility shall not impose undue adverse impacts on surrounding residential neighborhoods, and the Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate such impacts.
- C. The proposed building or use can be adequately served by existing public facilities and services available to the property, including roadways, police and fire protection, emergency services, drainage structures, refuse disposal, water and sewers, and/or schools.

#### **Section 25.05 Development Standards**

##### **A. Lot and Area Requirements**

The area or parcel of land for a special use shall not be less than that required to provide space adequate for off-street parking areas, yards and open spaces sufficient to maintain the character of the neighborhood. The size of the parcel of land occupied by the proposed use, and all setbacks, shall be shown on the Development Plan required in Section 25.03.

##### **B. Front Yard**

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

##### **C. Side and Rear Yards**

Where any special use abuts a district where residences are a permitted use, a side and a rear yard of not less than fifty (50) feet shall be maintained. In addition, a landscaped buffer shall be shown on the Development Plan and

installed in such yard. The minimum dimension of yards abutting other districts shall be determined by the Zoning Commission.

D. Compliance with Building and Fire Codes

All proposed structures within the SU District shall be located and constructed so as to comply with all fire and/or building codes.

E. Off-Site Adverse Impacts

Property zoned within the SU District shall be used or occupied in such a manner so that dangerous, injurious or noxious impacts on adjacent property are minimized or controlled. All proposed structures within the SU District shall be controlled. Such impacts shall include those related to noise, vibration, odor, dust, glare, or storm runoff. The applicant shall provide evidence in the Development Plan that such impacts have been identified and addressed.

**Section 25.06 Action by Board of County Commissioners**

In approving the redistricting of land into the SU District, the Board of County Commissioners may specify appropriate conditions and safeguards.

**Section 25.07 Compliance with Development Plan**

The construction of all buildings and the development of the site within the SU District shall be in conformity and compliance with the approved Development Plan. Any subsequent changes to the site not shown on the approved Development Plan, including but not limited to the addition of new accessory facilities or changes in activities on performed on the site, shall require separate approval by the Board of Zoning Appeals. In evaluating such changes, the Board may require an amendment to the Development Plan and shall consider the criteria specified in Section 25.04 A.-C. above.



**ARTICLE XXVI  
(FP) FLOOD PLAIN OVERLAY DISTRICT**

**Section 26.01 Purpose**

It is the intent of the Flood Plain Overlay District (FP) to control the use of floodplains for purposes which could be detrimental to health and welfare for citizens of the Fayette County. The FP District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the Flood Plain Overlay District (FP) regulations and requirements.

**Section 26.02 Lands Subject to Flooding**

For the purpose of this Resolution, "flood plains" are defined as those lands subject to inundation by the 100-year flood. Such areas shall be as identified by the Federal Emergency Management Agency (FEMA) pursuant to flood insurance rate maps cited and dated below, including any subsequent amendments or revisions thereto.

<b>FIRM NUMBER</b>	<b>EFFECTIVE DATE</b>
390 47C IND 0 A	March 2, 2004
390 47C 25 A	March 2, 2004
390 47C 37 A	March 2, 2004
390 47C 39 A	March 2, 2004
390 47C 40 A	March 2, 2004
390 47C 43 A	March 2, 2004
390 47C 45 A	March 2, 2004
390 47C 50 A	March 2, 2004
390 47C 55 A	March 2, 2004
390 47C 60 A	March 2, 2004
390 47C 65 A	March 2, 2004
390 47C 70 A	March 2, 2004
390 47C 100 A	March 2, 2004
390 47C 125 A	March 2, 2004
390 47C 130 A	March 2, 2004
390 47C 131 A	March 2, 2004
390 47C 150 A	March 2, 2004
390 47C 155 A	March 2, 2004
390 47C 160 A	March 2, 2004
390 47C 162 A	March 2, 2004
390 47C 165 A	March 2, 2004
390 47C 166 A	March 2, 2004
390 47C 170 A	March 2, 2004
390 47C 200 A	March 2, 2004
390 47C 225 A	March 2, 2004
390 47C 250 A	March 2, 2004
390 47C 275 A	March 2, 2004

### **Section 26.03 Development Standards**

The standards, requirements and administrative procedures for development of land within the FP District shall be as stated in the updated *Special Purpose Flood Damage Reduction Resoultion for Fayette County, Ohio* adopted by the Fayette County Commissioners on February 23, 2004, as may be subsequently amended. No zoning certificate shall be issued and no development activity shall occur for any land within the FP District until proper authorization is obtained from the Fayette County Flood Plain Administrator.

