

PERRY TOWNSHIP ZONING RESOLUTION

Franklin County, Ohio

Adopted November 1982

With amendments through January 3, 2020

Revisions

Amendments: Sections 508, 511, 512, 531, 541, 705, 716, 720, 815 as adopted by Perry Township Board of Trustees on October 1, 1984.

Amendments: Section 110, 325, 328, 332, 512, 531, 715, 716, 720, 802 as adopted by the Perry Township Trustees on August 21, 1989.

Amendments: Sections 302, 306, 308, 312, 315, 318, 322, 510, 720 as adopted by the Perry Township Board of Trustees on September 8, 1992.

Amendments: Preface, Sections 201, 420 as adopted by the Perry Township Board of Trustees on June 20, 1994.

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Amendments: Sections 512, 531, 710, 715, 716, 800, 802, 810, 815 as adopted by the Perry Township Board of Trustees on June 16, 2003.

Amendments: Sections 502, 508, 512, 531, 541, 720 as adopted by the Perry Township Board of Trustees on December 4, 2006.

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Amendments: Section 531.083 as adopted by the Perry Township Board of Trustees on April 15, 2013

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Amendments: Section 551.028 as adopted by the Perry Township Board of Trustees on July 09, 2018.

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Current Printing Date January 2020

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PREFACE TO THE PERRY TOWNSHIP ZONING RESOLUTION

This preface is provided to give a measure of guidance in the understanding, application and administration of the Zoning Resolution by setting forth the purpose and nature of zoning, the organization of the Zoning Resolution and the nature and intent of each of the several zoning districts.

PURPOSE OF ZONING

This Resolution is enacted for the purpose of promoting public health, safety, convenience, comfort, prosperity and general welfare; to conserve and protect the natural resources and scenic areas; to secure the most appropriate use of land, to facilitate adequate but economical provision for public improvements, all in accordance with existing county or township plans or plans which may be later adopted and as permitted by the provisions of Chapter 519, Ohio Revised Code.

To promote such public purposes, these regulations are designed to encourage an appropriate use of lands, to stabilize and preserve the value of property, to prevent congestion and hazard in the street, to secure safety from fire, flood, water contamination, air pollution and other dangers, to provide adequate light, air and open space, to prevent the overcrowding of land and to avoid undue concentrations of population.

To further promote such public purpose these regulations are further intended to be used to facilitate an appropriate and desirable comprehensive pattern of land uses upon which to plan and economically provide adequate roads and highways, water supply, sewer facilities, schools, parks, and other essential public facilities and services.

NATURE OF ZONING

This Zoning Resolution is an exercise of the police power derived from Chapter 519 Ohio Revised Code.

The characteristic feature of this Zoning Resolution that distinguishes it from most other police power regulations is that its regulations may differ from zoning district to zoning district, rather than being uniform throughout the Township. Despite this ability to differ in various zoning districts, the regulations must be uniform for each class and kind of building within a zoning district.

The purposes of this Zoning Resolution are accomplished by the division of the unincorporated territory of the Township into zoning districts in which there are only certain specified uses of land allowed and the regulations pertaining to the development and use of the land and buildings are uniform for each class or kind of building or use in such zoning districts.

To the extent possible, the zoning districts as they are delineated on the Zoning District map shall be comprehensive by their inclusion of all land similar in nature or circumstance as is determined by the type and extent of existing land use and the desirability of conserving such use. The zoning districts and the fixing of their boundaries shall further be determined in accordance with the need of encouraging such use as is made appropriate by a change in the character of land use, or the growth and development of the Township and to this extent the zoning districts should be based on land use plans as such plans may exist at the time of determination.

ORGANIZATION OF THE ZONING DISTRICT REGULATIONS

The Zoning District Regulations are set forth in four (4) groups based on the nature of the zoning districts and the purpose of the regulation. These groups are organized under separate articles of the Zoning Resolution.

Article III, Standard District Regulations is composed of the regulations of four (4) Residential Zoning Districts based on density and/or dwelling structure type; four (4) Commercial Zoning Districts based on the types and nature of commercial uses ranging from office activities through sales and services of unique character; and one (1) Industrial Zoning District based on use activity and methods of site development ranging from typically small totally enclosed development and operation to extensive or open industrial use of the land. The intended use of the Standard Districts is two-fold. The primary use is to delineate areas of existing land use and developmental character most nearly represented by the regulations of one of these Zoning Districts so as to afford such areas the regulations necessary to maintain their essential qualities and to assure that additional development will be in keeping with that which has been established. Secondly, the Standard Districts are intended to be used to make limited adjustments in the Zoning District boundaries (rezoning) as are necessary and the ownership of the land is such that development cannot be achieved except on the basis of individual lots.

Article IV, Planned Development Procedures and Regulations is composed of the requirements and regulations for establishment of Zoning Districts for planned, comprehensive arrangement and development of residential use in terms of structural type and density of dwelling units, ranging from typical single-family areas, to mobile home parks and "high rise" apartments; commercial uses in terms of planned shopping centers of highway service centers; and industrial development as an organized "industrial park".

The intended use of the Planned Development Districts is to allow pre-determined development in appropriate locations so organized as will provide for the highest possible degree of freedom of design within the site while maintaining a desirable relationship to adjacent lands and the community.

Article V, General Development Standards is composed of those provisions and regulations that pertain generally and uniformly to the arrangement and development of land and structures within the various zoning districts.

Among the requirements of the General Standards are requirements for platting and establishment of lots before development and use; the establishment of building lines along public rights-of-way; methods for the arrangement of structures in relation to one another rather than fixed dimensions from property lines; definition and permitted manner of home occupation and accessory uses; requirements for screening or landscaping under certain conditions; off-street parking and loading requirements; sign and billboard regulations, and the prevention of nuisances.

These regulations have been placed together because of their uniform application in regard to development and use of land and are, by reference, a part of each of the zoning district regulations.

Article VI, Special Districts provides for the use or development of land under certain unique circumstances or developmental requirements. Included in the Special Districts are the procedures and regulations pertaining to development and use of land in areas subject to periodic flooding; the extraction of sand and gravel or other mineral resources, and the rehabilitation of the land after extracting; the drilling and production of oil and gas to allow for the exploration and removal of natural petroleum resources, and procedures and regulations to allow for the establishment of uses of such an exceptional nature as to warrant individual consideration. Among these exceptional uses are airports, amusement centers, stadiums, riding stables, resort establishments and certain institutions.

The intent of these Special Districts is to delineate areas where, due to circumstances of the land or requirements of the development, such activity can be carried on without subjecting the established land uses and zoning districts to undue interference or disturbance.

THE NATURE OF THE ZONING DISTRICTS

Each of the Zoning Districts includes all land so zoned or classified in Perry Township and differs from all others by reason of the uses that are permitted or by reason of the standards of development that are applicable in the Zoning Districts.

The nature and intent of application for each of the Zoning Districts is set forth in the following statements. The order of these statements is based on the similarity of uses and development standards rather than the organization of the text of the Zoning Resolution. The number preceding the name of the Zoning District is the section number of the Zoning District in the text of the Zoning Resolution.

THE RESIDENTIAL DISTRICTS

The Residential Zoning Districts are intended to define and protect residential areas from the intrusion of uses not performing a function appropriate to the principal use of the land for residential dwellings and related facilities desirable for a residential environment. Attractiveness, order and efficiency are encouraged by allowing a density of development appropriate to the ability to provide water and sewer facilities while maintaining adequate space for light and air. In order to achieve a comprehensive and balanced overall residential area, it is intended that development at one density be in association with other residential development in a manner appropriate to the public's ability to provide and maintain adequate levels of essential services and facilities including schools, recreation, fire and police protection, and with consideration of the characteristics of the land and surrounding land use. Residential Zoning Districts are intended to allow a variety of dwelling units in a manner appropriate to development of areas with distinct density and physical qualities such as will encourage each area to achieve its full development with a healthful and safe environment and amenities for sustained livability.

The Standard Residential Zoning Districts

Section 305. (R-1) The Restricted Suburban Residential District is provided in recognition of the sections of the Township with very low-density residential development and land which appears appropriate for such development. Among these sections is land around reservoirs and along the water courses leading to them where central water and sewer treatment systems are not available and intensive development will pollute the water; land of unusual or irregular topography or

subsurface characteristics where the problem of site development generally results in a certain amount of openness; and land where the established use character or density of development would be best protected by these regulations.

Section 306. (R-2) The Limited Suburban Residential District is provided in recognition of sections of the Township with low density residential development and land which appears

appropriate for such development within the limits of these regulations. Among these sections is land appropriate for residential development but without central water and sewer systems readily available. Of importance in the consideration of placing land in this District is the ability of the soil to allow proper function of individual water and sewer systems; the character of the land and surrounding land use; and land where the established use character or density of development would be best protected by these regulations.

Section 308. (R-4) The Suburban Residential District is provided in recognition of sections of the Township with low density residential development and land which appears appropriate for such development. Among these sections is land served by only public water or sewer; land where the established use character or density of development would be best protected by these regulations; and sections of the Township where the

general welfare is best served by the provisions of this district in maintaining the ability to provide essential services and facilities for a healthful and desirable residential environment.

Section 318. (R-24) The Suburban Apartment Residential District is provided in recognition of sections of the Township that are developed with apartment structures and to allow similar development on land which appears appropriate for such development. Among these sections is land served by public water and sewer and the established use character and density of development would be best maintained by these regulations; and sections of the Township where the public welfare and the need for the permitted development is best served by the provisions of this district in allowing a choice of dwelling structure types while providing essential services and facilities at an adequate level without overcrowding the land.

The Suburban Apartment Residential District is intended to allow apartments as the principal use of land, but certain other uses that generally are more compatible with higher density dwellings may be allowed for the location of uses and facilities desirable to a residential environment.

The Planned Residential Zoning Districts

The Planned Residential Districts are provided in recognition of conceptual and technological advances in housing design and construction, and the ability of the housing industry to provide desirable and stable residential areas through unified design and development principles. Such land as is to be included in these Planned Residential Districts is intended to be developed in recognition of the existing and potential development character of the vicinity to assure adequate public utilities, streets, community facilities, and other closely associated land uses, including useable public open space.

Section 405. (PR-6) The Planned Low-Density Residential District is intended to provide latitude in the arrangement and design of primarily single-family dwellings based on a unified development plan conceived and carried out for an entire area. Within this district appropriate and reasonable population density is maintained while variety of dwelling unit type is allowed. Natural features such as topography and drainage ways should be maintained in a natural state so far as possible on a unified and integrated basis to maximize desirability and stability as a residential area.

Section 410. (PR-10) The Planned Mobile Home Residential District is provided in recognition that certain land in the Township may be appropriately developed as areas of moderate population concentration with special consideration for the location and provision of facilities for mobile homes if properly related to the existing and potential development character of the vicinity and if adequate public services and facilities can be provided.

The Planned Mobile Home Residential District is intended to allow the development of Mobile Home Parks in association with other residential development while maintaining a

reasonable population density and by providing for the unique requirements for this type of development. To this end, the site development and arrangement in relation to other areas together with the provision of associated facilities shall be an important consideration in achieving an attractive residential environment of sustained desirability with all development in harmony to promote stability, order and efficiency of the Mobile Home Park and adjacent areas.

Section 412. (PR-12) The Planned Medium Density Residential District is intended to provide latitude in the arrangement and design of primarily two-family or town house dwelling structures based on a unified development plan conceived and carried out for a limited amount of land. Such limitation on the amount of land to be developed in this district should be based on such land's relationship to adjacent development in terms of the vicinity's overall density and total population even though a variety of dwelling type and arrangement may be allowed that is different from that on the adjacent land. Natural features such as

topography and drainage ways should be used as well as internal arrangement so as to achieve a unified and integrated development to maximize desirability and stability of the whole residential area.

THE COMMERCIAL DISTRICTS

The Commercial Zoning Districts are intended to promote a convenient and efficient distribution of a broad range of retail goods and services, (1) to meet consumer demands, (2) to satisfy commercial land use space requirements, (3) to achieve a stable and compatible land use pattern, and (4) to encourage a visually satisfying urban environment.

The proper development of commercial areas is not only a right under this Zoning Resolution, but a responsibility to the entire Township. Because these commercial areas are subject to public use which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement, and suitable relationship to adjacent areas.

The Standard Commercial Zoning Districts

Section 322. (SO) The Suburban Office and Institutional District is provided in recognition of the need to locate office and institutional land uses in outlying suburban areas where adequate space can be made available in accordance with the contemporary development standards of these land uses.

The Suburban Office and Institutional District is intended for offices and institutions that may locate independently or in small clusters and that desire buildings or groups of buildings surrounded by landscaped open areas away from the concentrations of people and traffic of retail, wholesale and industrial areas in the community. The space, location and aesthetic needs of these uses make a suburban location near residential neighborhoods or rural countryside desirable.

Section 325. (NC) The Neighborhood Commercial District is intended to encourage grouping of small individual retail establishments to promote convenience in serving the daily staple needs of the people in residential areas. These groups of establishments generally occupy land area in close proximity to the residential population served. In that the commercial establishments allowed in the Neighborhood Commercial District will be closely associated with residential, religious, recreational, and educational land uses at the neighborhood level, more restrictive requirements for light, air and open space are necessitated than in other Commercial Zoning Districts.

Section 328. (CC) The Community Commercial District is intended to encourage the concentration of a broad range of individual commercial establishments which together may constitute an area of general commercial activity. A Community Commercial District should be

centrally located and accessible to the population served, and will normally be developed at the intersection of major thoroughfares at distances one or more miles apart.

Section 332. (CS) The Community Service District is provided in recognition of the need to allocate adequate space in appropriate location to major commercial sales, service and repair establishments and certain processing establishments serving the community-at-large.

The Community Service District is intended for sales, service, repair, and certain processing establishments serving a large trade area, usually a whole community. The trade area population served by these establishments requires easy access to major traffic routes. It is the intent of the District regulations that establishments desiring locations along major traffic routes be grouped with appropriate and adequate accessways provided.

The Community Service District provides an appropriate setting and environment for the location of wholesale or retail sales of major vehicle dealers, miscellaneous aircraft, marine and automotive dealers which entail extensive, permanent, visible outside storage and display areas. A Conditional Use Permit (Section VIII of this Resolution) is required in order to minimize the impact of extensive outside storage and display on adjacent residential or commercial land uses and public right-of-way.

Planned Commercial Districts

Section 420. (SCPD) The **Select Commercial Planned District** is intended to provide an innovative approach to commercial developments in the unincorporated area of Perry Township.

In some cases, the standard commercial and industrial zoning districts do not provide sufficient flexibility to allow a beneficial mixture of related commercial, industrial and open space land uses. In addition, the standard commercial and industrial zoning districts do not in all cases permit a creative use of land and related physical development in areas where an orderly transition of land uses from residential to nonresidential activities is appropriate. An example would be undeveloped land in a primarily residential area adjacent to an existing or planned major highway. Continued residential development may not be appropriate. Nonresidential development of a specified type, character and mix may be suitable with proper controls.

The Select Commercial Planned District is intended to provide an applicant for a zoning map amendment and the community with the controls necessary to ensure compatibility and integration of the select commercial area with the surrounding environment. Performance criteria is included in the Select Commercial Planned District in order to promote the development of an overall design concept designed to be compatible with the surrounding environment.

The requirements for an overall design plan and the selection of specific commercial uses to be applied to an individual application are intended to ensure that the plan can be evaluated on its merits for compatibility with existing conditions and the surrounding environment. This procedure is designed to protect the character of both substantially developed and developing areas as appropriate.

Section 427. (PSC) The **Planned Shopping Center District** is provided in recognition that many commercial establishments seek to develop within unified commercial areas usually under single ownership and control, and typically called "shopping centers". These centers have all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. Because these concentrations of retail and service establishments are generally stable and offer unified internal arrangement and development, potentially detrimental effects can

be better controlled. For these reasons, the Planned Shopping Center District is allowed greater development latitude and usually will occur in close proximity to the residential areas served.

The Planned Shopping Center District is intended to provide areas having adequate development and expansion space, parking, service, utilities, and other facilities. Because the development of the Planned Shopping Center District takes place in accordance with an approved development plan, adequate separation from adjacent areas and other land use can be achieved. In general, such development is a good neighbor to surrounding areas of other land use and a visual asset to the total community. Buildings within this District are to be architecturally attractive and the tract well landscaped. Parking and loading areas are to be screened and pedestrian-vehicular separation achieved. The relationship among individual establishments is to be harmonious, and inasmuch as the principal tenant and the size of the center have much to do with its physical character, relationship to the community, and economic success, these factors should be of concern in considering a Planned Shopping Center District application. Furthermore, it is intended that the Planned Shopping Center District and the area surrounding it be protected from the intrusion of unrelated or dissimilar

land uses, except those clearly complimentary, supplementary, and physically compatible with the development of the center and the vicinity.

Section 435. (PHS) The Planned Highway Service District is provided in recognition of those land uses which serve the traveler. Such uses are commercial service types and typically seek locations adjacent to heavily traveled cross-country roadways near freeway interchanges. Because these uses have unique locational, space, and physical development requirements, and because they are subject to the public view, their development is a concern to the entire community. Care must be taken to provide them adequate space in appropriate locations while maintaining the integrity and developmental character they possess as well as that of other land use areas in their vicinity.

The Planned Highway Service District is intended to provide highway service areas having adequate development space, parking, services, utilities, and other facilities. Because the development of the Planned Highway Service District takes place in accordance with a development plan, adequate separation from adjacent areas of other land use can be achieved. Development within the Planned Highway Service District can be a good neighbor, if care is taken to assure that the operational characteristics are so controlled as not to be in immediate and direct conflict with the function of adjacent land use areas of the street system.

THE INDUSTRIAL DISTRICTS

The Industrial Zoning Districts are intended to define and protect areas suitable to the development of a variety of industrial activities, and to set forth Development Standards for the mutual protection of industrial development and areas for other land use activity in the vicinity. Industry should be protected from the intrusion of other land uses which neither perform a function appropriate to an industrial environment nor provide an essential service to the establishments or the employees of the industrial area.

The Industrial Zoning Districts are intended to encourage the appropriate development and maintenance of industrial areas. Important in determining the location and size of these industrial areas is the accessibility of the location to regional transportation facilities, especially highways, the availability of public utilities, and the adequacy of fire and police protection. The topography of the area should be relatively level with no flood hazard. These industrial areas may be in close proximity to other land use areas, but wherever possible appropriate physical features should be used as boundaries.

The Standard Industrial Zoning District

Section 344. (LI) The Limited Industrial District is provided in recognition of the location and space needs of a broad range of industrial activities diverse in products, operational techniques, and size, but possessing compatible development characteristics and seeking similar locations. These industrial uses should be encouraged to group in industrial areas where greater economies can be achieved by sharing necessary services and facilities and where individual plant efficiency can be improved by a larger, appropriately developed, and stable industrial environment.

Planned Industrial District

Section 444. (PIP) The Planned Industrial District is provided in the recognition that many industrial establishments seek to develop within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. Because these industrial areas are generally stable and offer unified internal arrangement and development, potentially detrimental effects can be better controlled. For these reasons, the Planned Industrial District is allowed greater development latitude.

The Planned Industrial District is intended to provide industrial areas having adequate development and expansion space, parking, services, utilities, and other facilities. Because the development of a Planned Industrial District takes place in accordance with a predetermined development plan, adequate separation from areas of other land use and a visual asset to the total community can be achieved. Buildings within this district are to be architecturally attractive and well landscaped. Plant parking, storage, loading and processing operations are to be screened. The relationship among individual establishments within the district is to be harmonious, each having adequate space for the operation performed and all sharing those facilities necessary to industrial operations.

THE SPECIAL DISTRICTS

The Special Zoning Districts are intended to provide for the use or development of land under certain unique circumstances or developmental requirements that cannot be appropriately or adequately provided for in the provisions of the Standard of Planned Development Zoning Districts.

These Special Districts are to be delineated in addition to the Standard Zoning Districts and the Planned Development Districts by superimposing the Special Districts based on the criteria established for their delineation.

Section 610. The **Flood Plain Regulations** are provided in recognition of sections of the Township experiencing periodic flooding of low-lying land along certain rivers, creeks, streams and other natural water courses. This is of great public concern and the existence of such danger, damage or obstruction results in personal loss and in expenditure of public funds for the control of such flooding. It is the purpose of these regulations to prevent obstruction of the water channel and to protect structures and property from flood damage.

Section 620. The **Excavation and Quarry Regulations** are provided in recognition of the valuable resources of limestone, gravel, sand, and other minerals that exist in the Township.

The Excavation and Quarry Regulations are intended to ensure the preservation of land development which may exist in close proximity to these mineral deposits and to assure the rehabilitation of the extracted areas.

Section 630. The **Oil and Gas District Regulations** are provided in recognition of the potential resources of oil and natural gas in the Township.

The Oil and Gas District Regulations are intended to protect the citizens of Perry Township and to protect property from the danger of fire, explosion, gas, public nuisances and other hazards dangerous to public health, safety and welfare as a result of the drilling for and production of oil and natural gas. These Oil and Gas District Regulations are further intended to ensure the preservation of land development which may exist in close proximity to these mineral deposits and to assure the rehabilitation of the extracted area.

Section 640. The **Exceptional Use District** is provided in recognition of certain specified uses which are of such a nature as to warrant individual consideration and regulation due to the unique demands they place upon the public health, safety and morals and the requirements of location and development that generally are peculiar to these uses.

The Exceptional Use District is intended to allow these uses to be suitably located and developed to appropriate and necessary standards of development in relation to other land use and development with a minimum of conflict and without undue demand on the necessary public services and facilities. To this end

these uses are intended to be developed in a manner of appropriate architectural and landscape design with necessary space or other provisions regarding development or operation to overcome any obnoxious or hazardous effect on adjacent lands as such effect may be a potential in the proposed use.

**ARTICLE I
GENERAL PROVISIONS**

SECTION 100 AUTHORITY AND PURPOSE FOR ZONING RESOLUTION

100.01 AUTHORITY. This Zoning Resolution adopted under authority granted to Ohio Townships by the Legislature of the State of Ohio in Chapter 519, Ohio Revised Code. This Resolution and all provisions contained herein shall be known as the Perry Township Zoning Resolution and may be cited as such or as the Zoning Resolution.

100.02 PURPOSE OF ZONING. The purpose of this Zoning Resolution is as prescribed by Section 519.02, Ohio Revised Code.

SECTION 105 SCOPE OF THE ZONING RESOLUTION

105.01 TERRITORIAL LIMITS. The provisions of this Zoning Resolution shall apply to all land in the unincorporated territory of Perry Township.

SECTION 110 APPLICATION OF THE ZONING RESOLUTION

110.01 EXEMPT FROM REGULATION. The regulations set forth in this Zoning Resolution shall affect all land, every structure and every use of land or structure, except such structures and uses as are now specifically exempt by law or as may be hereafter amended by law or as is exempted by Section 110.015.

110.011 Agriculture. Except as otherwise provided herein, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning permit shall be required for any such use, building or structure. Notwithstanding the foregoing, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.13.1 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agricultural uses and structures are subject to the terms and conditions of this Resolution in the following manner:

- 1) Agricultural uses, except for well maintained gardens for personal consumption, are prohibited on lots of one acre or less.
- 2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to all setbacks, size and height requirements that apply in the underlying zoning district.
- 3) Dairying and animal and poultry husbandry are permitted on lots greater than one acre but not greater than five acres only until thirty-five percent of the lots in a platted subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Ohio Revised Code. After thirty-five percent of the lots in the subdivision is so developed; ongoing dairying and animal and poultry husbandry shall be considered a nonconforming use pursuant to Section 519.19 of the Ohio Revised Code and Section 110 of this Resolution. Dairying and animal and poultry husbandry, shall be prohibited on such lots after thirty-five percent of the lots are so developed.

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

- a) Farm markets that derive at least fifty percent of their gross income from produce raised on farms owned or operated by the farm market operator in a normal crop year are permitted in any zoning district, subject to the following regulations:
 - i) Temporary and seasonal buildings, tents, trailers and other structures associated with a seasonal and temporary farm market shall be placed outside of the road right-of-way and located at least 25 feet from the edge of any road pavement so as to safely allow for adequate ingress and egress and for customer off-street parking. Seasonal and temporary farm markets may use marked grassed areas reasonably cleared and limited in size for parking. In no case shall any portion of any road pavement be used for or considered customer parking to serve a farm market. If a culvert is required in order to obtain access to a seasonal and temporary farm market, then the farm market operator shall obtain a driveway permit from the appropriate governmental agency. Temporary and seasonal farm markets are farm markets that are open to the public and operate for no more than a total of ninety (90) calendar days in a calendar year. Any temporary and seasonal buildings, tents, trailers and other structures associated with a farm market remaining for more than ninety (90) days in a calendar year shall be considered structures associated with a permanent farm market and shall comply with the provisions of subsection B (2) below.
 - ii) All buildings and structures associated with a permanent farm market shall comply with the applicable setback requirements for the underlying zoning district. Parking for permanent farm markets shall be graveled or paved. Operators of a permanent farm market shall obtain a driveway permit from the appropriate governmental agency. Off-street parking shall be provided at a ratio of one space for each 100 square feet of farm market. Permanent farm markets are farm markets that are open to the public and operate for more than ninety (90) calendar days in a calendar year.
 - iii) No more than one sign for a permanent or temporary and seasonal farm market denoting the name and address of the operator, denoting produce or products for sale on the premises and denoting membership in organizations may be permitted on a property. Farm market signs shall all the applicable sign requirements for the underlying zoning district.

110.012 Public Utilities and Railroads. Public utilities or railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures for the operation of its business except as otherwise provided for telecommunication towers in Article III, hereof. (Ohio Revised Code 519.211)

110.013 Sale or Use of Alcoholic Beverages. The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted. (Section 519.211 Ohio Revised Code)

110.014 Outdoor Advertising. Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, trade or lands used for agricultural purposes. (Ohio Revised Code 519.20)

110.015 Governmental Functions. Any local, State or Federal activity carried on for the purpose of administrative, protective, executive, legislative or judicial function shall not be prohibited.

110.016 Medical Marijuana. Pursuant to resolution of the Perry Township Board of Trustees, cultivators, processors, and retail dispensaries of medical marijuana licensed under Ohio Revised Code Chapter 3796 are prohibited within the unincorporated territory of Perry Township.

110.02 NEW DEVELOPMENT. New development including the subdivision of land, construction and the use of land or structures shall conform with the regulations for the Zoning District in which such development is located.

110.021 New Subdivision. The subdivision or resubdivision of land shall not create lots less than the minimum size required for the Zoning District in which such land is located nor shall lots be provided or intended for uses not allowed in the Zoning District.

110.022 New Structures. New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Resolution and in accordance with the Subdivision Regulations of Franklin County, Ohio, and shall conform with the development standards of the Zoning Districts in which such construction is permitted, except as is otherwise provided for in paragraph 110.041.

110.023 New Uses. Any new use of land or a structure shall be a permitted use or a conditional use for the Zoning District in which such use is to be located.

110.03 EXISTING CONFORMING LOTS, STRUCTURES OR USES. Lots, structures, or the use of lots and/or structures which conform with the regulations of the Zoning District in which they are located may be continued; and may be altered, extended, or changed in accordance with the following:

110.031 Conforming Lots. A conforming lot may be changed, altered, enlarged or reduced in dimension; provided however, that the remaining lot and/or resulting lots shall conform to the development standards for the Zoning District in which the lot is located.

110.032 Conforming Structure. A conforming structure may be altered, reconstructed, or extended only in such manner as will comply with the development standards of the Zoning District in which the structure is located.

110.033 Conforming Use. A conforming use may be expanded, modified or changed only in such a manner as will comply with the permitted use, or conditional use regulations and with the development standards of the Zoning District in which the conforming use is located.

110.04 NON-CONFORMING LOTS, STRUCTURES OR USES. The following sections shall be considered together. Existing lots and structures and the use of lots and/or structures which would be prohibited under the regulations of the Zoning District in which they are located but which were, prior to the adoption or amendment of this Resolution, otherwise lawful, shall be considered as non-conforming. It is the intent of this zoning Resolution to permit these non-conforming situations to continue until they are removed, but not to encourage their continued use or expansion.

110.041 Non-Conforming Lots. The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of ARTICLE VIII, BOARD OF ZONING APPEALS.

Such non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership on the effective date of this amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

110.042 Non-Conforming Uses of Land and/or Structures. Where, at the time of adoption or amendment of this Resolution, lawful uses of land and/or structures exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided the following criteria are met:

- 1) Unless otherwise hereinafter specified, no non-conforming use (uses) of land shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption of amendment of this Resolution. However, in the event a tract of land is zoned commercial and is utilized exclusively as a residence, the residence may be expanded or permitted accessory structures added in conformance with the Residential Development Criteria of the R-4 Suburban Residential District Regulations.
- 2) No additional structure(s) not conforming to the requirements of this Resolution shall be erected in connection with existing non-conforming uses of land.
- 3) Any non-conforming use of a structure may be extended throughout any parts of such structure which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no use shall be extended to occupy any land outside such building.
- 4) No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations.
- 5) The non-conforming use of any structure that is damaged by fire, explosion, flood, riot or act of God may be continued and used as before any calamity, provided that the structure has not been destroyed to an extent of more than one-half (1/2) of its fair market value, and further provided that reconstruction of such structure is started within twelve (12) months of such calamity and is continued in a reasonable and diligent manner until completed.
- 6) If any non-conforming use of land and/or structure(s) is voluntarily discontinued for a period of two (2) years or more, any subsequent use of such land and/or structure(s) shall conform to the regulations specified by this Resolution for the district in which such land and/or structure(s) is located.

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

- 1) No non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof, may be altered to decrease its non-conformity.
- 2) Any non-conforming structure damaged by fire, explosion, flood, riot or act of God may be reconstructed provided that:
 - a) The structure has not been destroyed to an extent of more than one-half (1/2) of its fair market value,

- b) Reconstruction is started within twelve (12) months of the calamity and is continued in a reasonable and diligent manner until completed, and
 - c) The non-conformity of the structure, when reconstructed, is no more (but may be less) than before the calamity.
- 3) Should a non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - 4) To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently.
 - 5) On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became non-conforming shall not be increased. Upon the order of any official charged with protecting the public safety, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by such official.

110.044 Changes or Alterations to a Non-Conforming Use and/or Structure. On approval as a Conditional Use in accordance with Section 815 of this Resolution, a non-conforming use and/or structure may be changed or altered to another use and/or structure found to be more nearly in character with the Zoning District in which the non-conforming use and/or structure is located, provided that in addition to the requirements of Section 815, the Board of Zoning Appeals finds:

- 1) That the proposed use and/or structure is equally appropriate or more appropriate to the district than the existing non-conformity;
- 2) That the nature, predominate character, and the intensity of the use and/or structure is equally or more appropriate than the existing non-conformity; and
- 3) That the size, dimensional requirements, traffic generation potential, anticipated sign needs, parking requirements and other regulatory characteristics are no greater than the existing non-conformity.

**ARTICLE II
ZONING DISTRICT MAP**

SECTION 200 ZONING DISTRICT MAP ADOPTED

200.01 DIVISION OF LAND. All land in Perry Township within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning District Map of Perry Township, Franklin County, Ohio, which is hereby adopted and declared to be a part of this Zoning Resolution.

200.011 Identification of the Zoning District Map. The Zoning District Map, with any amendments made thereon, shall be identified by the signatures of the Board of Perry Township Trustees, Perry Township, Franklin County, Ohio under the following words:

"Zoning District Map, of Perry Township, Franklin County, Ohio. Adopted by the Board of Township Trustees, Perry Township, Franklin County, Ohio."

Board of Township Trustees
PERRY TOWNSHIP, FRANKLIN COUNTY, OHIO

DATE

SECTION 201 DESIGNATION OF ZONING DISTRICTS

201.01 STANDARD ZONING DISTRICTS. The name and symbol for Standard Zoning Districts as shown on the Zoning District Map are as follows:

	<u>NAME</u>	<u>SYMBOL</u>
201.012 Residential	Restricted Suburban Residential	R-1
	Limited Suburban Residential	R-2
	Suburban Residential	R-4
	Suburban Apartment Residential	R-24
201.013 Office	Suburban Office and Institutional	SO
201.014 Commercial	Neighborhood Commercial	NC
	Community Commercial	CC

201.015 Service	Community Service	CS
201.016 Industrial	Limited Industrial	LI

201.02 PLANNED DEVELOPMENT ZONING DISTRICT. The name and symbol for Planned Development Zoning Districts as shown on the Zoning District Map or as prescribed by this Zoning Resolution are as follows:

201.021 Planned Residential	Planned Low Density Residential	PR-6
	Planned Mobile Home Residential	PR-10
	Planned Medium Density Residential	PR-12
201.022 Commercial and Service	Select Commercial Planned District	SCPD
	Planned Shopping Center	PSC
	Planned Highway Service	PHS
201.023 Planned Industrial	Planned Industrial Park	PIP

201.03 SPECIAL DISTRICTS. The name and symbol or pattern for Special Districts as shown on the Zoning District Map or as prescribed by this Zoning Resolution are as follows:

201.031 Flood Plain	Floodplain	FP
201.032 Excavation and Quarry	Excavation and Quarry	EQ
201.033 Oil and Gas	Oil and Gas	OG
201.034 Exceptional Use	Exceptional Use	EU

201.08 LEGEND. There shall be provided on the Zoning District Map a legend which shall list the name and symbol for each Zoning District.

201.081 USE OF COLOR OR PATTERN. In lieu of a symbol, a color or black and white pattern may be used on the Zoning District Map to identify each Zoning District as indicated in the Legend. A Planned Zoning District boundary shall be in green. A Special District shall have a black and white pattern.

201.082 EXPLNATORY NOTES. A Residential Zoning District symbol is suffixed by a number which indicates the general number of dwelling units per acre of land obtainable under the regulations of the Residential Zoning District.

A Planned Zoning District is prefixed by the letter "P".

SECTION 205 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

205.01 RULES FOR DETERMINATION. When uncertainty exists with respect to the boundaries of Zoning Districts as shown on the Zoning District Map, the following rules shall apply:

205.011 Along a Street or Other Right-of-Way. Where Zoning District boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement or other right-of-way, or a river, creek or other watercourse, such center line shall be the Zoning District boundary.

205.012 Along a Property Line. Where Zoning District boundary lines are indicated as approximately following a lot line, such lot line shall be the Zoning District boundary; provided, however, that where a street or highway located in the unincorporated territory of Perry Township abuts a lot line, the Zoning District boundary shall extend from such lot line to and include that portion of such street or highway from the lot line to the center line of the abutting street or highway

205.013 Parallel to Right-of-Way or Property Line. Where Zoning District boundary lines are indicated as approximately being parallel to a center line or a property line, such Zoning District boundary lines shall be parallel thereto and, in the absence of specified dimension on the map, at such scaled distance therefrom as indicated on the Zoning District Map.

205.014 Actual Conflict with Map. When the actual street or lot layout existing on the ground is in conflict with that shown on the Zoning District Map, the party alleging that such a conflict exists, shall furnish an actual survey for interpretation by the Board of Perry Township Trustees.

**ARTICLE III
STANDARD DISTRICT REGULATIONS**

SECTION 300 ADOPTION OF THE STANDARD ZONING DISTRICT REGULATIONS AND RULES OF APPLICATION

300.01 REGULATION OF THE USE AND DEVELOPMENT OF LAND AND STRUCTURES. Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the Zoning Districts as adopted as a Standard Zoning District in ARTICLE II, and as shown on the Zoning District Map are hereby established and adopted.

300.02 RULES OF APPLICATION. The Standard District Regulations set forth in this ARTICLE III shall be interpreted and enforced according to the following rules:

300.021 Identification of Uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.

When a listed use has a number preceding the name it is the code number and activity title as listed in the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget (Washington, 1957) including the 1973 and 1977 supplements.

Group code and title (three (3) digits) shall include all industry codes and titles listed in the group other than those specifically excepted.

Industry code and title (four (4) digits) shall include all activities listed under the industry code other than those specifically excepted.

The full text of the listings in the Standard Industrial Classification Manual shall be a part of the definition of the use listed in this Zoning Resolution and is hereby adopted as a part of this ARTICLE III.

300.022 Permitted Uses. Only a use designated as a Permitted Use shall be allowed as matter of right in a Zoning District and any use not so designated shall be prohibited except, when in character with the Zoning District, such additional use may be added to the Permitted Uses of the Zoning District by amendment of this Resolution.

300.023 Conditional Use. A use designated as a Conditional Use may be allowed in a Zoning District when such Conditional Use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District. To this end the Board of Zoning Appeals shall, in addition to the Development Standards for the Zoning District, set forth such additional requirements as will, in its judgment, render the Conditional Use compatible with the existing and future use of adjacent lots and the vicinity.

300.024 Development Standards. The Development Standards set forth shall be minimum allowed for development in a Zoning District. If the Development Standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern.

SECTION 302 (R-1) RESTRICTED SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

302 (R-1) Restricted Suburban Residential District Regulations

302.02 Permitted Uses. Land and buildings in the RESTRICTED SUBURBAN RESIDENTIAL DISTRICT shall be used only for the following purposes:

302.021 Dwelling Structures. One-family dwelling structures.

302.022 Home Occupation. Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

302.023 Accessory Uses. Accessory buildings and uses in association with permitted dwellings as specified in SECTION 512, ARTICLE V.

302.024 Public School and Parks. Public school offering general educational courses and having no rooms regularly used for housing or sleeping of students.

Parks, playgrounds, and playfields open to the public without fee.

302.025 Private School. Private school offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot of not less than five (5) acres.

302.026 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

302.027 Residential Care Facility. Residential Care Facility in accordance with Section 510, Article V.

302.028 Child Day Care Type B Home.

302.029 Adult Family Home.

302.03 CONDITIONAL USE. The following uses may be allowed in the RESTRICTED SUBURBAN RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

302.031 Borrow Pit. A Borrow Pit in accordance with the requirements of SECTION 620, REGULATIONS FOR EXCAVATION AND QUARRY, ARTICLE VI; and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of approval.

302.032 Arrangement of Structures. Arrangement of structures in accordance with the provisions of SECTION 506, ARTICLE V.

302.033 Telecommunication Towers. Public utilities or other functionally equivalent providers may site a telecommunications tower as a permitted use in any zoning district except those expressly zoned for residential use. The areas zoned for residential use shall be deemed to be all land located within the following districts: Restricted Suburban Residential District (R-1); Limited Suburban Residential District (R-2); Suburban Residential District (R-4); Suburban Apartment Residential District (R-24); Exceptional Use District (EU), if a residential use component is included; and all Planned Residential Zoning Districts. Local zoning authority shall

not extend to the regulation of maintenance or use of such a tower or to any change or alteration that would not substantially increase the tower's height. Local zoning authority over proposed telecommunications towers shall apply only to a particular tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunication towers in residential districts unless and until a written objection has been timely filed.

Telecommunication towers may be regulated in areas zoned for residential use upon receipt of an objection pursuant to O.R.C. 519.211(B)(2). The provisions of this Resolution concerning telecommunication towers are not intended to replace or modify O.R.C. 519.211, but instead are intended to incorporate O.R.C. 519.211 and its terms into this Resolution. Any notice of an objection shall comply with the provisions of O.R.C. 519.211(B)(3). Upon timely receipt by the Perry Township Board of Trustees of an objection to a proposed telecommunication tower, the Board of Trustees shall proceed as provided in O.R.C. 519.211(B)(4)(a). Telecommunication towers shall be permitted as a use exempt from any local zoning authority in residential zoned areas if no objections are timely filed as provided in O.R.C. 519.211(B)(4)(b). If objections are timely filed consistent with O.R.C. 519.211(B) for a proposed telecommunications tower in a district zoned for residential use then the telecommunications may only be permitted as a conditional use by the Board of Zoning Appeals, provided that all of the following conditions of this Section are met. An application for conditional use shall be filed with the Board of Zoning Appeals.

- 1) Conditional Use Application Requirements. The application shall include:
 - a) A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
 - i) The location of all the applicant's existing facilities both within the Township and within one (1) mile of the proposed site.
 - ii) The general location of planned future facilities, if known.
 - iii) For each location shown on the plan, there shall be listed:
 - (a) the type and size of tower at each location;
 - (b) the type of equipment located or proposed on each tower;
 - (c) the space available on the tower for additional equipment;
 - (d) the ground network, if any, served by the tower; and
 - (e) a site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
 - iv) A site plan for the facility which is being applied for shall also be submitted containing:
 - (a) the location, type and size of existing and proposed towers, antennas and equipment located at the site;
 - (b) the location of existing and proposed buildings and structures, access easements and parking areas; and

- (c) detailed drawings of the screening plan and related design standards.
- v) A written certification from a professional engineer registered in accordance with the laws of the State of Ohio certifying the following:
 - (a) that the tower's design is structurally sound and in compliance with all applicable federal, state and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code;
 - (b) that the tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER); and
 - (c) that the tower will to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

2) General Requirements for all Telecommunications Towers.

- a) The applicant or tower provider shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary; a description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure. If another tower is technically suitable, the applicant must show that a request to co-locate was made and that such request was rejected.
- b) All towers shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with the authority to regulate such towers. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
- c) The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued. The owner/operator shall annually file a declaration with the Zoning Inspector which certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
- d) The owner/operator shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code.

3) Development Standards for all Telecommunications Towers.

- a) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code

that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.

- b) The maximum height of a tower shall not exceed 150 feet.
- c) The tower shall not be placed closer than 150 feet from any existing residential dwelling unit.
- d) The minimum lot size for which a tower is to be placed shall be two (2) acres.
- e) The tower shall be located no closer to a street right-of-way than 15 feet behind the established building setback line.
- f) A tower shall be set back from any adjoining property line a distance which is equal to the height of the tower as measured from its base.
- g) Security fencing shall be provided to prevent uncontrolled access to the tower site.
- h) The lot on which the tower is to be located shall meet the minimum frontage requirements of the district in which it is located.
- i) The tower shall be screened by a minimum eight (8) foot high solid masonry or textured concrete wall and, outside of and along the wall, a continuous evergreen hedge, trees or similar landscape materials of a size and type deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained within the screened area.
- j) The tower and related screening shall be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a non-corrosive monopole design.
- k) No advertising is permitted anywhere on the telecommunications tower facility with the exception of one identification sign not to exceed one square foot in size.
- l) The tower shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance. Also, all utility service to the tower shall be underground in accordance with applicable federal, state and local codes.
- m) Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.

- n) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony and certification of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed.
 - o) A tower may be attached to a residential or nonresidential building or structure that is a permitted use and structure in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached; and further provided that all requirements except those found in Items C 2, 7 and 9 are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the building or structure on which the tower is located, shall be screened by a minimum eight (8) foot high solid masonry or concrete wall and, outside of and along the wall, a continuous evergreen hedge, trees or similar landscape materials of a size and type deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid wall shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the tower area is kept free of weeds and trash.
- 4) Exception to Conditional Use Permit.

Telecommunications towers meeting the following conditions shall not be required to obtain a Conditional Use Permit, but shall be deemed to be permitted uses requiring a Certificate of Zoning Compliance.

- a) Should the owner/operator of a telecommunications tower desire to site a tower on property that falls under the direct ownership and with the consent of the Perry Township Board of Trustees, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements founding the following provisions are met: A 1 e (I) and (ii); B 2, 3 and 4; C 5, 7, 10, 11, 13 and 14.
- b) Should the owner/operator of a telecommunications tower desire to co-locate a tower on another existing telecommunications tower or on another utility structure (i.e., water tower) and such co-location will result in a substantial change in the height of the tower, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A 1 e (I) and (ii); B 2, 3 and 4; C 5, 7, 10, 11, 12 and 13. A substantial change in height shall mean the addition of more than 40 feet to the existing tower or structure.
- c) Should the owner/operator of a telecommunications tower desire to site a tower using a no-impact design (specifically meaning that the tower will be completely invisible to the casual observer by incorporating the tower within an existing structure such as inside a steeple), then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A 1 e (I) and (ii); B 2, 3 and 4; C 10, 11, 12 and 13.

302.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the RESTRICTED SUBURBAN RESIDENTIAL DISTRICT.

302.041 Lot Area and Coverage. For each dwelling unit there shall be a lot area not less than forty thousand (40,000) square feet per dwelling unit.

For each Permitted Use and Conditional Use the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.

One (1) principal use shall be permitted on a lot, and such lot shall not be covered more than forty percent (40%) by impervious surfaces including structures.

302.042 Lot Width. For a one-family dwelling there shall be a lot width of one hundred fifty (150) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty (60) feet or more.

For a Conditional Use, the lot width shall be adequate to meet the development standards of the RESTRICTED SUBURBAN RESIDENTIAL DISTRICT.

302.043 Side Yard. For dwellings or associated accessory buildings, there shall be a total of side yards of twenty-five (25) feet or more with a minimum eight (8) feet on one (1) side.

For a Conditional Use, except dwellings, and accessory structures thereto, there shall be a side yard on each side of a building of twenty-five (25) feet or more.

302.044 Rear Yard. For main buildings, there shall be a rear yard of twenty percent (20%) or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.

SECTION 303 BED AND BREAKFAST INNS The following shall apply to Bed and Breakfast Inns:

- 1) No more than five (5) bedrooms are available for overnight lodging each with a full bathroom;
- 2) The owner of the Bed and Breakfast Inn must reside on-site in the residence;
- 3) One (1) individual not residing in the Bed and Breakfast Inn may be employed in the operation of the Inn;
- 4) Adequate off-street parking must be available;
- 5) Adequate potable water and sewage disposal must be provided;
- 6) The maximum length of stay of any lodger is two (2) weeks; the Bed and Breakfast Inn shall not be a rooming or boarding house;
- 7) The outside appearance of the dwelling shall remain residential in appearance; and
- 8) One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a Bed and Breakfast Inn.

SECTION 306 (R-2) LIMITED SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

306.02 PERMITTED USE. Land and buildings in the LIMITED SUBURBAN RESIDENTIAL DISTRICT shall be used only for the following purposes:

306.021 Dwelling Structures. One-family dwelling structures.

306.022 Home Occupations. Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

306.023 Accessory Use. Accessory buildings and uses in association with permitted dwellings as specified in SECTION 512, ARTICLE V.

306.024 Public School and Parks. Public school offering general educational courses and having no rooms regularly used for housing or sleeping of students.

Parks, playgrounds, and playfields open to the public without fee.

306.025 Private School. Private school offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot of not less than five (5) acres.

306.026 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

306.027 Residential Care Facility. Residential Care Facility in accordance with Section 510, Article V.

306.028 Child Day Care Type B Home.

306.029 Adult Family Home.

306.03 CONDITIONAL USE. The following uses may be allowed in the LIMITED SUBURBAN RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

306.031 Dwelling Structures. Two-family dwelling structures. Structure must maintain appearance of single family residence including use of shared driveway.

306.032 Child Care. Kindergarten or child care facilities as an accessory use of a dwelling. There shall be an outdoor play area of two hundred (200) square feet or more per child. Such play area shall be arranged in accordance with the provisions of this district for accessory uses and shall be enclosed with a fence that is of sufficient strength and protective character to a height of four (4) feet, but not more than six (6) feet.

306.033 Borrow Pit. A Borrow Pit in accordance with the requirements of SECTION 605, REGULATIONS FOR EXCAVATION AND QUARRY, ARTICLE VI; and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of approval.