**ARTICLE XXVII**

**RESERVED FOR FUTURE USE**



**PART FOUR**  
*ADDITIONAL ZONING REQUIREMENTS*



## ARTICLE XXVIII

### GENERAL DEVELOPMENT REQUIREMENTS

#### Section 28.01 Lot Width

##### A. Frontage Required

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare within the County.

##### B. Lot Width

Unless otherwise indicated in these regulations, lot width shall be measured along the front lot line, or that portion of the front lot that abuts such thoroughfare right-of-way as designated in Section 28.01A above. If a lot fronts along a thoroughfare with a centerline degree of curve greater than thirty (30) degrees (such as a cul-de-sac), lot width shall be measured at the front yard setback line.

#### Section 28.02 Front Yards

##### A. Front Yard Measurements

Front yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Resolution.

##### B. Corner Lots

In the event any building or structure is to be constructed on a lot fronting on two (2) different thoroughfares, the front yard setback and lot width shall be required from both roads.

If any building or structure is to be located near a curve or bend in any road, said building or structure may not be closer to the road at any point than the setback requirement for that road.

##### C. Open Porches and Architectural Features

An open porch or paved terrace may extend into the front yard setback not more than ten (10) feet. Cornices, canopies, eaves, pilasters, sills or other similar architectural features may extend into the front yard not more than three (3) feet.

**Section 28.03      Side Yards**

**A.            Measurement**

Side yard width shall be measured from the nearest side lot line to the building line.

**B.            Open Porches and Architectural Features**

In a residential district, all portions of the structure, including open, uncovered porches, decks or terraces and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features shall be located behind the line as established by the side yard setback in that district.

**Section 28.04      Rear Yards**

**A.            Measurement**

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

**B.            Accessory Uses or Structures**

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article XXIX of this Resolution.

**C.            Open Porches and Architectural Features**

An open porch or paved terrace may extend into the rear yard setback not more than ten (10) feet. Cornices, canopies, eaves, pilasters, sills or other similar architectural features may extend into the rear yard not more than three (3) feet.

**Section 28.05      Minimum Floor Area Requirements**

Minimum floor area requirements as may be specified in the various zoning districts shall not include open porches, decks or outdoor living areas, garages, breezeways or exterior steps.

**Section 28.06      Height**

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, private radio or television antennae or similar structures attached to a primary structure, so long as such height does not interfere with the safe landing, takeoff or other operations of any established airport or landing strip.



## **ARTICLE XXIX**

### **ADDITIONAL RESIDENTIAL DISTRICT STANDARDS**

#### **Section 29.01 Regulation of Agriculture on Specific Lots**

Section 303.21(B) of the Ohio Revised Code allows a County zoning resolution, or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more lots approved under Section 711.131 (711.13.1) of the Ohio Revised Code, that are contiguous to one another and adjacent 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 public road.

- A. Pursuant to Section 303.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry or similar animals shall not be permitted on lots meeting the standards of ORC 303.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
- B. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres if such lots meet the standards of ORC 303.21(B) above, and if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a nonconforming use pursuant to Article V of this Resolution.

#### **Section 29.02 Manufactured Housing**

Permanently sited manufactured homes, as defined in Article II of this Resolution, shall be considered as a permitted use in any district that permits single-family dwellings. Manufactured homes not meeting the standards for permanently sited manufactured homes are addressed as a permitted or conditional use in the SR-2 District. Mobile homes, as defined in Article II of this Resolution, shall not be considered as a permitted or conditional use in any zoning district.

#### **Section 29.03 Home Occupations**

"Home occupation" means an activity, profession, occupation, service, craft, or revenue-producing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within building or buildings

on the premises without any significant adverse impact upon surrounding properties. Home occupations shall be regulated as accessory or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be conducted by the owner/occupant of the premises and such use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation. The size of any accessory building used totally or in part for a home occupation shall meet the requirements for accessory structures in Section 29.04 below.
- B. The home occupation shall primarily occur entirely within the confines of the dwelling unit and/or accessory structures. Any proposed outside storage of materials and/or equipment used in the home occupation shall be subject to approval by the Board of Zoning Appeals.
- C. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- D. External indication of such home occupation shall be limited to one non-illuminated sign not more than six (6) square feet.
- E. Not more than two (2) persons, other than immediate family residing at the premises, shall be employed in such occupation.
- F. The home occupation business activity shall be conducted primarily during daylight hours.
- G. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

#### **Section 29.04 Accessory Structures**

- A. Location

A detached accessory structure shall be located within any side or rear yard to the rear of the principal structure, but not closer to any side or rear lot line than the distance required for principal structures in the specific district.

- B. Permitted Area and Height

The total area of all accessory uses or structures shall not exceed two percent (2%) of the area of the lot on which the structure or use is located. These area requirements shall not apply to lakes, ponds, swimming pools and tennis courts.

The provisions of this subsection 29.04 shall not apply to property in the F or FS Districts.

### **Section 29.05      Telecommunications Towers**

Telecommunications towers, as defined in Article II of this Resolution, may be allowed as a conditional use in the F and FS Districts. The process to be used in processing an application for such a tower shall be as specified in Section 303.211 of the Ohio Revised Code. Telecommunications towers shall be subject to the following conditions:

- A.      The maximum height of the tower shall not exceed 150 feet.
- B.      The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
- C.      The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
- D.      The minimum lot size for the site of the tower shall be one (1) acre.
- E.      Security fencing at least ten (10) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
- F.      A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
- G.      The tower shall not be lighted except to assure safety or as required by the FAA.
- H.      The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
- I.      The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site's use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
- J.      The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (*14 CFR Part 77*)

If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a permitted use.

## **Section 29.06 Private Swimming Pools**

A "private swimming pool" as referenced herein, means any pool or open tank (not including lakes or ponds as regulated in Section 29.07 below) which:

- A. is not located within a completely enclosed building, and
- B. contains water to a depth, at any point greater than two (2) feet, and
- C. is not a portable swimming pool with an area of less than 300 square feet.

Such private swimming pools, as defined above, shall be allowed as an accessory use in any residential district. A zoning certificate shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with current building code requirements.

## **Section 29.07 Lakes and Ponds**

Lakes and ponds shall be considered as an accessory use where so indicated in the district regulations. A zoning certificate shall be required for the construction and installation of a lake or pond when the normal high water surface area of the body of water exceeds 100 square feet. In addition, such lakes and/or ponds shall meet the following requirements:

- A. The lake and/or pond shall be located not less than sixty (60) feet from any property line, residential structures, leach field, secondary leach field, and subsurface tile drainage passing through the property.
- B. The applicant shall provide a site plan for the property, indicating the location of the lake and/or pond, as well as the location of inlets, outlets, subsurface drainage, septic lines, and/or secondary leach field site(s)
- C. The applicant shall demonstrate that the lake or pond meets the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Fayette County Soil and Water Conservation District.
- D. Lakes or ponds located in the SR-2, GC, RC, I and/or SU Districts, when constructed for water retention and/or detention purposes, shall be subject to a detailed plan for the lake or pond approved by the County Engineer.