306.034 Arrangement of Structures. Arrangement of structures in accordance with the provisions of SECTION 506, ARTICLE V.

306.035 Telecommunications Towers. As provided for in Section 302.033.

306.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the LIMITED SUBURBAN RESIDENTIAL DISTRICT.

306.041 Lot Area and Coverage. For each dwelling unit there shall be a lot area not less than twenty thousand (20,000) square feet per dwelling unit.

For all other Permitted Use and Conditional Use, the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.

Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than forty percent (40%) by impervious surfaces including structures.

306.042 Lot Width. For a one-family dwelling, there shall be a lot width of one hundred (100) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty (60) feet or more.

For a Conditional Use, the lot width shall be adequate to meet the development standards of the LIMITED SUBURBAN RESIDENTIAL DISTRICT.

306.043 Side Yard. For dwellings or associated accessory buildings, there shall be a total of side yards of twenty (20) feet or more with a minimum of eight (8) feet on one (1) side.

For a Conditional Use, except dwellings and accessory structures thereto, a side yard shall be maintained per applicable conditional use requirements.

306.044 Rear Yard. For main buildings, there shall be a rear yard of twenty percent (20%) or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.

SECTION 308 (R-4) SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

308.02 PERMITTED USE. Land and buildings in the SUBURBAN RESIDENTIAL DISTRICT shall be used only for the following purposes:

308.021 Dwelling Structures. One-family dwelling structures.

308.022 Home Occupation. Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

308.023 Accessory Uses. Accessory buildings and uses in association with permitted dwellings as specified in SECTION 512, ARTICLE V.

308.024 Public School and Parks. Public school offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot of not less than five (5) acres.

308.026 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

308.027 Residential Care Facility. Residential Care Facility in accordance with Section 510, Article V.

308.028 Child Day Care Type B Home.

308.029 Adult Family Home.

308.03 CONDITIONAL USE. The following uses may be allowed in the SUBURBAN RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

308.031 Dwelling Structures. Two-family dwelling structures. Structure must maintain appearance of single-family residence including use of shared driveway.

Town House structures. Structure must maintain appearance of single-family residence including use of shared driveway.

308.032 Child Care. Kindergarten or child care as an accessory use of a dwelling. There shall be an outdoor play area of two hundred (200) square feet or more per child. Such play area shall be arranged in accordance with the provisions of this district for accessory uses and shall be enclosed with a fence that is of sufficient strength and protective character to a height of four (4) feet, but not more than six (6) feet.

308.033 Arrangement of Structures. Arrangement of structures in accordance with the provisions of SECTION 506, ARTICLE V.

308.034 Telecommunications Towers. As provided for in Section 302.033.

308.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings shall be required in the SUBURBAN RESIDENTIAL DISTRICT.

308.041 Lot Area and Coverage. For each dwelling unit there shall be a lot area not less than ten thousand (10,000) square feet, except where both central sewer and water are available. In such cases, the lot area may be reduced to eighty-five hundred (8,500) square feet per dwelling unit.

For all other Permitted Use and Conditional Use, the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.

Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than forty percent (40%) by impervious surfaces including structures.

308.042 Lot Width. For a dwelling, there shall be a lot width of eighty (80) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty (60) feet or more.

For a Conditional Use, the lot width shall be adequate to meet the development standards of the SUBURBAN RESIDENTIAL DISTRICT.

308.043 Side Yard. For dwellings or associated accessory buildings, there shall be a total of side yards of twenty (20) feet or more with a minimum of eight (8) feet on one (1) side.

For a Conditional Use, except dwellings and accessory structures thereto, there shall be a side yard on each side of a building of twenty-five (25) feet or more.

308.044 Rear Yard. For main buildings, there shall be a rear yard of twenty percent (20%) or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required

SECTION 318 (R-24) SUBURBAN APARTMENT RESIDENTIAL DISTRICT REGULATIONS

318.02 PERMITTED USE. Land and buildings in the SUBURBAN APARTMENT RESIDENTIAL DISTRICT shall be used only for the following purposes:

318.021 Dwelling Structures. Two-family dwelling structures.

Town House dwelling structures.

Apartment dwelling structures containing not more than three (3) stories of dwelling units, and/or twelve (12) dwelling units.

318.022 Home Occupation. Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

318.023 Accessory Uses. Accessory buildings and uses in association with permitted dwellings as specified in Section 512, ARTICLE V.

318.024 Public School and Parks. Public school offering general educational courses and having no rooms regularly used for housing or sleeping of students.

318.025 Private School. Private school offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided it occupies a lot of not less than five (5) acres.

318.026 Religious. Church or other place of worship, provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats of similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

318.027 Residential Care Facility. Residential Care Facility in accordance with Section 510, Article V.

318.028 Child Day Care Type B Home.

318.029 Adult Family Home.

318.03 CONDITIONAL USE. The following uses may be allowed in the SUBURBAN APARTMENT RESIDENTIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

318.031 Dwelling Structures. An apartment dwelling structure of more than three (3) stories of dwelling units and/or containing more than twelve (12) dwelling units.

318.032 Child Care. Kindergarten or child care as an accessory use of a dwelling. There shall be an outdoor play area of two hundred (200) square feet or more per child. Such play area shall be arranged in accordance with the provisions of this district for accessory uses and shall be enclosed with a fence that is of sufficient strength and protective character to a height of four (4) feet, but not more than six (6) feet.

318.033 Arrangement of Structures. Arrangement of structures in accordance with the provisions of SECTION 506, ARTICLE V.

319.034 Telecommunications Towers. As provided for in Section 302.033.

318.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings shall be required in the SUBURBAN APARTMENT RESIDENTIAL DISTRICT.

318.041 Lot Area and Coverage. For each main structure, there shall be a lot area not less than seventy-two hundred (7,200) square feet.

For each dwelling unit, there shall be provided a minimum of eighteen hundred (1800) square feet of lot area, and land shall not be developed at a higher density than twenty-four (24) dwelling units per acre devoted to permitted uses.

Only one (1) main structure shall be permitted on a lot, and such lot shall not be covered more than sixty percent (60%) by structure and required off-street parking.

318.042 Lot Width. For a two-family dwelling, there shall be a lot width of sixty (60) feet or more at the front line of the dwelling, and for each dwelling unit more than two (2), there shall be required an additional ten (10) feet of lot width. However, a lot width at the front line of the dwelling shall not be required to exceed one hundred fifty (150) feet. Such lot shall have access to and abut on a public right-of-way for a distance of two-thirds (2/3) of the required lot width; but such distance shall not be required to exceed one hundred (100) feet.

For a Conditional Use, the lot width shall be adequate to meet the development standards of the SUBURBAN APARTMENT RESIDENTIAL DISTRICT.

318.043 Side Yard. For dwellings or associated accessory buildings, there shall be a side yard not less than one-sixth (1/6) the sum of the height of the structure and the length of the wall most nearly parallel to side lot line; but in no case shall the side yard be less than eight (8) feet.

For a Conditional Use, except dwellings and accessory structures thereto, there shall be a side yard on each side of a building of twenty-five (25) feet or more.

318.044 Rear Yard. For main buildings, there shall be a rear yard of twenty percent (20%) or more of the lot depth, except a rear yard of more than thirty (30) feet shall not be required.

SECTION 322 (SO) SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT

322.02 PERMITTED USE. The following uses shall be permitted in the SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT.

322.021 Residential. Dwellings ancillary to permitted institutional uses.

322.022 Administrative and Business. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

- 153 Operative Builders, Office
- 602 Commercial and Stock Savings Banks
- 603 Mutual Savings Banks
- 604 Trust Companies Not Engaged in Deposit Banking
- 605 Establishments Performing Functions Closely Related to Banking

- 611 Rediscount and Financing Institutions for Credit Agencies Other Than Banks
- 612 Savings and Loan Associations
- 613 Agricultural Credit Institutions
- 614 Personal Credit Institutions
- 615 Business Credit Institutions
- 616 Mortgage Bankers and Brokers
- 621 Security Brokers, Dealers and Flotation Companies
- 622 Commodity Contracts Brokers and Dealers
- 623 Security and Commodity Exchanges
- 628 Services Allied with the Exchange of Securities or Commodities
- 631 Life Insurance
- 632 Accident and Health Insurance and Medical Service Plans
- 633 Fire, Marine, and Casualty Insurance
- 635 Surety Insurance
- 636 Title Insurance
- 637 Pension, Health and Welfare Funds
- 639 Insurance Carriers, not elsewhere classified
- 641 Insurance Agents, Brokers and Service
- 651 Real Estate Operators (except Developers) and Lessors
- 653 Real Estate Agents and Managers
- 654 Title Abstract Companies
- 655 Sub dividers and Developers
- 661 Combinations of Real Estate, Insurance, Loans, Law Offices
- 671 Holding Offices
- 672 Investment Companies
- 673 Trusts
- 679 Miscellaneous Investing

322.023 Professional. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.

- 074 Offices of Veterinarians and Animal Hospitals
- 801 Offices of Physicians
- 802 Offices of Dentists
- 803 Offices of Osteopathic Physicians
- 804 Offices of Other Health Practitioners
- 805 Nursery and Personal Care Facilities
- 807 Medical and Dental Laboratories
- 808 Outpatient Care Facilities
- 809 Health and Allied Services
- 811 Legal Services
- 891 Engineering, Architectural and Surveying Services
- 893 Accounting, Auditing, and Bookkeeping Services
- 899 Services, not elsewhere classified

322.024 Institutions. Institutions providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public.

- 806 Hospitals
- 821 Elementary and Secondary Schools
- 822 Colleges, Universities, Professional Schools and Junior Colleges

- 823 Libraries
- 841 Museums and Art Galleries
- 866 Religious Organizations

322.025 Organizations and Associations. Organizations and associations, organized on profit-making or nonprofit-making basis, for the promotion of membership interests.

- 861 Business Associations
- 862 Professional Membership Organizations
- 863 Labor Unions and Similar Labor Organizations
- 864 Civic, Social, and Fraternal Associations
- 865 Political Organizations
- 869 Membership Organizations, not elsewhere Classified

322.026 Residential Care Facility. Residential Care Facility in accordance with Section 510, Article V.

322.03 CONDITIONAL USE. The following uses may be allowed in the SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

322.031 Drive-In Facility. Drive-in or outdoor service facilities developed in association with a PERMITTED USE.

322.032 Personal Service. Personal services generally involving the care of the person or his apparel.

- 722 Photographic Studios, Portrait
- 723 Beauty Shops
- 724 Barber Shops
- 726 Funeral Service and Crematories

322.033 Educational and Research. Educational and Research establishments engaged in providing tangible and intangible services to members of the general public.

- 7391 Research, Development, and Testing Laboratories
- 8243 Data Processing Schools
- 8244 Business and Secretarial Schools
- 8249 Vocational Schools, except vocation high schools, not elsewhere classified
- 829 School and Educational Services, not elsewhere Classified
- 892 Nonprofit Educational, Scientific and Research Agencies

322.034 Food and Lodging. Food and lodging include commercial establishments and institutions engaged in furnishing lodging and meals on a fee basis.

- 581 Eating and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services as defined in Section 720, ARTICLE VII)
- 702 Rooming and Boarding Houses
- 704 Organization Hotels and Lodging Houses on Membership Basis

322.035 Social Services. Establishments providing social services and rehabilitation services to those persons with social or personal problems requiring special services and to the handicapped and the disadvantaged. Also included are organizations soliciting funds to be used directly for these and related services.

- 832 Individual and Family Social Services
- 833 Job Training and Vocational Rehabilitation Services
- 835 Child Day Care Services
- 839 Social Services, not elsewhere classified

322.036 Small Wind Projects less than 5MW. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection, or siting of a Small Wind Project less than 5MW, including the wind turbine generator or anemometer or any parts thereof, shall be a Conditional Use in all Standard Commercial Zoning Districts, Planned Commercial Districts, Industrial Districts and Planned Industrial Districts. Wind Projects are prohibited in all other Zoning Districts. The following conditions shall be met for a Conditional Use Permit:

1) Development Standards for all Small Wind Projects.

- a) Height: The maximum height of any turbine shall not exceed 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
- b) Setbacks: Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at.
- c) Maintenance: Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused tower wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months shall be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
- d) Decibel Levels: Decibel levels shall not exceed those provided by the manufacturer as requested in Section 2. a) v. below.
- e) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.
- f) Warning Signs: Appropriate warning signs to address voltage shall be posted.
- g) Fencing: Security fencing shall be provided to prevent uncontrolled access to the Wind Turbine and related Accessory Structure.

- h) Building Permits: All Small Wind Projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Regulations where required.
- i) Ownership: Where the Wind Turbine and related Accessory Structures are located on property which is not owned by the wind turbine operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property.

2. Conditional Use Application Requirements.

- a) A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
 - i) A site plan containing the proposed location, type, total size and height of the Wind Turbine and related Accessory Structures
 - ii) If applicable, the total size and depth of the unit's foundation structure as well as soil and bedrock data.
 - iii) A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
 - iv) Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - v) The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 - vi) Hazardous materials containment and disposal plan.
 - vii) Location of all public and private airports in relation to the location of the wind turbine.
 - viii) A site plan showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
 - ix) Evidence of an established setback of 1.1 times the height of the wind turbine and "clear fall zone."
 - x) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
- b) As part of the conditional use process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

322.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT.

322.041 Intensity of Use. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS.

One (1) or more main buildings or PERMITTED USES may be placed on a lot; however, main and accessory structures shall not occupy more than fifty percent (50%) of a lot, nor in total gross floor area exceed eighty percent (80%) of the lot area.

322.042 Lot Width. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these DEVELOPMENT STANDARDS.

322.043 Side Yard. A side yard shall be required adjacent to a Residential Zoning District or Planned Development Zoning District as listed in SECTION 201, ARTICLE II. Such required side yards shall be not less than fifteen (15) feet for a single story building. For each additional story the minimum required side yard increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Development Zoning District there is no specific side yard required, but sufficient side yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

322.044 Rear Yard. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District as listed in SECTION 201, ARTICLE II. Such required rear yards shall be not less than fifteen (15) feet, except when adjacent to a dedicated alley of not less than twenty (20) feet, for a single story building. For each additional story the minimum required rear yard increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Development Zoning District there is no specific rear required, but sufficient rear yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

SECTION 325 (NC) NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS

325.02 PERMITTED USE. The following uses shall be permitted in the NEIGHBORHOOD COMMERCIAL DISTRICT:

325.021 Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods (including the buying or processing of goods for resale).

- 5251 Hardware Stores
- 541 Grocery Stores
- 542 Meat and Fish (Sea Food) Markets, including freezer provisions
- 543 Fruit Stores and Vegetable Markets, including freezer provisions
- 544 Candy, Nut and Confectionery Stores
- 545 Dairy Products Stores
- 546 Retail Bakeries
- 591 Drug Stores and Proprietary Stores
- 592 Liquor Stores
- 5992 Florists

325.022 Personal Services. Personal services generally involving the care of the person or his personal effects.

- 581 Eating and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services as defined in Section 720, ARTICLE VII)
- 7212 Garment Pressing, and Agents for Laundries and Dry Cleaners
- 7215 Coin-operated Laundries and Dry cleaning

- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair Shops, Shoe Shine Parlors and Hat Cleaning Shops

325.023 Business and Professional Offices. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.

- 602 Commercial and Stock Savings Banks
- 612 Savings and Loan Associations

- 614 Personal Credit Institutions
- 641 Insurance Agents, Brokers and Service
- 653 Real Estate Agents and Managers
- 661 Combinations of Real Estate, Insurance, Loans, Law Offices
- 801 Offices of Physicians and Surgeons
- 802 Offices of Dentists and Dental Surgeons
- 803 Offices of Osteopathic Physicians
- 8041 Offices of Chiropractors
- 811 Legal Services

325.024 Additional Uses Permitted. Those uses which are permitted in the Suburban Office Zoning District shall also be classified as permitted uses in the Neighborhood Commercial Zoning District.

325.03 CONDITIONAL USE. The following uses may be allowed in the NEIGHBORHOOD COMMERCIAL DISTRICT subject to approval in accordance with SECTION 815, ARTICLE VIII.

325.031 Automotive Services.

- 554 Gasoline Service Stations provided no portion of a structure or its appurtenances, including ancillary, associated, or auxiliary equipment, shall be located in front of the established building line.

325.032 Drive-in Facility. Drive-in or outdoor service facility developed in association with a PERMITTED USE.

325.033 Additional Conditional Uses Permitted. Those uses which are permitted as a Conditional Use in the Suburban Office Zoning District shall also be classified as Conditional Uses in the Neighborhood Commercial Zoning District.

325.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings shall be required in the NEIGHBORHOOD COMMERCIAL DISTRICT.

325.041 Intensity of Use. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS.

325.042 Lot Width. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these DEVELOPMENT STANDARDS.

325.043 Side Yard. A side yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District as listed in SECTION 201, ARTICLE II. Such required side yards shall be not less than fifteen (15) feet for a single story building. For each additional story the minimum required side yard increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Development Zoning District there is no specific side yard required, but sufficient side yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

325.044 Rear Yard. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District as listed in SECTION 201, ARTICLE II. Such required rear yards shall be not less than twenty (20) feet for a single-story building. For each additional story the minimum required side rear increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Development Zoning District there is no specific rear yard required, but sufficient rear yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet wide.

SECTION 328 (CC) COMMUNITY COMMERCIAL DISTRICT REGULATIONS

328.02 PERMITTED USE. The following uses shall be permitted in the COMMUNITY COMMERCIAL DISTRICT.

328.021 Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods (including the buying or processing of goods for resale).

General Merchandise

- 5251 Hardware Stores
- 531 Department Stores
- 533 Variety Stores
- 539 Miscellaneous General Merchandise Stores
- 596 Non-store Retailers

Food

- 541 Grocery Stores
- 542 Meat and Fish (Sea Food) Markets, including freezer provisioners
- 543 Fruit Stores and Vegetable Markets, including freezer provisioners
- 544 Candy, Nut, and Confectionery Stores
- 545 Dairy Products Stores
- 546 Retail Bakeries
- 549 Miscellaneous Food Stores

Apparel

- 561 Men's and Boy's Clothing and Furnishings Stores
- 562 Women's Ready-to-Wear Stores
- 563 Women's Accessory and Specialty Stores
- 564 Children's and Infants' Wear Stores
- 565 Family Clothing Stores

- 566 Shoe Stores
- 568 Furriers and Fur Shops
- 569 Miscellaneous Apparel and Accessory Stores

Home Furnishings

- 571 Furniture, Home Furnishings and Equipment Stores, except appliances
- 572 Household Appliance Stores
- 573 Radio, Television and Music Stores

Eating and Drinking Places

- 581 Eating and Drinking Places, (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services as defined in Section 720, ARTICLE VII)

Miscellaneous Retail

- 591 Drug Stores and Proprietary Stores
- 592 Liquor Stores
- 593 Used Merchandise Stores
- 5941 Sporting Goods Stores and Bicycle Shops
- 5942 Book Stores (Excluding Adult Book Stores as defined in Section 720, Article VII)
- 5943 Stationery Stores
- 5944 Jewelry Stores
- 5992 Florists
- 5993 Cigar Stores and Stands
- 5994 News Dealers and News Stands
- 5945 Hobby, Toy, and Game Shops
- 5946 Camera and Photographic Supply Stores
- 5947 Gift, Novelty, and Souvenir Shops
- 5948 Luggage and Leather Goods Stores
- 5949 Sewing, Needlework, and Piece Goods Stores
- 594 Non-Store Retailer
- 5999 Miscellaneous Retail Stores, not elsewhere classified

328.022 Administrative, Business, and Professional Offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and possessions.

Finance

- 602 Commercial and Stock Savings Banks
- 603 Mutual Savings Banks
- 604 Trust Companies not engaged in Deposit Banking
- 605 Establishments Performing Functions Closely Related to Banking
- 612 Savings and Loan Associations
- 613 Agricultural Credit Institutions
- 614 Personal Credit Institutions
- 615 Business Credit Institutions
- 616 Mortgage Bankers and Brokers

- 671 Holding Offices
- 672 Investment Companies
- 673 Trusts
- 679 Miscellaneous Investing Insurance Carriers
- 631 Life Insurance
- 632 Accident and Health Insurance
- 633 Fire, Marine, and Casualty Insurance
- 635 Surety Insurance
- 636 Title Insurance
- 637 Pension, Health and Welfare Funds
- 639 Insurance Carriers, not elsewhere classified

Insurance Agents

- 641 Insurance Agents, Brokers and Service

Real Estate

- 153 Operative Builders
- 651 Real Estate Operators (except Developers) and Lessors
- 653 Real Estate Agents and Managers
- 654 Title Abstract Companies
- 655 Subdividers and Developers
- 661 Combinations of Real Estate, Insurance, Loans, Law Offices

Professional

- 801 Offices of Physicians and Surgeons
- 802 Offices of Dentists and Dental Surgeons
- 803 Offices of Osteopathic Physicians
- 804 Offices of Other Health Practitioners
- 807 Medical and Dental Laboratories
- 808 Outpatient Care Facilities
- 809 Health and Allied Services, not elsewhere classified
- 811 Legal Services
- 891 Engineering and Architectural Services
- 893 Accounting, Auditing and Bookkeeping Services

328.023 Personal and Consumer Service. Personal services generally involving the care of the person or his personal effects. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.

Personal

- 7212 Garment Pressing and Agents for Laundries and Dry Cleaners
- 7219 Laundry and Garment Services, not elsewhere classified
- 722 Photographic Studios, Portrait Photography
- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair Shops, Shoe Shine Parlors, and Hat Cleaning Shops
- 729 Miscellaneous Personal Service, (except Adults Only Entertainment Establishments as defined in Section 720, Article VII)

Business

- 731 Advertising

- 732 Consumer Credit Reporting Agencies, Mercantile Reporting Agencies and Adjustment and Collecting Agencies
- 733 Mailing, Reproduction, Commercial Art and Photography and Stenographic Services
- 735 News Syndicates
- 736 Personnel Supply Agencies
- 739 Miscellaneous Business Services, (except 7391, Research, Development and Testing Laboratories)

Automotive

- 554 Gasoline Service Stations

328.024 Additional Uses Permitted. Those uses which are permitted in the Suburban Office and Neighborhood Commercial Zoning Districts shall also be classified as permitted uses in the Community Commercial Zoning District.

328.03 CONDITIONAL USE. The following uses may be allowed in the COMMUNITY COMMERCIAL DISTRICT, subject to approval in accordance with SECTION 815, ARTICLE VIII.

328.031 Drive-in Facility or Open Display. Drive-in or outdoor service, or open display facility, developed in association with a PERMITTED USE, except for 544--Gasoline Service Station, when all of its lot lines are twenty-five (25) feet or more from a Residential Zoning District to a Planned Residential Zoning District as listed in SECTION 201, ARTICLE II.

328.032 Residential. Living quarters as an integral part of a PERMITTED USE structure.

328.033 Consumer Services. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.

Recreation (For Supplementary Development Standards and Information Requirements see below)

- 7832 Motion Picture Theaters (except Adult Motion Picture Theaters as defined in Section 720, ARTICLE VII unless otherwise permitted by Section 328.034)
- 7911 Dance Halls, Studios, and Schools
- 7921 Theatrical Producers (except motion pictures), Bands, Orchestras, and Entertainers
- 793 Bowling Alleys and Billiard and Pool Establishments
- 7999 Swimming Pools, Skating Rinks, ice or roller
- 7993 Coin-operated Amusement Device Parlor - Game Room For purposes of this Resolution, four or more coin-operated amusement devices contained within a single structure shall constitute an amusement device parlor or game room and shall be required to obtain a Conditional Use Permit in accordance with this Section and Section 815, ARTICLE VIII.

Supplementary Development Standards and Information Requirements. Uses listed under Consumer Services, Recreation shall be subject to the submission of a Conditional Use Permit. Unless otherwise specified, the following information shall be considered by the Board of Zoning Appeals in determining the compatibility of the proposed Recreation Conditional Use with the existing and future use of adjacent lots and the vicinity. The applicant for a Conditional Use Permit shall provide the following:

1. Anticipated traffic generation and circulation information, including an analysis of the capacity of affected Perry Township public streets to accommodate increased traffic resulting from the proposed Conditional Use listed in this Section.

2. Information stipulating hours of operation and proposed supervisory and operational controls designed to prevent adverse impacts on the Perry Township residential and business community.

Automotive

- 751 Automotive Rentals and Leasing without Drivers
- 752 Automobile Parking
- 754 Automobile Services, except Repair

328.034 Adults Only Entertainment and Material. Adult only entertainment establishments, Adult Book Stores, and Adult Motion Picture Theaters, as defined in Section 720, ARTICLE VII, or business offering any combination of such uses, shall be allowed in the Community Commercial District, subject to approval in accordance with Section 815, ARTICLE VIII, except that such uses shall not be permitted within 500 feet of the following areas and/or structures:

- 1) Residentially zoned district or use;
- 2) Church;
- 3) School;
- 4) Park or Playground; and

such a use shall not be permitted within 1,000 feet of another such Adult Only Entertainment, Adult Bookstore, or Adult Motion Picture Theater.

328.035 Additional Conditional Uses Permitted. Those uses which are permitted as a Conditional Use in the Suburban Office and Neighborhood Commercial Zoning Districts shall also be classified as Conditional Uses in the Community Commercial Zoning District.

328.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the COMMUNITY COMMERCIAL DISTRICT.

328.041 Intensity of Use. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS and the following provisions:

328.042 Lot Width. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these DEVELOPMENT STANDARDS.

328.043 Side Yard. A side yard shall be required adjacent to a Residential Zoning District or Planned Residential Zoning District as listed in SECTION 201, ARTICLE II. Such required side yards shall be not less than twenty five (25) feet for a single story building. For each additional story the minimum required side yard increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Development Zoning District there is no specific side yard required, but sufficient side yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

328.044 Rear Yard. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential Zoning District as listed in SECTION 201, ARTICLE II. Such required rear yards shall be not less than fifteen (15) feet, except when adjacent to a dedicated alley of not less than twenty (20) feet, for a single story building. For each additional story the minimum required rear yard increases an additional five (5) feet. If not

adjacent to Residential Zoning District or a Planned Development Zoning District there is no specific rear yard required, but sufficient rear yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet wide.

SECTION 332 (CS) COMMUNITY SERVICE DISTRICT REGULATIONS

332.02 PERMITTED USE. The following uses shall be permitted in the COMMUNITY SERVICE DISTRICT.

332.021 Retail Sales.

553 Auto and Home Supply Stores

Building Materials

521 Lumber and Other Building Materials Dealers

525 Hardware and Farm Equipment

526 Retail Nurseries, Lawn and Garden Supply Stores

Eating and Drinking

581 Eating and Drinking Places (except those establishments, offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services as defined in Section 720, ARTICLE VII)

332.022 Consumer Services. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.

Business Services

074 Offices of Veterinarians and Animal Hospitals

731 Advertising

733 Mailing, Reproduction, Commercial Art and Photography and Stenographic Services

734 Services to Dwellings and Other Buildings

739 Miscellaneous Business Services

Automotive

554 Gasoline Service Stations

Repair Services

762 Electrical Repair Shops

763 Watch, Clock, and Jewelry Repair

764 Reupholstery and Furniture Repair

769 Miscellaneous Repair Shops and Related Services

332.023 Additional Uses Permitted. Those uses which are permitted in the Suburban Office, Neighborhood Commercial and Community Commercial Zoning Districts shall also be classified as permitted uses in the Community Service Zoning District.

332.03 CONDITIONAL USE. The following uses may be allowed in the COMMUNITY SERVICE DISTRICT, subject to approval in accordance with SECTION 815, ARTICLE VIII.

332.031 Trade Services. Trade services establishments engaged in the general construction, maintenance, or repair of real or other tangible property.

Contractors

- 078 Landscape and Horticultural Services
- 152 General Building Contractors - Residential Buildings
- 154 General Building Contractors - Non-residential Buildings
- 161 Highway and Street Construction, except Elevated Highways
- 171 Plumbing, Heating (except electric), and Air Conditioning
- 172 Painting, Paper Hanging, and Decorating
- 173 Electrical Work
- 174 Masonry, Stonework, Tile Setting, and Plastering
- 175 Carpentering and Flooring
- 176 Roofing and Sheet Metal Work
- 177 Concrete Work
- 178 Water Well Drilling
- 179 Miscellaneous Special Trade Contractors

Automotive

- 751 Automobile Rental and Leasing without Drivers
- 752 Automobile Parking
- 753 Automobile Repair Shops
- 754 Automobile Services, except Repair

332.032 Storage and Wholesaling. Establishments primarily engaged in transporting, storing, handling, or selling merchandise to retailers, industrial, institutional, or professional users, or to other wholesalers, or acting as agents in buying or selling merchandise for such persons or companies.

- 421 Trucking, Local and Long Distance
- 422 Public Warehousing
- 501 Motor Vehicles and Automotive Parts and Supplies
- 502 Furniture and Home Furnishings
- 503 Lumber and Other Construction Materials
- 504 Sporting, Recreational, Photographic and Hobby Goods, Toys
- 505 Metals and Minerals, except Petroleum
- 506 Electrical Goods
- 507 Hardware and Plumbing and Heating Equipment and Supplies
- 508 Machinery, Equipment and Supplies
- 509 Miscellaneous Durable Goods
- 511 Paper and Paper Products
- 512 Drugs, Drug Proprietaries and Druggist's Sundries
- 513 Apparel, Piece Goods, and Notions
- 514 Groceries and Related Products
- 515 Farm-Product Raw Materials
- 516 Chemicals and Allied Products
- 517 Petroleum and Petroleum Products
- 518 Beer, Wine and Distilled Alcoholic Beverages
- 519 Miscellaneous Nondurable Goods

332.033 Local Processing. Establishments engaged in processing food and kindred products or printed matter primarily for local consumption.

- 2013 Sausages and Other Prepared Meat Products
- 2016 Poultry Dressing Plants

- 2024 Ice Cream and Frozen Desserts
- 2051 Bread and Other Bakery Products, Except Cookies and Crackers
- 2065 Candy and Other Confectionery Products
- 2086 Bottled and Canned Soft Drinks and Carbonated Waters
- 2097 Manufactured Ice
- 271 Newspapers: Publishing, Publishing and Printing
- 272 Periodicals: Publishing, Publishing and Printing
- 275 Commercial Printing
- 279 Service Industries for the Printing Trade

332.034 Retail Sales. Retail sales, motor vehicle dealers and miscellaneous aircraft, marine and automotive dealers.

- 551 Motor Vehicle Dealers (New and Used Cars)
- 552 Motor Vehicle Dealers (Used Cars Only)
- 555 Boat Dealers
- 556 Recreation and Utility Trailer Dealers
- 557 Motorcycle Dealers
- 559 Automotive Dealers, not elsewhere classified

332.035 Additional Conditional Uses Permitted. Those uses which are permitted as a Conditional Use in the Suburban Office, Neighborhood Commercial and Community Commercial Zoning Districts excepting Adults Only Entertainment and Material as listed in Section 328.034 shall also be classified as Conditional Uses in the Community Service Zoning District.

332.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings shall be required in the COMMUNITY SERVICE DISTRICT.

332.041 Intensity of Use. For uses listed in Section 332.034, there shall be a lot area of not less than one (1) acre in size abutting a public street or 32,670 square feet (3/4 acre) of lot size for a corner lot abutting two (2) intersecting streets. For all other uses in the COMMUNITY SERVICE DISTRICT, there is no minimum lot size required; however, lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS.

332.042 Lot Width. For uses other than those listed in Section 332.034, there is no minimum lot width required; however, all lots shall abut a public street right-of-way and have adequate width to provide the yard space required by these DEVELOPMENT STANDARDS.

For uses listed in Section 332.034, there shall be a lot width of not less than two hundred (200) feet abutting on and having access to a public street right-of-way. The lot abutment on a public street may be reduced to a sum of one hundred seventy-five (175) feet for a corner lot abutting two (2) intersecting streets.

332.043 Side Yard. A side yard shall be required adjacent to a Residential Zoning District or Planned Development Zoning District as listed in SECTION 201, ARTICLE II. Such required side yards shall be not less than twenty-five (25) feet for a single story building. For each additional story the minimum required side yard increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Development Zoning District there is no specific side yard required, but sufficient side yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

332.044 Rear Yard. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District as listed in SECTION 201, ARTICLE II. Such required rear yards shall be not less than twenty-five (25) feet for a single story building. For each additional story the minimum required rear yard increases an additional five (5) feet. If not adjacent to Residential Zoning District or a Planned Development Zoning District there is no specific rear yard required, but sufficient rear yard should be provided for any required greenspace or landscaping required by GENERAL DEVELOPMENT STANDARDS, Article V of this Zoning Resolution.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet wide.

332.045 DEVELOPMENT STANDARDS WAIVED. For those uses listed in Section 332.034, based upon a proper finding of facts in accordance with SECTION 815, ARTICLE VIII; Sections 332.041, Intensity of Use and 332.042, Lot Width requirements may be waived in accordance with the following:

- 1) In no case shall the lot abutment requirement on a public street be reduced to less than one hundred (100) feet abutting a public road right-of-way.
- 2) The proposed use listed in Section 332.034 shall be located adjacent to a legally established use of the same group code on both side lot lines.
- 3) The proposed use listed in Section 332.034 shall be located adjacent to a legally established use of the same group code on one (1) side lot line and a Community Service, Community Commercial or Limited Industrial Zoning District on the other side lot line.
- 4) The proposed use meets all Supplementary Development Standards of Section 332.046.

332.046 SUPPLEMENTARY DEVELOPMENT STANDARDS. Motor Vehicle Dealers (new and used cars), Motor Vehicle Dealers (used cars only), Aircraft, Marine and Automotive Dealers shall be subject to the following SUPPLEMENTARY DEVELOPMENT STANDARDS in accordance with development plan procedures, SECTION 815, ARTICLE VIII.

- 1) All areas within required yard areas and parking setback areas shall be maintained with grass or landscape plantings and shall be properly maintained.
- 2) Repair and service of automotive and marine items shall be conducted wholly within an enclosed structure permanently located on the lot.
- 3) All exterior lighting shall be designed to prevent direct glare on adjoining residential zoning as listed in SECTION 201, ARTICLE II; and all lighting details shall be submitted for approval by the Board of Zoning Appeals. No "string lights" shall be permitted.
- 4) The required parking setbacks and design shall meet the requirements in Section 531 OFF-STREET PARKING AND LOADING.
- 5) Attention-getting devices such as banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices shall be prohibited.
- 6) Noise attention-getting devices such as loudspeakers and amplified music shall be so controlled that at the property line on which such loudspeaker or noise attention-getting device is used, the noise level emitted from such loudspeaker shall not be above a decibel level of seventy (70), as measured at any property line.

SECTION 344 (LI) LIMITED INDUSTRIAL DISTRICT REGULATIONS

344.02 PERMITTED USE. The following uses shall be permitted in the LIMITED INDUSTRIAL DISTRICT.

344.022 Manufacturing.

- 2013 Sausages and Other Prepared Meat Products
- 202 Dairy Products
- 203 Canned and Preserved Fruits and Vegetables
- 204 Grain Mill Products
- 205 Bakery Products
- 2065 Candy and Other Confectionery Products
- 208 Beverages Industries
- 221 Broad Woven Fabric Mills, Cotton
- 222 Broad Woven Fabric Mills, Man-Made Fiber and Silk
- 223 Broad Woven Fabric Mills, Wool (including Dyeing and Finishing)
- 224 Narrow Fabrics and Other Smallwares Mills: Cotton, Wool, Silk, and Man-Made Fiber
- 225 Knitting Mills
- 226 Dyeing and Finishing Textiles, except Wool Fabrics and Knit Goods
- 227 Floor Covering Mills
- 228 Yarn and Thread Mills
- 229 Miscellaneous Textile Goods
- 231 Men's, Youth's, and Boys' Suits, Coats, and Overcoats
- 232 Men's, Youth's, and Boys' Furnishings, Work Clothing and Allied Garments
- 233 Women's, Misses', and Juniors' Outerwear
- 234 Women's, Misses', Children's, and Infants' Under Garments
- 235 Hats, Caps, and Millinery
- 236 Girls', Children's, and Infants' Outerwear
- 237 Fur Goods
- 238 Miscellaneous Apparel and Accessories
- 239 Miscellaneous Fabricated Textile Products
- 251 Household Furniture
- 252 Office Furniture
- 253 Public Building and Related Furniture
- 254 Partitions, Shelving, Lockers and Office and Store Fixtures
- 259 Miscellaneous Furniture and Fixtures
- 264 Converted Paper and Paperboard Products, except Containers and Boxes
- 265 Paperboard Containers and Boxes
- 271 Newspapers: Publishing, Publishing and Printing
- 272 Periodicals: Publishing, Publishing and Printing
- 273 Books
- 274 Miscellaneous Publishing
- 275 Commercial Printing
- 276 Manifold Business Forms Manufacturing
- 277 Greeting Card Manufacturing
- 278 Blankbooks, Looseleaf Binders and Bookbinding and Related Work
- 279 Service Industries for the Printing Trade
- 283 Drugs
- 313 Boot and Shoe Cut Stock and Findings
- 314 Footwear, except Rubber
- 315 Leather Gloves and Mittens
- 316 Luggage
- 317 Handbags and other Personal Leather Goods

- 319 Leather Goods, not elsewhere classified
- 323 Glass Products, made of Purchased Glass
- 336 Nonferrous Foundries (castings)
- 3444 Sheet Metal Work
- 3599 Machine Shops, Jobbing and Repair
- 363 Household Appliances
- 364 Electric Lighting and Wiring Equipment
- 366 Communication Equipment
- 367 Electronic Components and Accessories
- 369 Miscellaneous Electrical Machinery, Equipment and Supplies
- 381 Engineering, Laboratory, and Scientific and Research Instruments and Associated Equipment
- 382 Measuring and Controlling Instruments
- 383 Optical Instruments and Lenses
- 384 Surgical, Medical, and Dental Instruments and Supplies
- 385 Ophthalmic Goods
- 386 Photographic Equipment and Supplies
- 387 Watches, Clocks, Clockwork Operated Devices, and Parts
- 391 Jewelry, Silverware, and Plated Ware
- 393 Musical Instruments and Parts
- 394 Toys and Amusement, Sporting and Athletic Goods
- 395 Pens, Pencils and Other Office and Artists' Materials
- 396 Costume Jewelry, Costume Novelties, Button and Miscellaneous Notions, except Precious Metal
- 399 Miscellaneous Manufacturing Industries

344.023 Warehousing, Wholesaling, and Transportation Service

- 401 Railroads
- 404 Railway Express Service
- 421 Trucking, Local and Long Distance
- 422 Public Warehousing
- 423 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
- 471 Freight Forwarding
- 472 Arrangement of Transportation
- 474 Rental of Railroad Cars
- 478 Miscellaneous Services Incidental to Transportation
- 501 Motor Vehicles and Automotive Equipment
- 502 Furniture and Home Furnishings
- 506 Electrical Goods
- 507 Hardware and Plumbing and Heating Equipment and Supplies
- 508 Machinery, Equipment and Supplies
- 509 Miscellaneous Durable Goods (except 5093, Scrap and Waste Materials)
- 511 Paper and It's Products
- 512 Drugs, Drug Proprietaries and Druggists Sundries
- 513 Apparel, Piece Goods and Notions
- 514 Groceries and Related Products
- 515 Farm Products - Raw Materials
- 516 Electrical Goods
- 518 Beer, Wine, and Distilled Alcoholic Beverages
- 5194 Tobacco and Tobacco Products

344.024 Service Industries.

- 152 General Building Contractors - Residential Buildings
- 154 General Building Contractors - Nonresidential Buildings

- 161 Highway and Street Construction, except Elevated Highways
- 162 Heavy Construction, except Highway and Street Construction
- 171 Plumbing, Heating (except electric) and Air Conditioning
- 172 Painting, Paper Hanging, and Decorating
- 173 Electrical Work
- 174 Masonry, Stonework, Tile Setting and Plastering
- 175 Carpentering and Flooring
- 176 Roofing and Sheet Metal Work
- 177 Concrete Work
- 178 Water Well Drilling
- 179 Miscellaneous Special Trade Contractors

344.03 CONDITIONAL USE. The following uses may be allowed in the LIMITED INDUSTRIAL DISTRICT, subject to approval in accordance with SECTION 815, ARTICLE VIII.

344.031 Commercial Establishments. Commercial establishments normally associated with and intended to serve the industrial establishments of their employees.

- 581 Eating and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators or similar entertainment or services as defined in Section 720, Article VII)
- 602 Commercial and Stock Savings Banks
- 612 Savings and Loan Associations
- 614 Personal Credit Institutions
- 615 Business Credit Institutions
- 801 Offices of Physicians and Surgeons
- 802 Offices of Dentists and Dental Surgeons
- 803 Offices of Osteopathic Physicians
- 807 Medical and Dental Laboratories
- 891 Engineering, Architectural, and Surveying Services
- 893 Accounting, Auditing, and Bookkeeping Services

344.032 Administrative Offices. Administrative offices primarily engaged in general administrative supervision, purchasing, accounting and other management functions.

344.033 Personal and Consumer Services. Personal services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption intended to serve the industrial establishments or their employees.

Personal

- 7212 Garment Pressing and Agents for Laundries and Dry Cleaners
- 7219 Laundry and Garment Services, not elsewhere classified
- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair Shops, Shoe Shine Parlors, and Hat Cleaning Shops
- 729 Miscellaneous Personal Services (except Adults Only Entertainment Establishments as defined in Section 720, ARTICLE VII)

Business

- 731 Advertising
- 732 Consumer Credit Reporting Agencies, Mercantile Reporting Agencies, and Adjustment and Collecting Agencies

- 733 Mailing, Reproduction, Commercial Art and Photography and Stenographic Services
- 736 Personal Supply Services
- 739 Miscellaneous Business Services, not elsewhere classified (except 7391, Research, Development, and Testing Laboratories)

344.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the LIMITED INDUSTRIAL DISTRICT.

344.041 Intensity of Use. Lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS and the following provisions:

- 1) A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than twelve (12) feet in height. These walls or fences shall have an opaqueness of seventy-five percent (75%) or more, so as to effectively conceal production, storage, service, and loading operations from adjoining streets and from a Residential Zoning District or a Planned Development District as listed in SECTION 201, ARTICLE II.

344.042 Lot Width. All lots shall abut a public street for a distance of one hundred (100) feet or more and have adequate lot width to provide the yard space required by these DEVELOPMENT STANDARDS.

344.043 Side Yards. For main and accessory structures, including open storage, service and loading areas, the required side yards shall be not less than one-third (1/3) the sum of the height and depth of the structure, but shall not be less than fifty (50) feet from any Residential Zoning Districts listed in SECTION 201, ARTICLE II, except in accordance with the DEVELOPMENT STANDARDS of SECTION 342, RESTRICTED INDUSTRIAL DISTRICTS.

344.044 Rear Yards. For main and accessory structures, including open storage, service and loading areas, the required rear yards shall be not less than one-third (1/3) the sum of the height and width of the structure, but shall not be less than fifty (50) feet from any Residential Zoning District as listed in SECTION 201, ARTICLE II, except in accordance with the DEVELOPMENT STANDARDS of SECTION 342, RESTRICTED INDUSTRIAL DISTRICTS.

**ARTICLE IV
PLANNED DEVELOPMENT PROCEDURES AND REGULATIONS**

SECTION 400 PROCEDURES AND REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS ADOPTED

400.01 PROCEDURES FOR THE ESTABLISHMENT OF A PLANNED DEVELOPMENT ZONING DISTRICT. Planned Development Zoning Districts may be established by application in accordance with the provisions of ARTICLE VII and the requirements of procedure of the PLANNED DEVELOPMENT ZONING DISTRICT petitioned.

400.02 REGULATIONS OF THE USE AND DEVELOPMENT OF LAND AND STRUCTURES. Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the Zoning Districts as adopted as a PLANNED DEVELOPMENT DISTRICT in ARTICLE II, and as may be drawn on the Zoning District Map are hereby established and adopted.

400.03 RULES OF APPLICATION. The PLANNED DEVELOPMENT REGULATIONS set forth in this ARTICLE IV shall be interpreted and enforced according to the following rules.

400.031 Identification of Uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.

400.032 Permitted Uses. Only uses designated as a **Permitted Use** shall be allowed as a matter of right in a PLANNED DEVELOPMENT ZONING DISTRICT and any use not so designated shall be prohibited except when in character with the proposed development, such additional uses may be approved as a part of the Development Plan.

400.033 Procedures. The procedures and conditions set forth for the determination of PLANNED DEVELOPMENT DISTRICTS and developments therein shall be followed except that a written statement by the applicant shall clearly show that such procedures or conditions do not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Perry Township Board of Trustees.

400.034 Development Standards. The Development Standards set forth shall be the minimum allowed for development in a PLANNED DEVELOPMENT ZONING DISTRICT.

SECTION 405 (PR-6) PLANNED LOW DENSITY RESIDENTIAL DISTRICT REGULATIONS

405.02 PERMITTED USE. Land and buildings in the PLANNED LOW DENSITY RESIDENTIAL DISTRICT shall be used only for the following purposes.

405.021 Residential Development. Residential use developed in a unified manner in accordance with the approved Development Plan.

405.022 Home Occupation. Home Occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

405.023 Accessory Use. Accessory buildings and uses in association with a permitted dwelling as specified in SECTION 512, ARTICLE V, including:

- 1) Office facilities for the management function, including property sales necessary to the development and operation of the area included in the Development Plan.

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

405.024 Schools and Parks. Public and private schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.

Parks, playgrounds, and playfields open to the public without fee.

405.025 Religious. Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

405.03 PROCEDURE. The following procedure shall be followed in placing land in the PLANNED LOW DENSITY RESIDENTIAL DISTRICT.

405.031 Submission of Application. The owner or owners of a tract of land twenty-five (25) acres or more in area may request that the Zoning District Map be amended to include such tract in the PLANNED LOW DENSITY RESIDENTIAL DISTRICT in accordance with the provisions of ARTICLE VII.

The tract size may be reduced to ten (10) acres where proposed development is to be only with single-family dwellings.

There is no minimum tract size if all adjacent lands are platted or developed.

405.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan.
- 2) The proposed size, location, and use of non-residential portions of the tract, including useable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation patterns, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
- 5) The proposed schedule of site development, construction of structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.

- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights, and the engineering feasibility data which may be necessary.

405.033 Basis of Approval. The basis for approving a PLANNED LOW DENSITY RESIDENTIAL DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity;
- 4) And that the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution.

405.034 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment to the PLANNED LOW DENSITY RESIDENTIAL DISTRICT REGULATIONS as they apply to the land included in the approved amendment.

The approval shall be for a period of five (5) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is submitted and recorded within the five (5) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted in accordance with 405.036.

405.035 Plat Required. In the PLANNED LOW DENSITY RESIDENTIAL DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building set-back lines or buildable space within lots; water, sewer, and other public utility installations, including sanitary sewage, surface drainage, and waste disposal facilities; public and private street rights-of-way, easements, and walks; school sites, recreation areas, and other land to be dedicated to public use, including the purpose and intent of such dedication; and land to be commonly owned and maintained.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

405.036 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Perry Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is

not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED LOW DENSITY RESIDENTIAL DISTRICT.

405.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED LOW DENSITY RESIDENTIAL DISTRICT.