**Section 29.08 Fences and/or Hedges in Particular Districts**

- A. Unless otherwise indicated, the provisions of this Section shall apply only to non-agricultural fences and/or walls in the F, SR-1 and SR-2 Districts. "Fence" means any structure composed of wood, metal, stone, brick or other material (including hedges or other plants) erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. A trellis or other structure for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence.
- B. In the above districts, a fence not exceeding seventy-two inches (72") in height may be erected in any portion of the lot except beyond the front plane of the dwelling. A fence or wall not exceeding forty-two (42) inches in height may be erected beyond the front plane of the building. A fence or wall not exceeding forty-two (42) inches in height may be erected on any vacant lot.
- C. No person shall erect or maintain any fence or wall charged with electrical current nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges in the SR Districts.
- D. No fence, hedge, or wall shall be erected on any lot in any district in such a manner so as to effectively limit the vision of motorists approaching a street intersection.
- E. No fence, hedge, tree or shrub shall be planted on any lot in any district which will interfere with any drainage tile. No fence, hedge, tree or shrub shall be planted on any lot in any district within any roadway right-of-way.

## **ARTICLE XXX**

### **OFF-STREET PARKING REQUIREMENTS**

#### **Section 30.01 Purpose**

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Fayette County and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

#### **Section 30.02 Provision for Parking Required**

Unless otherwise indicated in this Resolution, in all zoning districts, off-street parking shall be addressed in accordance with the provisions of this Article.

#### **Section 30.03 General Requirements**

##### **A. Surfacing and Drainage**

All off-street parking areas for commercial or industrial projects within the GC, RC and/or I Districts shall be properly graded, marked and surfaced so as to provide a hard, durable and dustless surface. All parking areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.

##### **B. Lighting**

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

##### **C. Location of Parking Spaces**

A five foot (5') clear zone shall be maintained between the roadway right-of-way and any parking space. Parking areas shall be so designed and arranged so as

not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

**D. Parking of Inoperable or Disabled Equipment or Vehicles.**

The exterior parking or storage of inoperable or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Sections 4737.05 through 4737.12 of the Ohio Revised Code, shall be prohibited.

The County reserves the right to remove junk cars from private property consistent with the standards and procedures cited in ORC Section 4513.65.

**E. Parking of Recreational Equipment**

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:

1. Not more than three (3) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
2. Recreational equipment shall not be used for permanent occupancy.
3. Recreational equipment may be used for temporary occupancy for a period of time not exceeding three (3) months.

**Section 30.04 Required Number of Off-Street Parking Spaces**

Parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule.

## Section 30.04

### SCHEDULE OF REQUIRED OFF-STREET SPACES

<i>USE</i>	<i>NUMBER OF REQUIRED SPACES</i>
<b>A. Residential</b>	
1. Single or multiple- family residences	Two (2) per dwelling unit
2. Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift
<b>B. Commercial</b>	
1. Professional, administrative and business offices.	One (1) for each 400 S.F. of gross floor area.
2. Food, department, general merchandise, hardware, drugs, or other retail sales	One (1) for each 300 S.F. of gross floor area
3. Eating or drinking establishments <i>without</i> drive-through facilities	One(1) for each 100 S.F. of gross floor area
4. Eating or drinking establishments <i>with</i> drive-through facilities.	One (1) for each 75 S.F. of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces.
5. Personal services, including banks, savings and loans, and repair services <i>without</i> drive-through facilities.	One (1) for each 300 S.F. of gross floor area.
6. Personal services, including banks, savings and loans, and similar services <i>with</i> drive-through facilities	One (1) for each 300 S.F. of gross floor area. plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces.
7. Barber and beauty shops	Two (2) for each work station
8. Gasoline and service stations, automobile service	Two (2) for each service bay plus one (1) for each pump, plus one (1) for each employee during the main shift
9. Medical and dental offices, human clinics veterinary clinics, animal hospitals	Four (4) for each doctor or dentist
10. Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift
11. Funeral homes	One (1) for each 400 S.F. of gross floor area.