405.041 Intensity of Use. The maximum net density shall be six (6) dwelling units per acre of area devoted to residential use as defined below, except that the density may be reduced to comply with the health and sanitation requirements of the Franklin County Board of Health.

405.042 Calculation of Density. The calculation of residential density shall include all land devoted to residential use, and shall further include easements for utilities except major facilities which do not serve individual dwellings, minor surface drainage channels, recreation space and other areas provided as common open space including land dedicated to public use except required street rights-of-way.

405.043 Open Space. A minimum of ten percent (10%) of the area included in the calculation of residential density shall be provided as open space or public use organized, arranged and restricted by easement covenant, deed or dedication and not included in the minimum yard space required for dwelling or used to provide the required off-street parking.

- 1) Public use that will give benefit to the occupants of the dwelling units. Such public use may include, but is not limited to, educational and recreational facilities, flood protection, additional street rights-of-way (such additional street rights-of-way shall be defined as that which is more than sixty (60) feet in width), or other public improvements necessary to the health, safety and welfare of the people.
- 2) Common use and benefit of the occupants of the dwelling units. Such common use may include but is not limited to landscaped areas, recreational facilities, or other common use as will provide amenity to the area.

405.044 Arrangement of Areas. The location and arrangement of areas of various density within the PLANNED LOW DENSITY RESIDENTIAL DISTRICT, in addition to achieving these DEVELOPMENT STANDARDS, shall be so arranged and distributed that development of higher density shall be appropriately balanced by open space and/or low density development.

Residential development, at a higher density than that permitted on land in adjacent Residential Zoning Districts, or other Permitted Uses shall not be located nearer than one hundred (100) feet to such Zoning District boundary.

405.045 Yards. The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with one or more of the following methods:

- 1) The Development Standards of the Residential Zoning District most appropriate for the dwelling type.
One-family dwellings--R-1, R-2, R-4 according to the density of development.
Apartment dwellings, three (3) stories or less--R-24.
- 2) Arrangement in accordance with the provisions of SECTION 506, ARTICLE V.
- 3) Arrangement of structures and provisions of yard space and building setback in accordance with a plan of the site and structure prepared by a team composed of an architect licensed to practice in the State

of Ohio and a landscape architect licensed to practice in the State of Ohio. Such plan shall be subject to approval as the Development Plan or in conjunction with the subsequent Subdivision Plan as complying with the other requirements of these Development Standards and in accord with the purpose and intent of the PLANNED LOW DENSITY RESIDENTIAL DISTRICT REGULATIONS.

405.046 Other Yard Space. The arrangement of other uses and associated yard space shall be determined in accordance with the Development Standards of the Zoning District in which the use is a **Permitted Use** except that arrangement may be determined as in (2) or (3) of 405.045 above.

405.047 Private Roads and Parking. Private roads as a common easement may be used to provide access to clustered lots and/or structures in accordance with the following:

- 1) The easement shall not be counted as required open space.
- 2) The easement does not serve an area larger than two (2) acres, except that such area will contain six (6) dwellings or less.
- 3) Approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.

Off-street parking shall be provided in accordance with SECTION 531, ARTICLE V, except residential parking may be provided in group garages or parking lots within one hundred fifty (150) feet of the dwellings served. Curb indented parking bays or courts may be provided within the street right-of-way, but in addition to the required roadway. Such parking shall be permitted only along streets internal to the area and not a Major Thoroughfare.

SECTION 410 (PR-10) PLANNED MOBILE HOME RESIDENTIAL DISTRICT REGULATIONS

410.02 PERMITTED USE. Land and buildings in the PLANNED MOBILE HOME RESIDENTIAL DISTRICT shall be used only for the following purposes:

410.021 Mobile Homes. Mobile Homes (House Trailers) equipped with a water-flushed toilet, lavatory and bath or shower facilities.

410.022 Home Occupation. Home occupation in association with a permitted dwelling, and in accordance with the provisions of SECTION 511, ARTICLE V.

410.023 Accessory Use. Accessory buildings and uses in association with permitted dwellings as specified in SECTION 512, ARTICLE V, including:

A permanent dwelling for one (1) family, office and maintenance facilities for the operators of the Mobile Home Park.

Such other facilities, including recreation, as may be provided for the use and the amenities of the occupants of the Mobile Home Park and provided such facilities are an approved part of the Development Plan.

410.03 PROCEDURE. The following procedure shall be followed in placing land in the PLANNED MOBILE HOME RESIDENTIAL DISTRICT.

410.031 Submission of Application. The owner or owners of a tract of land four (4) acres or more in area may request that the Zoning District Map be amended to include such tract in the PLANNED MOBILE HOME RESIDENTIAL DISTRICT in accordance with the provisions of ARTICLE VII.

410.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of areas of residential use, and the total number of mobile home units provided for in the Development Plan.
- 2) The proposed size, location, and use of non-residential portions of the tract, including useable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation pattern, including public and private streets, parking areas, walks and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
- 5) The proposed schedule of site development, construction of structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights, and the engineering feasibility data which may be necessary.

410.033 Basis of Approval. The basis for approving a PLANNED MOBILE HOME RESIDENTIAL DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity;
- 4) That the design character and improved site arrangement justify the location and size proposed in the Development.

410.034 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment to the PLANNED MOBILE HOME RESIDENTIAL DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the **Subdivision Regulations for Franklin County, Ohio**. Unless the required Subdivision Plat is properly submitted and recorded within the two (2) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with 410.036.

410.035 Plat Required. In the PLANNED MOBILE HOME RESIDENTIAL DISTRICT no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the **Subdivision Regulations for Franklin County, Ohio**. The subdivision plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, sewer, and other public utility installations, including sanitary sewers, surface drainage, and waste disposal facilities; easements, access points to public rights-of-way, parking areas, and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the operation of tenants, including those applicable to areas within the tract to be developed for non-residential uses.

410.036 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED MOBILE HOME RESIDENTIAL DISTRICT.

410.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings shall be required in the PLANNED MOBILE HOME RESIDENTIAL DISTRICT.

410.041 Intensity of Use. The maximum net density shall be ten (10) mobile homes per acre of area devoted to residential use as defined below.

410.042 Calculation of Density. The calculation of residential density shall include all land devoted to residential use, and shall further include easements for utilities except major facilities which do not serve individual mobile homes, minor surface drainage channels, recreation space and other areas provided as common open space, including land dedicated to public use except required street rights-of-way.

410.043 Lot Width. A minimum lot width of three hundred (300) feet is required at the front set-back line; however, adequate lot width shall be provided to achieve the yard space required by these DEVELOPMENT STANDARDS. The width or the depth of the lot shall not be more than two (2) times the other.

410.044 Yard Space. A side yard on each side and a rear yard of fifteen (15) feet or more shall be provided around the edge of the Mobile Home Park. Such yards shall not be occupied by or counted as part of an individual mobile home site.

410.045 Mobile Home Park Development. The location and arrangement of land and structures within the Mobile Home Park shall be determined in accordance with the following procedures:

- 1) The Mobile Home Park shall be developed with accessways of not less than thirty (30) feet in width and shall be paved for not less than twenty (20) feet. Such pavement shall be constructed of not less than six (6) inches of an impervious pavement material on a prepared subgrade.
- 2) There shall be common walks three (3) feet or more in width either within the accessway or along mobile home site boundaries. Such walks shall be constructed of not less than four (4) inches of an impervious pavement material on a prepared subgrade.
- 3) Each mobile home site shall be not less than twenty-four hundred (2400) square feet and shall be not less than thirty-five (35) feet in width and shall abut upon an access drive for not less than fifteen (15) feet.
- 4) Each mobile home site shall be developed with a mobile home stand of not less than ten (10) feet by fifty (50) feet and such mobile home stand shall be not less than five (5) feet from the mobile home site boundary. The mobile home stand shall be constructed of a minimum of six (6) inches of compacted gravel or its equivalent in other pavement material.
- 5) Each mobile home site shall be provided with a water outlet connected to an approved water supply and a connection to an approved sewer system.
- 6) Each mobile home site shall be developed with a paved area (patio) of not less than one hundred and eighty (180) square feet. The patio shall be of not less than four (4) inches of Portland cement or other rigid type of impervious pavement, and shall be connected to common walks by a similarly paved walk of not less than (2) feet in width.

SECTION 412 (PR-12) PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT REGULATIONS

412.02 PERMITTED USE. Land and buildings in the PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT shall be used only for the following purposes:

412.021 Residential Development. Residential use developed in a unified manner in accordance with the approved Development Plan.

412.022 Home Occupation. Home occupation in association with a permitted dwelling and in accordance with the provisions of SECTION 511, ARTICLE V.

412.023 Accessory Use. Accessory buildings; and uses in association with a permitted dwelling as specified in SECTION 512, ARTICLE V, including:

Office facilities for the management function, including property sales, necessary to the development and operation of the area included in the Development Plan.

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

412.024 Schools and Parks. Public and private schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.

Parks, playgrounds and playfields open to the public without fee.

412.025 Religious. Church or other place of worship, provided there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area and is connected to centralized water and sewer services or such other utility services as may be approved by the Board of Health or Ohio EPA.

412.03 PROCEDURE. The following procedure shall be followed in placing land in the PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT.

412.031 Submission of Application. The owner or owners of a tract of land four (4) acres or more in area may request that the Zoning District Map be amended to include such tract in the PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT in accordance with the provisions of ARTICLE VII.

There is no minimum tract size if the proposed development is in keeping with the density and development character of adjacent lands.

412.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan.
- 2) The proposed size, location, and use of non-residential portions of the tract, including useable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation patterns, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
- 5) The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary.

412.033 Basis of Approval. The basis for approving a PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;

- 3) That the proposed development advances the general health, safety and welfare of the Township and the immediate vicinity;
- 4) And that the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution.

412.034 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment to the PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of five (5) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is submitted and recorded within the five (5) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for an extension of time is submitted and approved in accordance with 412.036.

412.035 Plat Required. In the PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the **Subdivision Regulations for Franklin County, Ohio**. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building set-back lines or space to be built upon; water, sewer, and other public utility installations, including sanitary sewage, surface drainage, and waste disposal facilities; public and private street right-of-way, easements and walks; school sites, recreation areas, and other land to be dedicated to public use, including the purpose and intent of such dedication; the land to be commonly owned and maintained.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

412.036 Extension of Time or Modification. An extension of the time limit or the modifications of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT.

412.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT.

412.041 Intensity of Use. The maximum net density shall be twelve (12) dwelling units per acre of area devoted to residential use as defined below, except that the density may be reduced to comply with the health and sanitation requirements of the Franklin County Board of Health.

412.042 Calculation of Density. The calculation of residential density shall include all land devoted to residential use, and shall further include easements for utilities except major facilities which do not serve individual dwellings, minor surface drainage channels, recreation space and other areas provided as common open space including land dedicated to public use except required street rights-of-way.

412.043 Open Space. A minimum of twenty percent (20%) of the area included in the calculation of residential density shall be provided as open space or public use organized, arranged and restricted by easement, covenant, deed or dedication and not included in the minimum yard space required for dwelling or used to provide the required off-street parking.

- 1) Public use that will give benefit to the occupants of the dwelling units. Such public use may include but is not limited to educational and recreational facilities, flood protection, additional street rights-of-way (such additional street rights-of-way shall be defined as that which is more than sixty (60) feet in width), or other public improvements necessary to the health, safety and welfare of the people.
- 2) Common use and benefit of the occupants of the dwelling units. Such common use may include but is not limited to landscaped areas, recreational facilities, or other common use as will provide amenity to the area, but does not include required yards.

412.044 Arrangement of Areas. The location and arrangement of areas of various density within the PLANNED RESIDENTIAL DISTRICT, in addition to achieving these DEVELOPMENT STANDARDS, shall be so arranged and distributed that development or higher density shall be appropriately balanced by open space and/or low density development.

Residential development, at a density higher than that permitted on land in adjacent Residential Zoning Districts, or other Permitted Uses shall not be located nearer than one hundred (100) feet to such Zoning District boundary.

412.045 Yards. The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with one or more of the following methods:

- 1) The Development Standards of the Residential Zoning District most appropriate for the dwelling type.

One-family dwellings, R-1, R-2, R-4 according to the density of development.

Apartment dwellings, three (3) stories or less--R-24.
- 2) Arrangement in accordance with the provisions of SECTION 506, ARTICLE V.
- 3) Arrangement of structures and provision of yard space and building setback in accordance with a plan of the site and structure prepared by a team composed of an architect licensed to practice in the State of Ohio and a landscape architect licensed to practice in the State of Ohio. Such plan shall be subject to approval as the Development Plan or in conjunction with the subsequent Subdivision Plat as complying with the other requirements of these DEVELOPMENT STANDARDS and in accord with the purpose and intent of the PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT regulations.

412.046 Other Yard Space. The arrangement of other uses and associated yard space shall be determined in accordance with the Development Standards of the Zoning District in which the use is a PERMITTED USE except that arrangement may be determined as in (2) or (3) of 412.045 above.

412.047 Private Roads and Parking. Private roads as a common easement may be used to provide access to clustered lots and/or structures in accordance with the following:

- 1) The easement shall not be counted as required open space.

- 2) The easement does not serve an area larger than two (2) acres.
- 3) Approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.

Off-street parking shall be provided in accordance with SECTION 531, ARTICLE V, except residential parking may be provided in group garages or parking lots within one hundred fifty (150) feet of the dwellings served. Curb indented parking bays or courts may be provided within the street right-of-way, but in addition to the required roadway. Such parking shall be permitted only along streets internal to the area and not a major thoroughfare.

SECTION 414 (PRD) PLANNED RESIDENTIAL DISTRICT REGULATIONS

414.02 PERMITTED USE. Land and buildings in the PLANNED RESIDENTIAL DISTRICT shall be used only for the following purposes:

414.021 Residential Development. Single-family residential use developed in a unified manner in accordance with the approved Development Plan.

414.022 Home Occupation. Home occupation in association with a permitted dwelling and in accordance with the provisions of SECTION 511, ARTICLE V.

414.023 Accessory Use. Accessory buildings; and uses in association with a permitted dwelling as specified in SECTION 512, ARTICLE V, including:

Office facilities for the management function, including property sales, necessary to the development and operation of the area included in the Development Plan.

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

414.024 Parks. Parks, playgrounds, and playfields open to the public without fee.

414.03 PROCEDURE. The following procedure shall be followed in amending the Zoning District Map to place land in the PLANNED RESIDENTIAL DISTRICT.

414.031 Submission of Application. The owner or owners of a tract of land may request that the Zoning District Map be amended to include such tract in the PLANNED RESIDENTIAL DISTRICT by filing three (3) copies of an application for such amendment with the Perry Township Zoning Commission, which Application shall contain:

- 1) Name, address, and telephone number of the applicant(s);
- 2) Name, address and number of registered surveyor and engineer assisting in the preparation of the Development Plan;
- 3) Legal description of the property;

- 4) Description of existing uses;
- 5) Present zoning district;
- 6) A vicinity map showing relationship of Planned Residential District to the existing streets and public service facilities in the area;
- 7) A list of all owners of property within a five hundred-foot (500') radius of the subject property; and
- 8) Any other matter or information that may be requested by the Zoning Commission for the proposed amendment.

414.032 Development Plan. In addition to the Application required in this Section, ten (10) copies of a Development Plan shall be submitted with the Application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan.
- 2) The proposed size, location, and use of non-residential portions of the tract, including useable open areas, parks, playgrounds, and other areas and spaces with the suggested ownership of such areas and spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation patterns, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
- 5) If required by the Perry Township Zoning Commission or Perry Township Board of Trustees, a completed traffic impact study.
- 6) The proposed schedule of site development, construction of structures, and associated facilities including sketches and other materials indicating design principles, materials, and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
- 7) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 8) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary.

- 9) The applicant(s) may request a divergence from the standards set forth in or applicable under this SECTION 414. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence(s) be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in or applicable under this SECTION 414.

414.033 Basis of Approval. The basis on which the Perry Township Board of Trustees may approve a PLANNED RESIDENTIAL DISTRICT Application includes, but is not limited to:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or portion thereof as may apply;
- 3) That the proposed development advances the general health, safety, and welfare of the Township and the area surrounding the proposed development;
- 4) That any traffic increase or change resulting from the proposed development that is likely to impact the surrounding area is adequately and appropriately addressed; and
- 5) That the benefits, improved arrangement, and design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution.

414.034 Effect of Approval.

- 1) The Development Plan, as approved by the Perry Township Board of Trustees, shall constitute a rezoning of the subject tract to the PLANNED RESIDENTIAL DISTRICT permitting development and use of said land and any structures thereon in accordance with development standards contained in said Plan. However, in a PLANNED RESIDENTIAL DISTRICT, subject to the provisions of this SECTION 414.033 and SECTION 414.034, no use shall be established or changed and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Perry Township Board of Trustees a Subdivision Plat for said part of said tract, and until the Plat is approved by the Perry Township Board of Trustees and recorded in accordance with applicable law.

The approval process for the Development Plan requires public hearings before the Zoning Commission and the Perry Township Board of Trustees in accordance with ARTICLE VII. The provisions of ARTICLE VII notwithstanding, the proposed amendment may be submitted to the County or Regional Planning Commission. If the proposed amendment is submitted to the County or Regional Planning Commission, the ARTICLE VII procedures for review, consideration, and recommendation thereon shall apply. The approval process for the Subdivision Plat requires a public hearing noticed by publication before the Perry Township Board of Trustees who shall determine, prior to the filing of the Subdivision Plat for record with the county recorder, whether the Subdivision Plat complies with the approved Development Plan.

Thereafter, variances from the approved Subdivision Plat that involve five lots or fewer shall be considered by the Board of Zoning Appeals under its hearing process under ARTICLE VII hereof. All other modifications to the Plan or the Plat shall be presented to the Perry Township Board of Trustees for its consideration pursuant to SECTION 414.035.

- 2) The Development Plan, as approved by the Perry Township Board of Trustees, shall constitute an amendment to the PLANNED RESIDENTIAL DISTRICT regulations as they apply to the land included in the approved amendment.
- 3) The approval shall be for a period of two (2) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is submitted and recorded within the two (2) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for an extension of time is submitted and approved in accordance with SECTION 414.035. The foregoing provisions of this SECTION 414.033(3) shall not apply to a Subdivision Plat meeting the requirements of this SECTION that a) was duly submitted and recorded prior to the approval of the Development Plan by the Perry Township Board of Trustees, and b) did not require the approval of the Perry Township Board of Trustees at the time it was submitted and recorded.

414.035 Plat Required. In the PLANNED RESIDENTIAL DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the **Subdivision Regulations for Franklin County, Ohio**, unless the Subdivision meets the exception contained in SECTION 414.034(3). The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building setback lines or space to be built upon; water, sewer, and other public utility installations, including sanitary sewage, surface drainage, and waste disposal facilities; public and private street right-of-way, easements and walks; recreation areas, and other land to be dedicated to public use, including the purpose and intent of such dedication; the land to be commonly owned and maintained.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

414.036 Extension of Time or Modification. An extension of the time limit or the modifications of the approved Development Plan may be approved by the Perry Township Board of Trustees. Prior to the expiration of the two-year time limit established in SECTION 414.034(3), an applicant may request an extension of that time limit. Such request shall be made by the applicant, in writing, to the Perry Township Board of Trustees. If the Perry Township Board of Trustees determines, in its sole and absolute discretion, to extend the time limit, such extension shall be for no more than one (1) additional year. The Perry Township Board of Trustees' approval of any modification of the approved Development Plan may be given upon a finding of the purpose and necessity for such modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED RESIDENTIAL DISTRICT.

414.04 DEVELOPMENT STANDARDS.

414.041 General. The arrangement and development of land and buildings in the PLANNED RESIDENTIAL DISTRICT shall be in accordance with accepted planning principles, including unified design and development principles. Such land as is to be included in this PLANNED RESIDENTIAL DISTRICT is intended to be developed in recognition of the existing and potential development character of the vicinity to assure adequate public utilities, streets, community facilities, and other closely associated land uses, including useable public open space.

414.042 Divergences. An applicant for PRD approval may request one or more divergences from any development standard or other standard set forth in or applicable under this SECTION 414 from the Perry Township Board of Trustees. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence(s) be approved as part of and as shown on the Development Plan.

SECTION 420 (SCPD) SELECT COMMERCIAL PLANNED DISTRICT REGULATIONS

420.01 PERMITTED USE. Land and buildings within the SELECT COMMERCIAL PLANNED DISTRICT shall be used only for those specifically selected uses identified by an applicant for zoning plan amendment and found within the Suburban Office, Neighborhood Commercial, Community Commercial, Community Service, Restricted Industrial and Limited Industrial zoning districts. Proposed uses shall be enumerated in the application as being appropriate to provide compatibility with the neighborhood and community character and for compliance with the Comprehensive Plan. All permitted uses shall be specifically approved by the Board of Perry Township Trustees as a part of the Development Plan required (Section 420.024) for the subject tract. Said permitted uses shall run with the land as long as the SCPD zoning as approved remains in effect.

420.02 PROCEDURE. The following procedure shall be implemented in placing land in the SELECT COMMERCIAL PLANNED DISTRICT.

420.021 Submission of Application. The owner or owners of a tract or tracts of land of any size may request that the Zoning District Map be amended to include such tract or tracts in the SELECT COMMERCIAL PLANNED DISTRICT in accordance with the provisions of ARTICLE VII.

420.022 Development Standards. Unless otherwise permitted and approved by the Board of Perry Township Trustees as a part of development plan review, the development standards of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, shall apply to the SELECT COMMERCIAL PLANNED DISTRICT according to the specific zoning district and use selected in accordance with SECTION 420.01, Permitted Use and SECTION 420.023, Performance Standards.

420.023 Performance Standards. Applications for SELECT COMMERCIAL PLANNED DISTRICT shall meet the following requirements. The Development Plan (SECTION 420.024) will be reviewed to determine whether the following performance criteria have been addressed and satisfied. Unless otherwise indicated, information required by the Performance Standard criteria shall be submitted in conjunction with Development Plan submission. A compliance waiver for any Performance Standard of SECTION 420.023 may be granted as a part of the Development Plan if approved by the Board of Perry Township Trustees.

- 1) **Traffic.** Each Development Plan shall be accompanied by an analysis of traffic conditions which can be expected to result from the proposed development. The analysis shall estimate the Average Daily Traffic (ADT), the peak hour(s) of traffic, and distribution of the same to the existing and proposed street system, together with an analysis of street improvements necessary to accommodate the additional

traffic. The applicant shall state and document assumptions made regarding the projected traffic figures. Standard techniques and references shall be utilized. The following references, or other references which may be acceptable to the Board of Perry Township Trustees, shall be used:

- a) Highway Capacity Manual (Special Report #87, 1965, National Academy of Sciences).
- b) Transportation Research Circular #212.
- c) "Trip Generation": Institute of Traffic Engineers, (Current Edition). Traffic analysis shall be based on existing off-site conditions and known plans for the development of off-site areas.

Traffic expected to be generated by the proposed development shall not cause any tributary street or highway facility to operate below a level of service "C", as defined in the current edition of the "Highway Capacity Manual" (see above reference).

- 2) Access. Single or multiple structures proposed to be included in a SCPD District located on a collector street or arterial street, as defined by the Franklin County Thoroughfare Plan, shall be limited to a minimum number of access points.
- 3) Parking. Off-street parking, loading and service areas shall be provided in accordance with SECTION 531, ARTICLE V. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and structural arrangement set forth in the Development Plan. Parking setback requirements of Section 504.012 shall be met except in a SCPD district a parking setback shall be permitted to extend toward the street right-of-way from the established building line a distance equal to thirty percent (30%) of the required building setback distance.
- 4) Screening. Screening shall consist of earth mounding, plantings, fencing, or a combination of the same. The SELECT COMMERCIAL PLANNED DISTRICT requires the submission of two separate plans which incorporate screening and landscaping proposals (#7 of this Section).
 - a) Plan Required. A general screening and landscaping plan meeting the following requirements shall be prepared and submitted as a part of the Development Plan. For purposes of Development Plan submission, the screening concept proposed to meet the requirements of this Section shall be submitted in sketch and text form.