## Section 30.04

### SCHEDULE OF REQUIRED OFF-STREET SPACES *(continued)*

<i>USE</i>	<i>NUMBER OF REQUIRED SPACES</i>
<b>C. Industrial</b>	
1. Any manufacturing, processing, packaging, warehousing, distribution or service industry	Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.
<b>D. Institutional</b>	
1. Churches and places of public worship	One (1) for each four (4) seats in main sanctuary
2. Public or private elementary or secondary school	Four (4) for each classroom, or one (1) for each in main auditorium, whichever is greater.
3. Business, trade, or technical school, college or university	One (1) for each two (2) students and one (1) for each faculty member.
4. Nursery school/day care	One (1) for each fifteen (15) students
4. Libraries, museums, community centers and similar facilities	One for each 400 SF of gross floor area
5. Civic, social and fraternal organizations	One (1) for each three (3) persons allowed in main meeting room at full capacity.
6. Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on main shift.
<b>E. Recreational</b>	
1. Baseball, softball, football, soccer or similar organized sport playfield	Twenty (20) for each playfield, plus one for each six (6) seats in stands.
2. Tennis, handball or racquetball courts	Three (3) for each court
3. Bowling alleys	Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants.
4. Theatres, stadiums, sports arenas, auditoriums or other assembly halls other than schools	One (1) for each four (4) seats

## ARTICLE XXXI

### SIGNS

#### Section 31.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems within Fayette County. It is further the intent of these regulations to prevent signs from becoming a distraction to the safe flow of traffic, to protect and encourage a healthful economic business environment in the community, to prevent signs from becoming a nuisance to adjacent properties and uses, and, thereby, to protect the general health, safety, and welfare of the community.

#### Section 31.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Sign" means any device for visual communication which is designed or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, State or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from these regulations of this Article.
- B. "Billboard" means any sign identifying, promoting or advertising a product or service not located on the same property as the sign, that exceeds 300 square feet in area.
- C. "Freestanding sign" means a sign erected on a pole, poles, pillars, or posts and which is wholly independent of any building for support.
- D. "Permanent sign" means a sign intended to be erected, displayed or used, or in fact which is used for time period in excess of six (6) months.
- E. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include signs that are constructed on a chassis or trailer.
- F. "Temporary sign" means a sign intended to be displayed, or in fact displayed, for a time period of less than six (6) months.

### **Section 31.03 Sign Permits**

#### **A. Permit Required**

No permanent or temporary sign, except as exempted in Section 31.04 of this Resolution, shall hereafter be erected, constructed or maintained within Fayette County unless a permit for the same has been issued by the Zoning Inspector. A sign for which a permit has been issued shall not be modified, changed or amended so as to differ from that approved in the permit unless a new or amended permit is issued.

#### **B. Contents of Application**

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his/her agent. The fee shall be established by separate resolution. The application for a sign permit shall be made on forms as provided by the Zoning Inspector, and shall include the following information:

1. Name, address, and contact information for the applicant.
2. Drawing or drawings showing, at a minimum:
  - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols.
  - b. The method of illumination, if proposed.
  - c. The exact location of the sign in relation to the building and property.

### **Section 31.04 Signs Which Do Not Require a Permit**

The following signs may be erected without a permit:

- A. Address and name of occupant of premises for a residential structure, to be limited in size to two (2) square feet.
- B. Signs which are in the nature of cornerstones, commemorative tables and historical plaques, provided that such signs are less than nine (9) square feet in size and not illuminated.
- C. Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.
- D. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than forty-five (45) days prior

to election and to be removed no later than fifteen (15) days after such election.

- E. Signs that indicate the auction or sale, development, rental or lease of a particular structure or land area, to be limited to one sign allowed per road front. Such signs shall not be located in a public right-of-way.
- F. Signs, which are less than four (4) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located.
- G. Signs which advertise the sale of personal property, such as a garage, yard, porch or moving sales or auctions, provided such signs are displayed for a time period not greater than three (3) consecutive days, are removed within two (2) days after the sale and are not located within a public right-of-way.
- H. Farm signs denoting the name and address of the occupant, produce or products for sale, and/or membership in organizations. Such signs shall be located outside the road right-of-way.
- I. Temporary construction signs which display the identification of a construction project, including identification of the contractors, architects and other construction principals. Such construction signs shall be removed within sixty (60) days following the completion of the construction project.
- J. Signs promoting community events and programs which are sponsored by nonprofit, public, educational, religious and charitable organizations.
- K. Signs determined by the Board of Zoning Appeals to be similar to those specified in A-J above.