A detailed screening and landscaping plan shall be prepared by a registered landscape architect and submitted as a part of the Development Plan submission (SECTION 420.024). The detailed screening and landscape plan shall show the placement, species and size of all plant materials, and the placement, size, composition and type of fencing or other materials proposed.

Fencing utilized in providing screening shall be architecturally compatible and shall be incorporated into the overall architectural design concept.

- b) Abutting Residential Areas. Whenever a proposed SCPD abuts a residential area, screening shall be provided along the entire area of abutment in a manner that effectively screens the residential areas from the proposed select commercial activities.

Exceptions to screening requirements may be made where:

- i) Existing topographical or vegetative characteristics provide the necessary screening effect, or

- ii) Where existing topographical conditions make it difficult to adequately screen the proposed use from adjacent properties. When the use cannot be adequately screened due to elevation differences between adjacent properties and the proposed site, the proposed design should minimize negative visual impact.
- c) Parking. All open off-street parking areas consisting of five (5) or more parking spaces or one thousand (1,000) square feet or more shall be screened from abutting residential uses. Curb barriers a minimum of ten (10) feet from the property line shall be provided. Grass, plantings or other acceptable surface material shall be provided for all areas bordering the parking area. When large parking areas are planned, landscaped islands or medians shall be utilized to lessen negative visual impact and direct traffic flow.

Whenever a parking lot or access drive is located adjacent to a residential area, screening shall be designed to prevent vehicle lights from shining directly onto the residential property.

- 5) Plantings. When mounding is utilized in conjunction with plantings, the plant materials shall be of a size and species suitable which together will produce a minimum six (6) foot high screen within a two (2) year period. When plant material without mounding is utilized, the plant materials shall be a minimum five (5) feet in height when planted and be of such species that will produce a dense six (6) foot visual screen within a two (2) year period. All screen plantings shall be maintained permanently, and any plant material which does not survive shall be replaced within one (1) year with material meeting the specifications of the original planting. Maintenance responsibilities for the screen plantings shall be addressed in the Development Plan.
- 6) Minimum Opacity. All screens must provide a minimum opaqueness of seventy-five percent (75%) or more.
- 7) Landscaping. Landscaping shall mean the improvement of the natural beauty of the land by grading, clearing and decorative planting or grass to create a pleasant and functional environment. Landscaping of a lot shall be installed within six (6) months after the month in which the building is completed or occupied. Any portion of a lot upon which a building or parking area is not to be constructed per the Development Plan shall be landscaped. For every ten (10) parking spaces on an individual lot, the owner shall be required to place at least one (1) tree (3" caliper or larger) in such a manner as to be spaced and placed in or among the parking rows. Such trees shall be in addition to any screening requirements contained herein and all replacement material shall meet the specifications of the original planting. All shrubs, trees, grass, ground covers, and plantings of every kind or type, shall be well-maintained, properly cultivated and free from trash and other unsightly material and/or debris.
- 8) Stormwater Drainage. Drainage and runoff from the proposed development shall not cause property damage. All drainage improvements shall be designed in conformance with the requirements of the Franklin County Subdivision Regulations.
- 9) Sewage Disposal and Water Supply. Information regarding sewage disposal and water supply techniques to be utilized will be provided in the application for the proposed SCPD, together with letters of approval from the pertinent local, state and, if applicable, private agencies. The letters shall be submitted with the Development Plan.
- 10) Architectural Design.
 - a) The Development Plan shall indicate general exterior design and potential materials. All buildings shall be constructed with materials compatible with the surrounding environment. All

buildings shall be constructed with material consistent with the design character for each building on all sides.

- b) All private deed restrictions pertaining to design character and location of buildings shall be included in the Development Plan.
- c) Building Density. No parcel or lot shall have constructed thereon any building(s) which shall have a ground level floor density of greater than thirty-five percent (35%) of the lot or parcel upon which said building(s) is or are constructed. Both building and parking lot coverage (excluding access drives to the parking lot) shall not exceed sixty-five percent (65%) of a lot.
- d) Building height shall not exceed twenty-five (25) feet unless otherwise indicated and approved as a part of the Development Plan as appropriate to the specific site and neighborhood character.
- e) No outside storage shall be permitted within a SCPD. No rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare.
- f) All utilities shall be placed underground.
- g) All below ground storage facilities not under the ground floor of structures must be illustrated on the Development Plan.

11) Pollution.

- a) Smoke. No smoke from an industrial or commercial process shall be emitted from any structure in the SCPD.
- b) Odor. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the SCPD boundary.
- c) Noise. Within a SELECT COMMERCIAL PLANNED DISTRICT, the maximum allowable hourly average sound level, emitted from any stationary noise source, shall not exceed the limits set forth in Table 1 for respective categories of receiving land use adjacent to a SCPD district. The actual sound level shall be determined during any measurement period, which shall not be less than thirty (30) consecutive minutes, and shall be measured at the property boundary affected by the noise.

Table 1

RECEIVING LAND USE	CATEGORY	30 MINUTE AVERAGE SOUND LEVEL (dBA)
Institutional	10 p.m. to 7 a.m.	50
Institutional	7 a.m. to 10 p.m.	60
Residential	Anytime	50

(All Residential Districts and residential nonconforming uses)		
Commercial	10 p.m. to 7 a.m.	65
Commercial	7 a.m. to 10 p.m.	70
Industrial	Anytime	70

Submission of adequate noise control measures to effectively lessen potential noise impact, prepared by a qualified professional, may be required by the Perry Township Zoning Commission as a part of a Development Plan submission.

Correction for Ambient Conditions. Where the ambient noise level influences a measurement at a property line boundary, such noise will be accounted for by applying the following correction factors:

Table 2

IF THE AMBIENT NOISE LEVEL IS LESS THAN THE NOISE SOURCE BY:	ADD THE FOLLOWING TO THE NOISE LIMIT:
0 - 1 dBA	3 dBA
2 - 3 dBA	2 dBA
4 - 9 dBA	1 dBA

If the ambient noise level is greater than the noise limit, the noise source shall not be allowed to exceed the ambient level.

12) Graphics.

Graphics within a SELECT COMMERCIAL PLANNED DISTRICT shall meet the requirements of Section 541, Perry Township Zoning Resolution, except as otherwise required by this section. The Development Plan shall specify signage details of all proposed signage, including lighting (type of lamp and fixtures proposed), color scheme of proposed advertising area and related support structure, and the proposed location and size of all exterior signs and the relationship of such signs to the overall architectural design of the development.

- a) The maximum allowable advertising area for a free-standing sign in a SCPD zoning district shall not exceed twenty (20) square feet unless otherwise approved as a part of an approved Development Plan. Within a SCPD zoning district, free-standing graphics will be limited to one of the following types:
 - i) A single "monument sign" which is a sign attached to the ground but constructed within an architecturally planned wall or structure, which wall or structure shall not exceed nine (9) feet in height from the top of the wall or structure to the nearest grade of the earth's surface.

- ii) A single "flag sign" or "post and flag" type sign, which sign shall not exceed fifteen (15) feet in height.
- iii) A wall sign or awning sign may be permitted in lieu of a free-standing sign in a SCPD zoning district, provided the proposed wall or awning sign does not exceed twenty (20) square feet in area unless otherwise permitted as a part of an approved Development Plan.
- b) Roof signs shall be prohibited in a SCPD zoning district.
- c) No signs advertising off-premises business shall be permitted in the SELECT COMMERCIAL PLANNED DISTRICT.
- d) Temporary real estate FOR SALE or FOR LEASE signs shall not exceed twenty (20) square feet of advertising area.
- e) Lighting of "monument" or "post and flag" type signs.

If illuminated, free-standing signs shall be illuminated only by the following means:

- i) By a white steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
- ii) By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted. No flashing, traveling, animated or intermittent illumination shall be used.
- iii) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to:
 - (a) Cause glare hazardous to pedestrians and motorists,
 - (b) Cause reasonable objection from adjacent residential districts, or
 - (c) Spill light and glare onto adjacent properties and structures.

13) Exterior Lighting.

- a) A SCPD Development Plan must include a plan which details all proposed exterior lighting except for fossil fuel outdoor light fixtures (such as gas lamps) and holiday lighting which are exempted from this section.

All Development Plan submittals shall include:

- i) Location of all fixtures, controllers and transformers;
- ii) Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of-way, north arrow and scale;

- iii) Cut sheets for all proposed exterior light fixtures and poles;
- b) Except for security lighting, all commercial, industrial, recreational and institutional use exterior lighting shall be extinguished within one hour of closing.
- c) Light Pollution Standards emanating from a SCPD zoning district.
 - i) Light pollution shall be defined as any measurable exterior artificial illumination that strays beyond the site boundary both horizontally at grade and vertically to the building height limitation.
 - ii) Artificially produced light straying beyond property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond five (5) feet into the adjoining property and shall be adjusted, modified or removed accordingly.

MAXIMUM LIGHT POLLUTION ILLUMINANCE		
Receiving Area Classification	Maximum Horizontal Foot Candles	Maximum Vertical Foot Candles
Residential	0.4	0.8
Commercial	3.4	6.5
Industrial	3.4	6.5

Note: When two differing area classifications abut, the lower light level value shall take precedence (i.e., residential over commercial).

- d) The architectural features of all free-standing exterior lighting structures shall be detailed on the required Development Plan. Exterior lighting posts and poles shall be black, brown or bronze in color unless otherwise permitted as a part of an approved Development Plan.
- e) All private deed restrictions pertaining to lighting shall be included as a part of the required Development Plan.

420.024 Development Plan. A Development Plan shall be prepared by a registered architect, engineer, surveyor and/or landscape architect to satisfy these Development Plan requirements. Twelve (12) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall be in map form with accompanying text as appropriate, and shall address the following:

- 1) Selected uses in accordance with Section 420.01 to be permitted within the SELECT COMMERCIAL PLANNED DISTRICT shall be specified by area or specific building location as a part of the Development Plan submission. An explanation of how the selected uses are designed to create the desired compatibility with adjacent land uses shall be submitted with the required Development Plan. Selected uses to be permitted within specific locations in the development plan may include all uses selected in accordance with Section 420.01, or the Development Plan may state specific individual uses by area or structure in order to accomplish the desired compatibility with the surrounding environment.

- 2) A survey map of the boundary of the area being requested for zoning map amendment.
- 3) A preliminary drainage plan, showing topographical contours in two (2) foot intervals, and general locations of proposed improvements.
- 4) Significant stands of existing vegetation.
- 5) Soil types found on the subject tract based upon the Franklin County Soil Survey.
- 6) Existing roads, streets and easements within the subject tract. Off-site contour and easement locations shall be provided where necessary to determine special off-site circumstances as they relate to the development, or off-site features affected by the development.
- 7) Names of registered architect, engineer, surveyor and/or landscape architect who prepared the required Development Plan.
- 8) Proposed features, including:
 - a) Information that the development concept conforms to the various elements of the required Performance Standards, Section 420.023 of the SELECT COMMERCIAL PLANNED DISTRICT.
 - b) Proposed location and approximate size of all structures and ancillary uses.
 - c) Anticipated traffic impacts and proposed street pattern per Section 420.023, Performance Standards.
 - d) A list of specific restrictions applicable to the area being considered for zoning map amendment which are designed to fulfill the concept proposed.
 - e) Screening, landscaping and other provisions required by Section 420.023, Performance Standards.
- 9) Any additional information necessary to demonstrate compliance with Section 420.023, Performance Standards.

420.025 Basis of Approval by Zoning Commission. An application for a SELECT COMMERCIAL PLANNED DISTRICT may be recommended for approval by the Zoning Commission provided that the application and final development plan meets the following requirements:

- 1) That the Performance Standards and Development Plan requirements of the SELECT COMMERCIAL PLANNED DISTRICT as proposed and/or modified by the applicant have been met and that any exception from the Zoning Resolution requirements is warranted by the design and amenities incorporated in the Development Plan; and
- 2) That the proposed development is harmonious with and in accordance with the general objectives, and with any specific objectives of the Perry Township Comprehensive Plan and Zoning Resolution; and
- 3) That the selected uses, proposed development and open spaces are sufficiently integrated, designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such development will not change the essential character of the same area; and

- 4) That the proposed development will not be hazardous or disturbing to existing or future neighboring uses; and
- 5) That the proposed development will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed development shall be able to provide adequately for any such services; and
- 6) That the proposed development will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property by reason of excessive production of traffic, noise, smoke, fumes, glare or odor; and
- 7) That the proposed development will have vehicular access to the property which shall be so designed as not to create an interference with traffic on surrounding public streets, roads or highways.

420.026 Effect of Approval. The Perry Township Trustees shall hold a public hearing on the application as provided in Article VII of this Resolution. The application and accompanying Development Plan, if approved by the Perry Township Trustees, shall constitute an amendment to the Perry Township Zoning Map as it applies to the land included in the approved amendment.

The approval shall be for a period of one (1) year to allow the preparation of a subdivision plat for the first phase, submitted in accordance with the subdivision regulations for Franklin County, Ohio or for filing an application for a Certificate of Zoning Compliance per Section 705.02, Perry Township Zoning Resolution. Unless the required subdivision plat and/or Certificate of Zoning Compliance is properly submitted and approved within the one (1) year period, the approval shall be voided and the land shall revert to its last previous zoning district, unless an application for time extension is submitted and approved in accordance with Section 420.027.

420.027 Time Extension or Modification of Development Plan.

- 1) An extension of the time limit for receiving subdivision plat approval or zoning compliance approval for the approved Development Plan may be granted by the Perry Township Trustees without public hearing provided the Township Trustees find that such extension is not in conflict with public interest.
- 2) A request for minor changes to the Development Plan may be approved by the Perry Township Zoning Commission without being subject to the same procedures as the original application.
- 3) In the case of a request for a modification or amendment to the approved Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:
 - a) A change in the use or character of the development;
 - b) An increase in overall lot coverage of structures and off-street parking;
 - c) An increase in the problems of traffic circulation and public utilities; or
 - d) A substantial departure from the approved Development Plan is sought.

SECTION 427 (PSC) PLANNED SHOPPING CENTER DISTRICT REGULATIONS

427.02 PERMITTED USE. Land and buildings in the PLANNED SHOPPING CENTER DISTRICT shall be used only for the following purposes:

427.021 Shopping Center. Commercial establishments developed, operated and maintained within an organized development of associated commercial activities (shopping center) in accordance with the approved Development Plan.

427.022 Community Facilities. Such as libraries, offices, or educational facilities operated by a public agency or government.

427.03 PROCEDURE. The following procedure shall be followed in placing land in the PLANNED SHOPPING CENTER DISTRICT.

427.031 Submission of Application. The owner or owners of a tract of land four (4) acres or more in any area may request that the Zoning District Map be amended to include such tracts in the PLANNED SHOPPING CENTER DISTRICT in accordance with the provisions of ARTICLE VII.

427.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of structures and ancillary uses, indicating tenant types (uses) and total square feet in buildings.
- 2) The proposed size, location, and use of other portions of the tract, including landscaped, parking, loading, service, maintenance, and other areas or spaces.
- 3) The proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation pattern, including access drives, parking arrangement, pedestrian walks and safety areas, and the relationship to existing and proposed external streets and traffic patterns with evidence of reasonableness.
- 5) The proposed schedule of site development, construction of structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse or existing features such as topography, structures, streets and easements.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services, and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary and the economic feasibility studies (market analysis or other data) justifying the proposed development.

427.033 Basis of Approval. The basis for approving a PLANNED SHOPPING CENTER DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity;
- 4) That the economic character and improved site arrangement justify the location, size and design proposed in the Development Plan.

427.034 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment to the PLANNED SHOPPING CENTER DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of five (5) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is properly submitted and recorded within the five (5) year period, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with 427.036.

427.035 Plat Required. In the PLANNED SHOPPING CENTER DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building setback lines and buildable space within the site; water, sewer and other public utility installations, including sanitary sewer, surface drainage, and waste disposal facilities; easements, access points to public rights-of-way, parking areas, and pedestrian ways; and land reserved for non-commercial use with indication of the nature of the use.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the operations of tenants, including those applicable to areas within the tract to be developed noncommercially.

427.036 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED SHOPPING CENTER DISTRICT.

427.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED SHOPPING CENTER DISTRICT.

Open storage, sales, service, and loading areas shall be screened by walls, fences, or other enclosures at least six (6) feet but not more than eight (8) feet in height. These walls, fences, or enclosures shall have an

opaqueness of seventy-five percent (75%) or more, so as to effectively conceal sales, service, storage and loading operations from a Residential Zoning District or Planned Residential District as listed in SECTION 201, ARTICLE II.

427.042 Lot Width. No minimum lot width is required. However, adequate lot width shall be provided to achieve the yard space required by these DEVELOPMENT STANDARDS.

427.043 Side Yards. A side yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in SECTION 201, ARTICLE II. Such required side yards shall equal one-fourth (1/4) the sum of the height and depth of the structure, but in no case shall be less than twenty (20) feet.

427.044 Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in SECTION 201, ARTICLE II. Such required rear yards shall equal one-fourth (1/4) the sum of the height and width of the structure, except when adjacent to a dedicated alley of not less than twenty (20) feet.

427.045 Arrangement of Areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs, and other uses and developments within the PLANNED SHOPPING CENTER DISTRICT, in addition to achieving these DEVELOPMENT STANDARDS, shall be accomplished in accordance with an approved Development Plan established to assure compatibility with the existing and future land use development in the vicinity. The Development Plan should include walks, fences, landscaping, and other devices which will meet the purpose and intent of the PLANNED SHOPPING CENTER DISTRICT.

427.046 Reserve Areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as Reserve Area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with 427.036. Reserve Areas shall be landscaped or otherwise maintained in a neat and orderly manner.

427.047 Parking and Loading. Off-street parking, loading and service areas shall be provided in accordance with SECTION 531, ARTICLE V. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the Development Plan.

SECTION 435 (PHS) PLANNED HIGHWAY SERVICE DISTRICT REGULATIONS

435.02 PERMITTED USE. Land and buildings in the PLANNED HIGHWAY SERVICE DISTRICT shall be used only for the following purposes.

Commercial establishments normally associated with and intended to service the travelling public. These establishments are motels, restaurants, gasoline service stations, automotive repair and trailer parks provided for overnight parking.

435.03 PROCEDURE. The following procedure shall be followed in the PLANNED HIGHWAY SERVICE DISTRICT.

435.031 Submission of Application. The owner or owners of a tract of land three (3) acres or more in area may request that the Zoning District Map be amended to include such tract in the PLANNED HIGHWAY SERVICE DISTRICT in accordance with the provisions of ARTICLE VII and the following requirements:

435.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of structures and ancillary uses, indicating service types (uses) and total square feet in buildings.
- 2) The proposed size, location, and use of other portions of the tract, including landscaped, parking, loading, service, maintenance, and other areas or spaces.
- 3) The proposed provisions of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation pattern, including access drives, parking arrangement, pedestrian walks and safety areas, and the relationship to existing and proposed external streets and traffic patterns with evidence of reasonableness.
- 5) The proposed schedule of the site development and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights, the engineering feasibility data which may be necessary and economic feasibility studies (market analysis) or other data justifying the proposed development.

435.033 Basis of Approval. The basis for approving a PLANNED HIGHWAY SERVICE DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity;
- 4) That the economic character and improved site arrangement justify the location, size and design proposed in the Development Plan.

435.034 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment to the PLANNED HIGHWAY SERVICE DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of three (3) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is properly submitted and recorded within the three (3) year period, the approval shall be

voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with 435.036.

435.035 Plat Required. In the PLANNED HIGHWAY SERVICE DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Site arrangement, including building setback line and buildable space within the site; water, sewer and other public utility installations, including sanitary sewage, surface drainage, and waste disposal facilities, easements, access points to public rights-of-way, parking areas, and pedestrian ways; and land reserved for non-highway service use with indication of the nature of the use.
- 2) The nature and extent of earthwork required for site preparation and development.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the operation of tenants, including those applicable to areas within the tract to be developed for non-highway service uses.

435.036 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED HIGHWAY SERVICE DISTRICT.

435.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED HIGHWAY SERVICE DISTRICT.

435.041 Intensity of Use. Open storage, service, and loading area shall be screened by walls, fences, or other enclosures at least six (6) feet but not more than eight (8) feet in height. These walls, fences, or enclosures shall have an opaqueness of seventy-five percent (75%) or more, so as to effectively conceal storage, service, and loading operations from a Residential Zoning District or Planned Residential District as listed in SECTION 201, ARTICLE II.

435.042 Lot Width. A minimum lot width of three hundred (300) feet is required at the front setback line; however, adequate lot width shall be provided to achieve the yard space required by these DEVELOPMENT STANDARDS.

The width or the depth of the lot shall not be more than two (2) times the other.

435.043 Side Yards. A side yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in SECTION 201, ARTICLE II. Such required side yards shall equal one-fourth (1/4) the sum of the height and depth of the structures, but in no case shall be less than thirty-five (35) feet.

435.044 Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in SECTION 201, ARTICLE II. Such required rear yards shall equal one-fourth (1/4) the sum of the height and width of the structure, but in no case shall be less than thirty-five (35) feet.

435.045 Arrangement of Areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs, and other uses and developments within the PLANNED HIGHWAY SERVICE DISTRICT, in addition to achieving these Development Standards, shall be accomplished in accordance with an approved Development Plan established to assure compatibility with the existing and future land use development in the vicinity. The Development Plan should include walks, fences, landscaping, and other devices which will meet the purpose and intent of the PLANNED HIGHWAY SERVICE DISTRICT.

435.046 Reserve Areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as Reserve Area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with 435.031. Reserve Area shall be landscaped or otherwise maintained in a neat and orderly manner.

435.047 Parking and Loading. Off-street parking, loading, and service areas shall be provided in accordance with SECTION 531, ARTICLE V. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the Development Plan.

SECTION 444 (PIP) PLANNED INDUSTRIAL PARK DISTRICT REGULATIONS

444.02 PERMITTED USE. The following uses shall be permitted in the PLANNED INDUSTRIAL PARK DISTRICT.

444.021 Industrial Development. Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the Development Standards of these PLANNED INDUSTRIAL PARK DISTRICT regulations and in accordance with the approved Development Plan.

Commercial establishments normally associated with and intended to serve the industrial establishments or their employees and approved as a part of the Development Plan. These commercial establishments are: Financial Institutions, Restaurants, Gasoline Service Stations, Automobile Repair Establishments, recreation or other personal enrichment (except adults only entertainment establishments as defined in SECTION 720, ARTICLE VII) facilities established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments, developed as a part of the approved Development Plan.

444.03 PROCEDURE. The following procedure shall be followed in placing land in the PLANNED INDUSTRIAL PARK DISTRICT.

444.031 Submission of Application. The owner or owners of a tract of land twenty-five (25) acres or more in area may request that the Zoning District Map be amended to include such tracts in the PLANNED INDUSTRIAL PARK DISTRICT in accordance with the provisions of ARTICLE VII and the following requirements:

The twenty-five (25) acre requirement may be reduced if the use of the total area is set forth in application, including:

- 1) The type of firm or firms.
- 2) A site plan for the development of each lot, including the placement of structures, storage area, parking areas, yard space, and other activities.

444.032 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text or map form:

- 1) The proposed location and size of industrial areas, indicating by sketch, map, or text the general development character of the tract, limitations or controls to be placed on industrial uses, processes, operations, locations, or the types of tenants, probable lot size, and other development features, including the landscaping plan.
- 2) The proposed location and size of non-industrial uses within the tract indicating types of proposed uses such as commercial, community service or facility, or other associated non-industrial activity.
- 3) The proposed provisions of water, sanitary sewer, industrial waste disposal, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- 4) The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including their relationship to topography and existing transportation facilities with evidence of reasonableness.
- 5) The proposed schedule of site development and associated facilities, including streets, other transportation facilities, utilities, services and other facilities.
- 6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to prepare required land improvements, including street, water, sanitary sewers, waste disposal, surface drainage, and other facilities for subdivision development required by the Subdivision Regulations for Franklin County, Ohio. Evidence of control includes property rights and the engineering feasibility data which may be necessary.

444.033 Basis of Approval. The basis for approving a PLANNED INDUSTRIAL PARK DISTRICT application shall be:

- 1) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a comprehensive plan or a portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and the immediate vicinity;
- 4) That the benefits of improved arrangement and design of the development justifies deviation from the standard requirements for industrial development included in this Zoning Resolution.

444.034 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment to the PLANNED INDUSTRIAL PARK DISTRICT regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of five (5) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is properly submitted and recorded within five (5) years, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with 444.036.

444.035 Plat Required. In the PLANNED INDUSTRIAL PARK DISTRICT, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include:

- 1) Public and private street and block layout (lot divisions are not required, but probable arrangement should be indicated); building setback lines; water, sewer, fire-hydrant and other public utility installations, including sanitary sewage and waste disposal facilities; easements, rights-of-way, pavements, and walks; and land reserved for non-industrial use with indication of the nature of the use.
- 2) The nature and extent of earthwork required for site preparation and the installation of public improvements such as streets and utilities.
- 3) Deed restrictions, covenants, easements and encumbrances to be used to control the private use, development and maintenance of the land and improvements thereon, including those applicable to areas within the tract to be developed non-industrially.

444.036 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PLANNED INDUSTRIAL PARK DISTRICT.

444.04 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the PLANNED INDUSTRIAL PARK DISTRICT.

444.041 Intensity of Use.

- 1) A use allowed in this District shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than twelve (12) feet in height. These walls or fences shall have an opaqueness of seventy-five percent (75%) or more, so as to effectively conceal production, storage, service, and loading operations from adjoining streets and from a Residential Zoning District or another Planned Development District as listed in SECTION 201, ARTICLE II.
- 2) PERMITTED USES of this District may be developed in accordance with the DEVELOPMENT STANDARDS of SECTION 344, LIMITED INDUSTRIAL DISTRICT.

444.042 Lot Width. No minimum lot width is required. However, all lots shall abut a public street or otherwise provide access to such public street by means of roadway easement.

444.043 Side Yards. For main and accessory structures, including open storage, service, and loading areas, the required side yards shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than fifty (50) feet from any Residential Zoning District or Planned Residential District as listed in SECTION 201, ARTICLE II except in accordance with the DEVELOPMENT STANDARDS of SECTION 344, LIMITED INDUSTRIAL DISTRICT.

444.044 Rear Yards. For main and accessory structures, including open storage, service, and loading areas, the required rear yards shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than fifty (50) feet from any Residential Zoning District or Planned Residential District as

listed in SECTION 201, ARTICLE II, except in accordance with the DEVELOPMENT STANDARDS of SECTION 344, LIMITED INDUSTRIAL DISTRICT.

444.045 Improvements Required. The following improvements shall be required:

- 1) Street improvements within or adjacent to the tract in accordance with the requirements of the Subdivision Regulations for Franklin County, Ohio.
- 2) Water and sewer facility improvements in accordance with the requirements of the Subdivision Regulations for Franklin County, Ohio.
- 3) An easement twenty-five (25) feet or more in width shall be provided around the entire tract and shall be landscaped in accordance with an approved landscape plan. Such plan shall include plantings which will achieve a height of ten (10) feet or more and an opaqueness of at least seventy-five percent (75%) within five (5) years of normal growth. This easement, when adjacent to a street right-of-way eighty (80) feet or more in width, or other industrial zoning district, may be reduced to fifteen (15) feet, a twenty-five percent (25%) opaqueness, and two (2) feet in height. The landscape plan shall be submitted with the Subdivision Plat and shall be subject to approval in the same manner as required of the Subdivision Plat.

444.046 Plat and Landscape Required. The Subdivision Plat shall be developed and recorded in accordance with the Subdivision Regulations for Franklin County, Ohio. Landscaping shall be accomplished in accordance with the approved landscape plan in conjunction with development of adjacent lots in the industrial park.

**ARTICLE V
GENERAL DEVELOPMENT STANDARDS**

SECTION 500 GENERAL DEVELOPMENT STANDARDS ADOPTED

500.01 GENERAL REGULATION OF THE ARRANGEMENT AND DEVELOPMENT OF LAND AND STRUCTURES. Standards pertaining generally and uniformly to the arrangement and development of land and structures within the Zoning Districts adopted in ARTICLE II are hereby established and adopted as supplementary to the District Regulations of ARTICLE III and ARTICLE IV.

SECTION 502 LOT AND YARD SPACE REQUIREMENTS

502.01 PLATTING REQUIRED. No use shall be established or altered and no structure shall be constructed or altered except upon a lot that has been platted in accordance with, or which otherwise meets the requirements of the **Subdivision Regulations for Franklin County, Ohio**.

502.011 Minimum Requirements. Development Standards are minimum requirements for the arrangement of lots and spaces to be achieved in all developments.

502.02 LOT AREA AND YARD SPACE PRESERVED. The lot area and yard space required for a use or structure shall be maintained during its life and shall not be reduced below the minimum requirement, occupied by another use or structure, or counted as yard space for any other use or structure. For lots in the SO, NC, CC, CS, LI, PSC, PHS, PIP districts, no lot shall have constructed thereon building and off-street parking lot coverage (excluding access drives to the parking lot) exceeding eighty percent (80%) of the lot. The portion of the lot outside the building, parking and access drive(s) as permitted shall be continuously maintained with natural landscaping materials designed to enhance the appearance of the lot as viewed from the public right-of-way and to provide screening and buffering between lots.

502.021 Yards Required Open. The yard space required for a use or structure shall, during its life, remain free of all uses or occupancies except as follows:

- 1) Fences, walls, and landscaping as permitted in Sections 502.03 through 502.032, inclusive.
- 2) Eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet.
- 3) Open and uncovered porches may project beyond the front building line or into a required rear yard a distance not to exceed five (5) feet.
- 4) Driveways shall be permitted in required yards, but shall be three (3) feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.
- 5) Parking areas shall be permitted in required yards developed in Industrial Zoning Districts to within fifteen (15) feet of a Residential Zoning District or a Planned Development Zoning District as listed in SECTION 201, ARTICLE II.

502.022 Yards Not Otherwise Required. Yard space not otherwise required but provided shall be five (5) feet or more in width.

502.023 Yards Maintained. All yard space shall be maintained in accordance with one or more of the following provisions:

- 1) Fenced as permitted or required.
- 2) Landscaped by lawns, shrubberies, trees, and other plantings, maintained in a neat and orderly natural manner, or used for permitted accessory or ancillary use.
- 3) Paved for parking as permitted.

502.03 Regulations – Fences, Walls, and Hedges. No fence, wall or hedge shall be erected without the issuance of a Certificate of Zoning Compliance. Applications for such permit shall include plans and drawings showing the actual and accurate shape and dimensions of the property upon which the fence, wall or hedge is to be erected; the exact height, location, length, type of material and type of construction of such proposed fence; the location of the buildings on the lot; or any such other information as deemed necessary for such permit.

- 1) No fence, wall or hedge or other landscaping plantings or materials shall be located within any easement, floodplain, floodway, drainage easement, or apparent drainage course for any parcel or subdivision which would be detrimental to the public health safety and welfare.
- 2) No fence, wall or hedge or landscape plantings or materials shall be located in any public right of way. No fence, wall or hedge or landscape plantings or materials shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets. In addition, no fence, wall, hedge, plantings or landscape plantings or materials shall visibly obscure, hide, or screen fire hydrants, street address numbering, or other security or emergency service equipment, controls or components.
- 3) The height of a fence, wall, or hedge shall be measured from the established grade line to the highest point of the fence including fence posts and finials. Any light fixture placed on a pier or post may not exceed a height of one (1) foot. The height may not be artificially increased by the use of mounding unless otherwise required by the zoning district regulations.
- 4) All fences and walls shall be structurally sound, safe, and properly finished at all times. Fences shall be designed, constructed, and finished so the supporting members thereof shall face the property of the owner of the fence. Ground areas between fences and property lines and between fences shall be kept properly maintained at all times.
- 5) Setback and height requirements of Section 502.03 shall apply to all public street frontages.
- 6) No fence, wall or hedge shall be more than six (6) feet in height. Fences, walls and hedges shall not be located between the principal structure and a street with exceptions for the following:
 - a) Fencing, walls or hedges that are specifically designed and used for decorative and/or landscaping purposes may be located in front and/or to the side of the principal structure, provided such decorative and/or landscaping fences, walls or hedges shall not exceed thirty-six (36) inches in height and shall not protrude more than fifteen (15) feet from the front of the principal structure.
 - b) Fencing as required in SECTION 521, SCREENING BY STRUCTURE OR LANDSCAPING REQUIRED.
 - c) Fencing is in accordance with an approved Development Plan of a Planned Development District.

502.031 Permitted Fencing. The following fence types shall be permitted in required yards as follows:

- 1) Open fences, partially open fences, and hedges are permitted in any required yard, or along the edge of any yard.
- 2) Solid fences shall be permitted in all zoning districts and not forward of any front corner of the primary structure. In the case of a corner lot, "front corner" shall mean all corners that face the road
- 3) Apron fences that are solid wood framed with welded wire fabric shall be permitted in all zoning districts and not forward of any front corner of the primary structure. Maximum height 4'. An example of an apron fence:



- 4) Vinyl clad, plastic or PVC (poly vinyl chloride) fences in colors black or green used in conjunction with a split rail fence.

502.032 Prohibited Fencing. The following fences shall not be permitted in any zoning district or yard:

- 1) Fences, walls or other landscaping equipped with or having barbed wire, spikes, sharp points or any similar device or an electrical charge sufficient to cause shock shall be prohibited. In addition, chicken wire, poultry wire or hex netting fence consisting of a galvanized or PVC coated material shall be prohibited except where associated with a swimming pool in the rear yard. This section shall not be construed or applied to prohibit underground invisible fences installed for the purpose of confining pets to property.
- 2) Open chain link fences except those associated with commercial uses in the SO, NC, CC, CS, LI, PSC, PHS, PIP districts and approved tennis courts.

502.033 Corner Lots and Double-Frontage Lots. In the event a property is situated adjacent to two (2) or more streets, the following shall apply:

- a) Setback and height requirements of Sections 502.03 to 502.031 shall apply to all streets.

SECTION 503 MINIMUM FLOOR AREA AND STRUCTURAL HEIGHT LIMITATIONS

No single-family dwelling shall have a gross floor area of less than 1,500 square feet. No two-family dwelling shall have a gross floor area of less than 850 square feet per family. No multiple family dwelling shall have a gross floor area of less than 800 square feet per family.

No principal structure shall exceed thirty-five (35) feet in height, except that the Perry Township Board of Zoning Appeals may approve a Conditional Use Permit for a structure exceeding thirty-five (35) feet, provided the procedures and requirements of section 815 of this Resolution are met.

SECTION 504 BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY

504.01 BUILDING LINES ESTABLISHED. Along every street right-of-way a building line shall be established from the centerline of that right-of-way a distance equal to the width of the existing right-of-way or the width of the right-of-way proposed in the Thoroughfare Plan as adopted by the Mid-Ohio Regional Planning Commission on October 6, 1961, (then Franklin County Regional Planning Commission) and as amended from time to time, whichever right-of-way is greater. However, where a property adjoins a limited access right-of-way, a building line shall be established in accordance with the applicable side and rear yard requirements or fifteen (15) feet, whichever is greater. Where property adjoins a limited access right-of-way, accessory structures may be permitted within the established building line on the condition that a setback of not less than five (5) feet from the property line is provided.

504.011 Required Setback. A structure or other use of land, except parking, shall locate no closer to a street right-of-way than the established building line.

504.012 Parking Setback. Open parking or loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to thirty percent (30%) of the required setback distance. The establishment of a reduced setback in accordance with 504.014 shall not alter the parking setback requirements of this section and Section 504.01 and 504.011.

504.014 Reduced Setback. If existing structures or uses on both lots adjacent to a lot have a setback less than the setback line established by these Regulations, the setback on the center lot shall be the average setback established on the adjacent lots.

504.02 SIGHT TRIANGLE ESTABLISHED. At every intersection of street rights-of-way, a sight triangle shall be established as described by the right-of-way lines of the intersecting streets and the third side being a line passing through a point on each right-of-way line that is a distance from their point of intersection equal to the sum of the width of both rights-of-way divided by four (4).

504.021 Visibility Maintained. Within the sight triangle, there shall be maintained a clear visibility between the heights of two and one-half (2-1/2) feet and ten (10) feet above the average center line grade of the intersecting streets within the sight triangle, except trunks of existing trees or light or sign supports. Such supports shall have a maximum dimension of six (6) inches or less of its horizontal section. If two (2) or more supports are on a framework, they shall not have an opaqueness of more than ten percent (10%) when viewed parallel to the third side of the sight triangle. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided within the sight triangle.

SECTION 506 ASSIGNED YARDS FOR ARRANGEMENT OF STRUCTURES

506.01 ASSIGNED YARD METHOD. As an alternative method of determining the minimum requirement of yard space for the arrangement of two or more structures on the same lot or the arrangement of structures on separate lots of the same ownership or with agreement between owners, the following requirements may be used.

506.011 Determination of Assigned Yards. The assigned yard (typically diamond shaped) shall be that area bounded by lines passing through points that are located by the following procedure:

- 1) The outline of the structure shall be a quadrangle described by lines established by the projection of the outermost faces of the structure.
- 2) The height measurement shall be determined as defined in SECTION 702, ARTICLE VII.

If a wing, bay or other section of the structure is twenty-five percent (25%) or less of the linear dimension of a projected face or is of ten (10) feet or more difference in height, than a quadrangle and/or height as determined above may be described separately. If a face of the structure is other than straight, then the projection of such a face shall be a line through the outermost point of the face and that is either perpendicular parallel to the projection of the structure's front face.

- 3) The points shall be established on a perpendicular bisector of each side of the quadrangle at a distance from such side equal to the sum of the length of the side and the height of the structure divided by two (2).

506.012 Relationship of Assigned Yards. The assigned yard of a structure shall not be occupied by any other structure, except accessory structures on the same lot.

Structures adjacent to property of another ownership shall comply with the yard requirements prescribed in relation to the lot line except that if the adjacent property is developed or its proposed structure is determined and with written consent of the adjacent property owner, then assigned yards may be used to establish the arrangement between the structures.

The assigned yard shall not extend into a street right-of-way, except that if a street is abutted by property of the same ownership or with agreement between owners for its full extent between inter-sections, then the assigned yard may be extended to the centerline of the right-of-way, except that the structure shall not be closer than ten (10) feet to the existing or proposed right-of-way, whichever is greater.

SECTION 508 TEMPORARY USES, SALES

508.01 Temporary Uses, Sales, Purpose. Because of the special characteristics and needs of temporary uses, special standards to properly locate and control the activities of temporary uses and/or sales are necessary in order to secure the health, safety and morals of the community. An application for a Temporary Permit shall be filed at least ten (10) days prior to the commencement of the proposed temporary use or sale. No temporary use or sale shall commence until a Temporary Permit shall have been issued by the Township Zoning Inspector.

Except as provided in 1) and 2) of Section 508.06, the provisions of Section 508 shall not apply to a sale of property publicized solely by classified newspaper advertising, which is limited to describing or identifying the specific property offered for sale and does not designate the date, hours or location of the sale other than by stating the name, address or telephone number of the seller.

508.02 TEMPORARY USE/SALE PERMIT. Each application for a Temporary Use Permit shall contain a graphic description of the property to be utilized, a description of the proposed use, and excepting temporary uses and/or sales listed in Section - 508.06 (1), (2), (3) and (7), a site plan in triplicate, drawn to scale, which illustrates the following:

Submission Requirements for Temporary Use Permit:

- 1) The actual dimensions of the lot, including easements.
- 2) The exact size, location, and height of all existing and proposed buildings and structures, whether principal or accessory, on the lot.
- 3) The existing and intended use of all parts of the land and buildings and structures, whether principal or accessory.
- 4) Existing zoning on the lot in question and on all adjacent lots.

- 5) Existing and/or proposed parking spaces, traffic flow, wheel stops, access drives, building and parking setbacks, yard requirements, and existing and proposed sanitary facilities.
- 6) Existing and proposed signs and billboards, including lighting and size detail.
- 7) Such other information with regard to the temporary use, lot, and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.

508.03 FEES. When making an application for a Temporary Use/Sale Permit, the investigation and compliance fees shall be paid in accordance with the Schedule of Fees Resolution as may from time to time, be adopted by the Board of Perry Township Trustees.

508.04 ISSUANCE OF PERMITS. Temporary Use/Sale Permits shall be issued or refusal thereof given within five (5) days of the completed application and fee. Written notice of such refusal and reason thereof shall be given to the applicant.

508.05 PROHIBITED TEMPORARY USES. Temporary retail sales conducted on parking lots, vacant lots, or along roadsides by transient vendors shall be prohibited unless conducted pursuant to a valid permit issued by the Township under Ohio Revised Code Section 505.94.

508.06 PERMITTED TEMPORARY USES. The following temporary use and/or sales are deemed to be permitted temporary uses or sales and are subject to the following requirements in addition to applicable development standards of the district in which the use is located:

- 1) **Garage or Yard Sales:** shall be limited to not more than two (2) consecutive days and only two (2) such sales may be conducted during any one (1) calendar year. Garage or yard sales involving the complete liquidation of all personal property located within the entire dwelling unit shall be limited to not more than two (2) consecutive days and only one (1) such sale may be conducted by the owner or occupant of such dwelling unit. The term " Garage or Yard Sales " shall be defined as a sale of personal property to the general public conducted inside or outside a dwelling unit on any property within a residential zoning district, including, but not limited to, garage sales, patio sales, yard sales, porch sales, tag sales, liquidation sales and other similar types of sales. A garage or yard sales does not include the casual sale of motor vehicles, boats, trailers, motorcycles, motor homes, and other similar types of vehicles, which sales shall be regulated in accordance with the provisions of Section 508.08. In addition, the following regulations shall apply to garage or yard sales:
 - a) No garage or yard sales shall be conducted within a temporary accessory structure or vehicle including but not limited to tents, canopies, sheds, trailers and similar types of structures and vehicles.
 - b) Garage or yard sales shall not be conducted on consecutive weekends.
 - c) No garage or yard sales shall commence before the hour of 8:00 a.m. nor extend later than 7:00 p.m.
 - d) Personal property offered for sale shall not be displayed closer than twenty five (25) feet of a street.
 - e) Signs for garage and yard sales must adhere to Section 541 of this Zoning Resolution.

- f) The Zoning Inspector may require the review of any garage or yard sales Temporary Permit application by the Township Police and/or Fire Department. In the event that the Chief of either department requires that temporary, no parking restrictions be implemented on any public street in order to protect the health and safety of the citizens of Perry Township, the applicant for a Temporary Use permit shall cooperate to the extent necessary for the posting of such restrictions.
 - g) No garage or yard sales conducted within a dwelling unit shall occupy more than 200 square feet of such dwelling unit unless such sale involves the complete liquidation of all personal property located within the entire dwelling unit.
 - h) No person shall sell or offer for sale at such garage or yard sales any merchandise that has been purchased, consigned or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be prima-facie evidence that such merchandise was acquired for purposes of resale. No person shall sell or offer for sale at such home sale any personal property except such property that has been owned, maintained and used for personal household use by such person or members of his family on or in connection with the premises on which such sale is held.
- 2) **Casual Sales of Motorcycles and Motor Vehicles, Excluding Boats, Trailers, Motor Homes and Other Similar Vehicles:** A casual sale of a motor vehicle or motorcycle may be conducted on any property in a residential or planned residential zoning district provided the following criteria are met:
- a) No person shall sell or offer for sale any such vehicle that has been purchased, consigned or otherwise acquired for purposes of resale. The offering of a new vehicle for sale shall be prima facie evidence that such vehicle was acquired for purposes of resale.
 - b) No person shall sell or offer to sell any such vehicles, except such vehicles as have been owned, maintained and used for personal household use by such person or members of his/her family on or in connection with the premises on which the vehicle is being sold.
 - c) No more than three (3) such vehicles may be sold or offered for sale in any one (1) calendar year.
 - d) No more than one (1) such vehicle shall be displayed for sale on or from the property at any time. Such displayed item shall be located upon an approved driveway within the front or side yards and such displayed item shall be placed no nearer to the edge of the roadway pavement than fifteen (15) feet. In no event shall such displayed items be located in any public road right-of-way.
 - e) Not more than two (2) signs, each of which shall not exceed two (2) square feet in area, may be displayed for the sale of such vehicle upon or in the vehicle, provided that such sign(s) shall not be illuminated or animated.
 - f) Any such vehicle displayed for sale must be in operating condition and capable of being immediately moved under its own power if self-propelled, or if not self-propelled, by towing by ordinary means available upon the premises, and must have a valid and current registration decal and/or license plate.
 - g) Except as may otherwise be permitted in the Community Service Zoning District or as may be approved as part of a Planned Development Zoning District, the sale of motor vehicles and motorcycles, which does meet the foregoing criteria shall be prohibited. The casual sale of such

vehicles in accordance with the criteria outlined in 508.086 2) shall not require a Temporary Permit.

- 3) **Christmas Tree Sales:** Christmas tree sales may be permitted for a period not exceeding thirty-five (35) consecutive days during any one calendar year in any nonresidential zoning district or upon a church, school or similar site within a residential zoning district provided no activities are conducted within the public right-of-way and adequate off-street parking is provided in accordance with the minimum parking set-back.
- 4) **Temporary Real Estate Sales Offices:** Temporary real estate sales offices may be permitted within any district for any new subdivision, provided sales activities are limited to that subdivision only and such office is not used as a dwelling. Such office use shall cease upon completion of the sales of lots within the subdivision. Rentals or resales of lots and/or units in the subdivision shall not be conducted from the temporary office.
- 5) **Temporary Contractors' Offices:** Temporary contractors' offices and equipment sheds, other than Portable Storage Units, in association with construction activities may be permitted within any district, provided such uses are removed immediately upon completion of the construction project.
- 6) **Temporary Public Events:** Temporary public events sponsored by a public or non-profit organization may be permitted within any non-residential zoning district or upon a church, school or other similar site within a Residential Zoning District provided adequate off-street parking, sanitary facilities, lighting, and security are provided. Temporary public events shall be limited to not more than three (3) consecutive days and only two (2) such events may be conducted in any one (1) calendar year.

Temporary public events include, but are not limited to, temporary uses such as tent meetings, bazaars, festivals, flea markets, art shows, and other similar public events. Temporary uses permitted in this section do not include major rock concerts or similar functions that will normally attract more than five hundred (500) persons.

- 7) **Portable Storage Units:** in accordance with the provisions of Sections 508.08 and 508.081.

508.07 CONDITIONAL IN HOME SALES. The sale of personal property within a dwelling unit which is not in accordance with the requirements of 508.06 (1) may be permitted in accordance with Section 815, Article VIII subject to the approval of the Board of Zoning Appeals and the following criterion:

- 1) The appropriate fire official as designated by the Township shall provide a written evaluation regarding the area within the dwelling proposed to be used for such sale. The evaluation shall be based upon all applicable fire safety regulations and practices including but not limited to occupancy limitations, means of ingress and egress and the adequacy of fire prevention equipment and measures.
- 2) The Perry Township Police and the appropriate fire official as designated by the Township shall provide a written recommendation regarding the need for an implementation of traffic control measures necessary to protect the health, safety and morals of the public. In the event either department requires the posting of temporary no parking restrictions or the hiring of a traffic control officer, the applicant shall cooperate to the extent necessary for the posting of such restrictions and shall be responsible for the costs incurred in establishing and implementing any such measures.
- 3) The duration, hours, frequency, and signage of such sale may be limited or modified by the Board of Zoning Appeals to prevent undesirable effects on adjacent property and to ensure that such sale does not change the essential residential character of the area.