### **Section 31.05 General Requirements**

Temporary and/or permanent signs erected after the date of this Resolution shall comply with the following standards and requirements:

#### **A. Outdoor Advertising**

Outdoor advertising and other signs promoting a product or service not located on the premises shall be considered a business use and not more than one (1) such sign shall be permitted on any single lot in GC and RC Districts, subject to the development standards of that district, and the following:

- 1. Not more than two (2) off-premises directional signs shall be permitted, directing persons to a business located elsewhere. Each such directional sign shall not exceed four (4) square feet in area.

2. Any outdoor advertising sign exceeding 300 square feet in area per side shall be considered as a billboard, and shall be subject to the provisions of Section 31.05B below.
3. All permitted outdoor advertising signs shall be licensed as may be required by other local, federal or state agencies.
4. Outdoor advertising signs shall be located behind the building setback line for the district in which it is located, and shall be located not less than 400 feet from any adjacent residence.
5. No outdoor advertising shall be erected or maintained in trees, or constructed, drawn or painted directly onto rocks or other natural features.

#### B. Billboards

Billboards, as defined in Section 31.02B, intended to be viewed from any state or federal highway shall be considered as a conditional use in the GC and RC Districts. Billboards shall not be allowed along county or township roadways. Billboards shall be located not closer than 1,500 feet from any residence and not less than 1,000 feet from any other billboard. Billboards may be back-to-back, double-faced, "V" type or multiple faced, with not more than two (2) faces facing the same direction. The total area of all faces toward one direction on any single billboard shall not exceed 600 square feet.

The application for such signs shall include a site plan showing the exact location of the sign, and shall be reviewed by the Board of Zoning Appeals following the procedures and standards cited in Article IX.

#### C. On-Premises Signs

Free-standing, wall-mounted, window or projecting signs identifying and/or promoting uses or activities on the premises are permitted as part of the principal use in the GC, RC, I-1, I-2, and SU Districts. In the SU District, the location of such sign must be in strict compliance with the Development Plan submitted as part of the approval process.

1. No single sign shall have an area of more than fifty (50) square feet per side in the GC, I-1, I-2 and SU Districts, and seventy-five (75) square feet per side in the RC District.
2. No single use or property shall maintain a total sign area for *all* signs of more than 200 square feet in the RC District and 100 square feet in the GC, I-1, I-2 and SU Districts.
3. No on-premises sign shall be erected closer than twenty-five (25) feet to the road right-of-way.

4. No sign shall exceed twenty-five (25) feet in height in the GC, I-1 and SU Districts, and fifty (50) feet in the RC and I-2 Districts. Height of the sign shall be measured from ground level.

**D. Portable Signs**

Portable signs, as defined in Section 31.02E, shall be permitted as temporary signs, so long as the gross sign area for the property, as specified in Section 31.05C.2. above, is not exceeded.

**E. Permanent Subdivision Identification Signs**

Permanent signs identifying a residential subdivision shall be limited to not more than two (2) signs located at the entrance to the subdivision.

**F. General Requirements for all Signs**

1. When a sign is proposed to be illuminated, such illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
2. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as not to constitute a safety hazard.
3. No sign nor part of any of a sign be placed in, over, or extend onto any public right-of-way, nor shall any part of a sign be placed over, or extend above the roof of any structure.
4. No sign shall be located so as to hinder clear sight within fifty (50) feet in both directions at the intersection of any roadway with a federal or state highway.

**Section 31.06 Measurement of Sign Area**

For the purposes of this Resolution, sign area shall be measured so as to include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design. Where a sign has two or more display faces, the area of *all* faces of the sign shall be included in determining the area of the sign.

## **Section 31.07 Nonconforming Signs**

### **A. Abandonment**

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
  - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
  - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

### **B. Relocation or Replacement**

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section.

### **C. Maintenance**

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than 50 percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

## ARTICLE XXXII

### ADULT ENTERTAINMENT FACILITIES

#### Section 32.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare of the residents of Fayette County through the regulation of adult entertainment facilities. It is the intent of this Article to control the establishment of such facilities within locations in close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds, and to prevent the erosion of the economic viability and character of the surrounding and proximate areas.

#### Section 32.02 Definitions

A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.

1. "Adult Book Store" means an establishment which utilizes twenty percent (20%) or more of its retail display area for the purpose of retail sale or rental of motion picture machines, projectors, or other image-producing devices, books, magazines, other periodicals, films, tapes, video discs, or cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below, or instruments, devices or paraphernalia designed for use in connection with sexual activity. For the purposes of this Chapter, retail display area shall be measured as follows:
  - A. For bookshelves, racks, display cases, tabletops or similar devices, the display area shall be calculated by multiplying the length times the width of each surface on which merchandise is displayed. If sexual material as referenced above is mixed with non-sexual material, the entire surface shall be considered as consisting of sexual material.
  - B. For walls, display area shall be the area of the wall enclosed by the smallest imaginary rectangle which completely encloses the material.
  - C. The display area of merchandise hanging or suspended from the ceiling shall be calculated by multiplying the length or width of the item, whichever is more, times the height of the item
2. "Adult Theater" means a facility for the display of films, motion pictures, slides, video discs or similar photographic or image-bearing media, which is regularly used or utilizes twenty-five percent (25%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein
3. "Adult Entertainment Business" means any establishment, including nightclubs, bars and/or restaurants, involved in the sale or services of products characterized or accompanied by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient



interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

4. "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, slides, video discs or similar photographic or image-bearing media, which is characterized by an emphasis on "specified sexual activities" or "specified anatomical areas," as defined below; and has a sign visible from a public right-of-way which advertises the availability of such material; or
  - B. offers a sleeping room for a period of time that is less than ten (10) hours; or
  - C. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours
5. "Sexual Encounter Center" means a business or commercial enterprise that, as one of its primary purposes, offers for any form of consideration:
  - A. physical contact in the form of wrestling or tumbling between persons of the opposite sex; and/or
  - B. activities between persons or physical contact of live male or females, which is characterized by salacious conduct appealing to prurient interest, when one or more of the persons is in a state of semi- or complete nudity

B. "Specified Sexual Activities" means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

C. "Specified Anatomical Areas" mean any of the following:

1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state.

D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.

E. "Sexually explicit nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.

F. "Sadomasochistic sexual abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or

upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.

- G. "Visibly displayed" means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

### **Section 32.03 Exceptions**

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

### **Section 32.04 Criteria**

Adult Entertainment Facilities shall be considered a conditional use in the GC District, and shall be subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.

- E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.
- I. Lighting on the exterior of the building shall be arranged so as to illuminate the entire off-street parking area.

The distances as cited in this Section above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property line upon which the proposed use is to be located, to the nearest point of the property line or district from which the proposed facility is to be separated

#### **Section 32.05 Compliance With Other Regulations and/or Statutes**

Nothing in this Chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any local ordinance or regulation, or any statute of the State of Ohio, regarding public nuisance, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

**APPENDIX A**  
**SPECIFIC STANDARDS FOR SELECTED CONDITIONAL USES**

# **APPENDIX A**

## **SPECIFIC STANDARDS FOR SELECTED CONDITIONAL USES**

### **BED-AND-BREAKFAST ESTABLISHMENTS**

1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale.
2. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as not to shine on adjacent properties.
3. Exterior signage shall be limited to a single sign not more than four (4) square feet in size. No signs shall be internally illuminated.
4. Not more than one (1) person shall be employed that is not a resident of the dwelling.
5. Accommodations shall be provided for not more than five (5) guest rooms.

### **NONPUBLIC CEMETERIES**

1. Minimum area for a cemetery site shall not be less than ten (10) acres.
2. Except for administrative offices incidental to cemetery operations, no business or commercial uses shall be permitted on the cemetery site.
3. Adequate screening with trees, shrubs, hedges or similar landscaping shall be provided parallel to property lines adjacent to abutting residential properties.
4. No grave site shall be located within 100 feet from any publicly dedicated thoroughfare, or any property line.

### **GOLF COURSES**

1. A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a conditional use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Fayette County Engineer or outside consultants.
2. All buildings or structures, including maintenance structures, shall be located not less than 100 feet from any property line.
3. Fairways, tees and holes shall be located not less than 200 feet from adjacent existing residential property.

## **JUNKYARDS**

1. A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a conditional use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Fayette County Engineer, or outside consultants.
2. A minimum area of twenty (20) acres shall be required.
3. The junkyard shall be located not less than 200 feet from any zoning district that specifies residences as a permitted use, and/or any publicly dedicated throughfare.
4. A landscaped strip not less than fifty (50) feet shall be provided within the 200 foot setback specified in 3. above. Such strip shall be planted with Norway Spruce, evergreens, or similar vegetation of similar screening value. The applicant shall certify that junk so contained within the junkyard shall not be piled or located to such height to exceed the landscaped screen or fence surrounding the property.
5. The applicant shall submit evidence that applicable state and other local regulations have been met.

## **SANITARY LANDFILLS**

1. All sanitary landfills shall be subject to approval and the requirements of appropriate county, multi-county and state agencies with authority in such matters. The applicant shall submit evidence to the Board of Zoning Appeals that such approvals and requirements have been met.
2. A Development Plan shall be submitted and approved by the Board of Zoning Appeals as part of the application for a conditional use permit. In reviewing this Development Plan, the Board of Zoning Appeals may seek the input of the Fayette County Engineer, or outside consultants.
3. A minimum of fifty (50) acres shall be required.
4. Truck routes shall be established for movement in and out of the development in such a manner so as to minimize use of non-arterial thoroughfares and prevent damage and/or hazards to other properties.
5. All structures and activity areas shall be located at least 500 feet from any adjacent residential property.
6. Evidence shall be submitted that the landfill will be operated and maintained in a neat and orderly manner consistent with practices accepted by the industry. The Board of Zoning Appeals may require a suitable bond to insure this provision is met.

## **QUARRIES OR MINING OPERATIONS**

1. All quarries and/or mining facilities shall be subject to approval and the requirements of appropriate county and state agencies with authority in such matters. The applicant shall submit evidence to the Board of Zoning Appeals that such approvals and requirements have been met, including compliance with the provisions of Chapter 1514 of the Ohio Revised Code.

2. No sand, gravel, minerals or water shall be removed or stored, or any overburden stored within 200 feet of any adjacent property not owned or controlled by the developer or operator of said business. No activity area shall be located closer to any lot line or street so that areas contiguous and adjacent do not have adequate lateral support.
3. All areas within a single development shall be rehabilitated progressively as they are worked or abandoned to a condition of being, to the greatest practical degree, free of hazard, inconspicuous and blended with the surrounding ground forms.
4. Truck routes shall be established for movement in and out of the development in such a manner so as to minimize use of non-arterial thoroughfares and prevent damage and/or hazards to other properties.
5. Commercial water extraction where water is transported out of Fayette County shall be limited to levels that will not result in lowering of the existing water table.

## **AGRIBUSINESS**

1. The agribusiness establishment shall be incidental and necessary to the conduct of agriculture within the district and shall be a business which is dependent upon the surrounding agricultural community.
2. The owner or operator of the agribusiness establishment shall demonstrate approval from the Ohio Environmental Protection Agency, Ohio Department of Agriculture and/or other applicable state or federal agencies for any on-site water supply and/or wastewater disposal system.
3. The agribusiness shall not emit noise, dust or chemical residues which result in the creation of a nuisance or trespass to the surrounding properties.

Notwithstanding the above, the following subjects are not to be regulated, negotiated or otherwise considered by the Board of Zoning Appeals in any conditional use permit proceeding by the owner or operator of a concentrated animal feeding operation or concentrated animal feeding facility as those terms are defined in Section 903.01 of the Ohio Revised Code:

- (a) manure
  - (b) insects or rodents
  - (c) odor
  - (d) siting requirements
4. A specific plan for addressing stormwater and surface drainage on the site shall be submitted and approved by the Board of Zoning Appeals.