508.08 PORTABLE STORAGE UNITS. Portable Storage Units may be permitted as a temporary use in any residential zoning district only in conjunction with and not to exceed the times listed for the following activities:

- 1) Temporary use, including open top dumpsters and bagsters, for construction sites as accessory to and in association with an on-going construction project at such site for a period of up to one hundred and eighty (180) ~~one hundred twenty (120)~~ total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs sooner.
- 2) Temporary use, including open top dumpsters and bagsters, when the occupant of the property on which the portable storage unit is located is relocating for a period not to exceed fourteen (14) ~~seven (7)~~ consecutive days and no more than twenty-one (21) ~~fourteen (14)~~ total days in any one hundred eighty (180) consecutive day period.
- 3) Temporary use, including open top dumpsters and bagsters to facilitate temporary activities not described in Section 508.08 1 or 2, above, for a period not to exceed fourteen (14) ~~seven (7)~~ consecutive days and no more than twenty-one (21) ~~fourteen (14)~~ total days in any one hundred eighty (180) consecutive day period.

508.081 RESIDENTIAL PORTABLE STORAGE UNIT CRITERIA. Portable storage units, including open top dumpsters and bagsters, shall be subject to the following requirements:

- 1) A portable storage unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in height.
- 2) Not more than ~~one two (2) (1)~~ portable storage units shall be permitted on any property at any time.
- 3) No portable storage unit shall be located in a public right-of-way.
- 4) Portable storage units shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.
- 5) Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever.
- 6) The placement of portable storage units shall be in such manner as not to create a public nuisance.
- 7) A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.
- 8) A Pod/Dumpster Permit shall be obtained prior to the placement of a portable storage unit on a property. For the activities listed in Section 508.08 1 and 2, no more than two (2) Pod/Dumpster Permits may be issued for the same property during any three hundred sixty-five (365) consecutive day period.

508.082 COMMERCIAL STORAGE CONTAINER CRITERIA. Storage containers shall be conditional uses subject to the following requirements with a Conditional Use Permit:

- 1) A storage container shall not exceed one hundred sixty-nine (169) square feet in size and eight and one half (8.5) feet in height.
- 2) Not more than two (2) storage containers shall be permitted on any property at any time.

- 3) No storage container shall be located in a public right-of-way.
- 4) Must be painted to match the exterior of the primary structure.
- 5) Are only allowed on commercially-zoned properties that are surrounded entirely by other commercially-zoned properties. Must be located on a solid surface or gravel.
- 6) Must be in a rear yard area and screened by a Fence or Landscaping as required in Section 502.03, 502.031 and 502.032. In the event the property is enclosed by a chain link fence, then the container must be landscaped as required in Section 521.012.
- (7) Storage containers shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.
- (8) Storage containers shall only be used for the storage of business property and for no other purpose whatsoever. Must be non-habitable structures (including, but not limited to, no HVAC, electric, or water/sewer) or used as an office.
- (9) The placement of storage containers shall be in such manner as not to create a public nuisance.
- (10) A storage container is permitted as a permanent accessory storage structure as long as it meets these requirements.
- (11) A Conditional Use Permit shall be obtained prior to the placement of a storage container on a property.

SECTION 510 RESIDENTIAL CARE FACILITIES

510.01 RESIDENTIAL CARE FACILITIES, PURPOSE. This section is intended, in part, to ensure compliance of related provisions of the Perry Township Zoning Resolution with the Fair Housing Act Amendments of 1988, effective March 12, 1989, which extend equal housing opportunities to the handicapped, as well as place some minimal regulations upon adult care facilities in accordance with Ohio Revised Code Section 3722.03 (D)(1). Perry Township's policy has been and shall continue to be to encourage persons whose disabilities or status limit their ability to live independently to live in stable, affordable housing, in settings that maximize community integration and opportunities for acceptance and to ensure that these individuals are not forced into housing enclaves that would perpetuate isolation from the mainstream of society. For purposes of this Zoning Resolution, a Residential Care Facility of five or fewer unrelated residents (excluding care-givers) shall be regulated as a single (one) family dwelling. A Residential Care Facility of six or more residents (excluding care-givers) shall be regulated as a multifamily dwelling structure in the Suburban Apartment Residential (R-24) Zoning Districts and as a form of rooming or boarding house in the Suburban Office, Neighborhood Commercial, Community Commercial and Community Service Zoning District.

510.011 Location of Residential Care Facilities.

- 1) A Residential Care Facility of five or fewer residents (excluding care-givers) shall be permitted in any single (one) family zoning district which are the Restricted Suburban Residential (R-1), Limited Suburban Residential (R-2) and Suburban Residential (R-4),..

- 2) A Residential Care Facility of six or more residents (excluding care-givers) shall be permitted in the Suburban Apartment Residential (R-24), Suburban Office and Institutional (SO), Neighborhood Commercial (NC), Community Commercial (CC) and Community Service (CS) Zoning Districts.
- 3) The term "Residential Care Facility" as used in this Section means a Residential Care Facility licensed by the State of Ohio.

510.012 Concentration of Residential Care Facilities.

- 1) In order to promote the benefits of residential surroundings for the residents of Residential Care Facilities and to further the goal of deinstitutionalization of persons whose disabilities or status limit their ability to live independently and to foster their integration into the mainstream of society, no Residential Care Facility shall be located within 1,320 feet of any other Residential Care Facility.
- 2) The Perry Township Board of Zoning Appeals may, in accordance with the procedures and provisions of Section 815, Procedures for Authorizing a Conditional Use, issue a Conditional Use Permit for a Residential Care Facility to locate within 1,320 feet of another Residential Care Facility upon a finding that:
 - a) The residents of said facility will benefit from normal residential surroundings; and
 - b) The placement within 1,320 feet of another Residential Care Facility does not hinder the goal of deinstitutionalization; and
 - c) The placement of the Residential Care Facility furthers the goal of integrating the residents into the mainstream of society; and
 - d) A hardship exists in that suitable housing is unavailable elsewhere in the community that meets the 1,320 foot spacing requirement; and
 - e) The architectural design and site layout of the proposed facility and the location, nature and height of any walls, screens and fences shall be compatible with adjoining land uses and the character of the neighborhood; and
 - f) The proposed facility shall fully comply with all yard, parking and sign regulations and shall comply with all health, fire and safety regulations and building standards.

SECTION 511 HOME OCCUPATION

511.01 HOME OCCUPATION PERMITTED. A home occupation shall be permitted within a dwelling unit provided it does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit or two hundred (200) square feet, whichever is larger. All persons proposing to conduct a home occupation shall be required to obtain a permit from the Zoning Inspector. The initial permit shall be valid for a period of two (2) years after the date of issuance. A renewal permit must be secured for each subsequent two (2) year period thereafter.

511.011 Home Occupation Defined. "Home occupation" is an accessory use of a dwelling unit except as provided in Section 508, Temporary Uses, Sales, for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within an enclosed dwelling by the occupants residing therein, and provided:

- 1) The occupation is clearly incidental and secondary to the use of the dwelling for residential occupancy and there shall be no substantial indication of the non-residential use of the premises which is visible or apparent as viewed from off the premises; and
- 2) No person, other than those residing on the premises, shall own or operate such occupation. Not more than one (1) non-resident employee shall be employed at any one time in such occupation; and
- 3) There shall be no change in the outside appearance of the building or premises; and
- 4) No home occupation shall be conducted in any accessory building or structure; and
- 5) The exterior access to the space devoted to the home occupation shall not be used exclusively for such use; and
- 6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and
- 7) No "commercial vehicles", having dual axles, designed for the transportation of cargo including tractor-trailers shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a home occupation; and
- 8) No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood; and
- 9) Signs for Home Occupations shall be placed in accordance with Section 541.061, Article V of the Perry Township Zoning Resolution; and
- 10) There shall be no outdoor storage of equipment or materials used in the home occupation; and
- 11) The storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, construction debris, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances, scrap metal or vehicles is specifically prohibited as a home occupation.

511.012 Home Occupation Other than as Defined. A "Home Occupation" except as defined in Section 511.011, may be allowed only upon obtaining approval in accordance with Section 815, Article VIII. The granting of such approval shall be limited to:

- 1) The conduct of the home occupation within a permitted structure accessory to the dwelling unit.

SECTION 512 ACCESSORY USES AND STRUCTURES

512.01 ACCESSORY USES AND STRUCTURES PERMITTED. Accessory uses or structures may be permitted provided that following requirements are met:

- 1) No more than two (2) accessory uses or structures shall be permitted on a lot in a residential zoning district.

- 2) Unless otherwise prohibited by lot area coverage requirements, only one (1) storage shed as an accessory structure may be permitted on a residential lot, provided that the area of said storage shed does not exceed 200 square feet in size. The maximum height of a side wall for any storage shed shall not exceed eight (8) feet and the exterior peak height shall not exceed fourteen (14) feet. A storage shed shall have an exterior which is compatible in appearance to the principal structure on the lot. This includes, but is not limited to materials, colors, texture, roof types and windows.
- 3) The maximum cumulative area of all the accessory uses or structures shall not exceed 576 square feet.
- 4) Except for a detached garage, the maximum height of an accessory use or structure shall be no more than 14 feet. The maximum height of a detached garage shall not exceed the height of the principal structure.
- 5) An accessory structure shall have an exterior which is complimentary in materials to the principal building on the parcel or lot. This includes, but is not limited to materials, colors, texture, roof types and windows.
- 6) No commercial uses shall be conducted within an accessory structure unless otherwise approved as part of a home occupation conditional use or commercial/industrial zoning request.
- 7) A Certificate of Zoning Compliance shall be obtained for accessory uses and structures in accordance to the provisions of Section 705.02.
- 8) Accessory structures in excess of 200 square feet in size shall be subject to building and zoning review and must have a permanent frost-free foundation as required by the Franklin County Building Code.

512.011 Accessory Use and Structure Defined. As used herein, "Accessory Structure or Use" means either a use or an object, building or structure applied, constructed or installed on, above, or below the surface of a lot, which is located on the same lot as a principal use, building, object, or structure, and which is subordinate to or services the principal use, building, object, or structure; is subordinate in area to the principal use, building, object, or structure; and is customarily incidental to the principal use, building, object, or structure. Among other things, "Accessory Buildings or Use" includes anything of a subordinate nature detached from, a principal structure or use. Except as otherwise regulated in this Code, an accessory use must be a permitted use within the District. Swimming pools, detached garages, sheds, detached or freestanding solar panel arrays, hot tubs, sport courts, tennis courts, basketball courts, batting cages, gazebos or other detached opened aired structures, play or recreational structures or any other

similar structures as determined by the Zoning Inspector shall be classified as accessory structures and shall be governed by the regulations of this section. Open and uncovered porches attached to a principal structure, decks attached to or immediately abutting a principal structure or at-grade patios directly abutting a principal structure shall not be classified as accessory structures, but shall meet the applicable setbacks for principal structures in the underlying zoning district and further be considered as an impervious surface for the purpose of lot coverage calculations. This list is intended to provide examples of common structures and uses that are accessory uses and structures. This list is not intended to be an exclusive or all-inclusive list.

512.012 Required Location in a Residential Zoning District. Unless otherwise noted in Section 512.014, unattached accessory structures or buildings shall meet the following requirements in a Residential Zoning District as listed in Section 201, Article II:

- 1) An accessory structure shall be located in the rear yard and to the rear of the principal structure. Except for swimming pools, hot tubs, gazebos or other detached opened aired structures, no accessory

structure shall be closer than twenty (20) feet from any part of the principal structure and shall be located at least ten (10) feet from any other accessory structure situated on the same lot.

- 2) An accessory structure shall be located no closer than fifteen (15) feet from any side lot line or closer than five (5) feet to a rear lot line. Notwithstanding the foregoing, a shed is permitted to be located at least five (5) feet from any side lot line and/or rear lot line.
- 3) Accessory structures shall not infringe on sanitary or water systems. The location of accessory structures shall comply with all applicable Franklin County Board of Health and/or Ohio Environmental Protection Agency regulations.
- 4) No commercial uses shall be conducted within an accessory structure unless otherwise approved as part of a home occupation conditional use or commercial/industrial zoning request.
- 5) No play structure, tree house, or other recreational structures or uses, including zip lines, shall be located in or otherwise attached to any tree or attached to any principal structure on any lot.

512.013 Required Location in Other Zoning Districts. In any Zoning District except a Residential Zoning District, accessory uses or structures shall be on the same lot as the principal use or structure and located subject to the Development Standards of the Zoning District in which it is located.

512.014 Swimming Pools as Accessory Structures. Swimming pools, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet may be allowed in any Single Family Residential Zoning District, or Commercial or Multi-family zoning district as permitted by this Resolution subject to compliance with the following regulations:

512.015 Swimming Pools in Single Family Zoning Districts. In Single Family Zoning Districts, the following regulations shall apply:

- 1) The swimming pool is intended and is to be used solely for the enjoyment of the occupants of the dwelling unit on the property on which it is located.
- 2) The swimming pool is an accessory use of the property on which it is located. It may not be located closer than ten (10) feet to any property line.
- 3) The swimming pool shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than forty-eight (48) inches in height and shall be maintained in good condition with a gate and lock.
- 4) Temporary swimming pools are permitted if less than 12' in diameter and are only allowable from May 15th through September 15th.

512.016 Swimming Pools in Multi-Family Residential Zoning Districts. A pool that is located within and is designed to service specifically a multi-family development shall be permitted as an accessory structure irrespective of whether or not such pool is owned or operated by a home-owners' association. A private pool designed to service specifically a multi-family development shall be subject to the same yard requirements as listed for principal structures in that district.

512.017 Community or Club Pools. Where permitted by the appropriate Commercial or Exceptional Use zoning district, community or club pools, to be interpreted as being used for the enjoyment of the members and families, and guests of members of the association or club under whose jurisdiction the pool is operated, shall be walled or fenced to prevent uncontrolled access to the pool. Such wall or fence shall not be less than six

(6) feet in height and access to such pool shall be adequately controlled by gate and lock. The pool and all accessory structures to include decks or areas used by bathers shall not be closer than fifty (50) feet to any property line.

512.018 Clothes Lines. Clothes Lines, whether constructed by hand or a commercially purchased free standing frame, and similar structures, may be permitted in association with a principal use or structure provided that the following standards are met:

- 1) All clothes lines and similar structures shall be located in the rear yard only. Such structures shall not be within fifteen (15) feet of any side lot line and twenty five (25) feet from the rear lot line.
- 2) No clothes lines and similar structures shall be permitted to exceed six (6) feet in total height, inclusive of the height of any frame or base upon which said structure is located.
- 3) Any anchorage or similar device shall be at least fifteen (15) feet from any side lot line. All support lines and/or clothes lines shall be made of a nylon material.
- 4) No clothes line shall be connected to any fence or accessory structure. The nylon coated clothes lines shall not exceed twenty-five (25) feet in length. No more than four (4) nylon coated clothes lines shall be permitted.
- 5) Free standing commercially purchased clothes lines shall not exceed a diameter of eighty-four (84) inches.

512.019 Towers, Antennas, and Similar Structures. Radio and T.V. towers, antennas, and similar structures may be permitted in association with a principal use or structure provided that the following standards are met:

- 1) All towers, antennas, windmills and similar accessory structures shall be located to the rear of the building setback line. No such structure shall be permitted to be located between the principal structure and the building setback line, and no such structure shall be permitted to encroach upon the minimum required side yard and rear yard; and
- 2) No such structure shall be permitted to exceed thirty-five (35) feet in total height, inclusive of the height of any building or base upon which said structure is erected, except upon issuance of a Conditional Use Permit in accordance with SECTION 815 of this Resolution; and
- 3) Any guy anchorage or similar device shall be at least ten (10) feet from any property line; and
- 4) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line or phone line less five (5) feet (excluding lines which serve only the lot on which said structure is placed); and
- 5) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest lot line less five (5) feet; and
- 6) Suitable fencing and/or landscaping or other treatment is provided to effectively prevent unauthorized climbing of the structure; and
- 7) The structure or activity for which the structure is used shall not interfere with radio and television reception on nearby properties.

Satellite dishes with a diameter of more than one (1) meter (39.37”) shall comply with the following standards:

- 1) No person, firm, partnership, corporation, trust or other legal entity shall construct or commence construction of a satellite dish antenna without obtaining a permit from the Township Zoning Inspector; and
- 2) No such structure shall be located on the roof of any structure and shall be located to the rear of the building setback line. No such structure shall be permitted to encroach upon the minimum required side yard and rear yard; and
- 3) The top of any disk or dish shall not exceed twelve (12) feet above grade level; and
- 4) No more than one (1) satellite dish is allowed per dwelling unit; and
- 5) Satellite dish antennas shall be no larger than twelve (12) feet in diameter; and
- 6) The satellite dish shall be a color which complements its environment.

512.020 Plot Plan for Towers, Antennas, and Similar Structures. Prior to issuance of any Certificate of Zoning Compliance for a tower or similar structure as described in 512.018, the applicant shall submit a plot plan and supporting information to the Zoning Inspector which meets the criteria of Section 705.02 of this Resolution and which, in addition, shows the following:

- 1) Proposed location and height of proposed structure, support systems, and distances to the nearest phone, electric lines and property lines; and
- 2) Type of structure and construction materials, and, if requested by the Zoning Inspector, a structural engineering analysis; and
- 3) Documentation of any maintenance program which may be necessary; and
- 4) Proof that a building permit can be obtained or is not necessary for the proposed structure; and
- 5) Proof that any license which may be required has been or will be obtained; and
- 6) All fencing, landscaping or other treatment which may be required; and
- 7) Other information as may be requested by the Zoning Inspector.

SECTION 514 USE OF INDIVIDUAL SEWAGE TREATMENT AND INDIVIDUAL WATER SUPPLY

514.01 RESIDENTIAL DEVELOPMENT WITH INDIVIDUAL SEWAGE TREATMENT OR WATER SUPPLY. A tract of land that was of record on the date of adoption of this Zoning Resolution shall not be developed with individual sewage treatment or individual water supply for more than nineteen (19) dwelling units nor to more than fifty percent (50%) of the tract (whichever is the most restrictive) within a three-year period without the approval of the Franklin County District Board of Health. Approval shall be with a finding of adequate control of water pollution and sewage disposal in accordance with the Board of Health rules and regulations.

514.011 Required Lot Sizes. The size of lot or area provided for each dwelling unit shall be of a size or larger than as approved by the Board of Health, but shall be not less than the minimum lot size for the Zoning District in which it is located.

SECTION 521 SCREENING BY STRUCTURE OR LANDSCAPING REQUIRED

521.01 LANDSCAPE AND BUFFERING REQUIRED. Certain activities shall be screened by structures, walls, fences, or landscaping so that these activities will not be detrimental to adjacent land. The following uses and districts shall require landscaping and/or screening:

- 1) Any commercial or industrial building or other associated accessory use permitted by this Resolution which is located adjacent to land in a Residential Zoning District or Planned Development District as listed in Section 201, Article II, shall be screened as prescribed.
- 2) Articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, salvaged, or otherwise not being offered for retail sale in a completed, useable and normal condition.
- 3) Any off-street parking area with two or more spaces.
- 4) Single-Family Dwellings and Two-Family Dwellings shall be exempt from the provisions of this Section 521, except where they are part of a mixed-use development that includes any use other than Single-Family Dwellings and Two-Family Dwellings.

521.012 Screening and Landscaping Standards. Required screening shall be provided in accordance with the following standards, except as provided in other sections of this Zoning Resolution:

- 1) Landscaping and screening between adjacent uses shall be utilized as listed in this Section.

a) Buffer yards. The “Buffer yard” is a designated unit of yard or open area, together with any plant materials, barriers, and/or fences required and/or permitted to be located thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, the impact of such items as noise, glare, activity, dirt, and unsightly parking areas will be minimized. It is a further intent of the following provisions to provide flexibility to the property owner through the manipulation of four basic elements – distance, plant material type, plant material density, and structural or land forms.

i) Location of Buffer yard. Buffer yards in the size and composition required by this Zoning Resolution shall be provided and located along the entire length of each side and rear property line, regardless of the proximity between the structures and/or facilities used. Buffer yards shall not extend into or be located within any portion of an existing right-of-way.

ii) Determining Composition of Buffer yard. The process for determining what type of Buffer yard is required between two adjoining parcels is as follows:

- a) Identify the land use class of the proposed use(s) by referring to Table I. If, along a single side or rear lot or property line, the proposed use(s) fall into

two (2) or more land use classes, the higher intensity land use class shall be followed. (For example, as shown on Table I, land use Class II is a higher intensity than Class I; Class III is a higher intensity than Class II, etc.)

b) Identify the land use class of the existing adjoining use(s) by referring to Table I. Where Table I does not clearly address a particular use, where multiple uses are contemplated on one property, or for any other situation not clearly delineated, the Township, in its discretion, or its designee, shall determine the land use class of the particular use on a case-by-case basis, for the purposes of this Section 521.

c) Identify the Buffer yard Requirement Category listed at the intersection of the land use class of the proposed use and the land use class of each existing adjoining use on Table II.

d) Determine the Buffer yard requirements for those side and rear property lines or portion thereof of the parcel on which the proposed use is being requested. Existing plant material and fences, to the extent they comply with the provisions this Zoning Resolution, may be counted as contributing toward the total Buffer yard requirements. The buffer yards specified are to be provided on each lot or parcel, independent of adjoining use(s) or adjoining Buffer yard(s). Where, as shown on Table III, the buffer yard Requirement Category permits two (2) or more buffer yard programs (different buffer yard widths with corresponding quantities of plant and other materials), the owner of the property that is sought to contain the proposed use may determine which buffer yard program to follow.

e) In the event that an existing use is proposed to increase in intensity from one land use class to a higher one, as those classes are defined in Table I, or in the discretion of the Township, the Zoning Inspector or the appropriate Township body shall, during the review process, determine if additional Buffer yard requirements are needed and, if so, to what extent and/or type.

f) Buffer yard requirements are stated in terms of the width of the Buffer yard and the number of plant units required per one hundred (100) linear feet of Buffer yard. The requirements may be satisfied by any of the options indicated in Table III.

iii) Compliance with the Use Buffer Area requirements and obligations contained in this Resolution, including for installing, maintaining, and replacing landscaping, and bearing the costs thereof, shall be on the owner of the property used for a Non-Residential Use.

Table I
Land Use Classification

Class I	Agriculture; Single-Family Dwellings; Two-Family Dwellings
Class II	Office/institutional – including, but not

	limited to: administrative and business offices; professional offices; Institutions, religious, social, cultural, educational, health and public; multi-family dwellings (Structures consisting of more than two (2) Dwelling Units); Apartment Dwellings
Class III	Commercial – including, but not limited to: general retail, entertainment, restaurants, specialty retail, business services
Class IV	Industrial – including, but not limited to: light manufacturing, wholesaling, research, and development

Table II
buffer yard Requirement Categories

Land Use Class	buffer yard Requirement Category			
	I	II	III	IV
I	n/a	E	E	E
II	E	A	C	D
III	E	C	A	B
IV	E	D	B	A

Table III
Quantity of Plant Material

Buffer yard Requirement Category	Width	Deciduous Trees ⁽¹⁾	Deciduous Shrubs ⁽¹⁾	Evergreens ⁽¹⁾
A	15'	2	-	2
	10'	2	2	2
B	20'	2	-	2
	15'	2	2	2
C	10'	2	4	4
	25'	2	2	2
	20'	2	4	2
D	15'	3	4	4
	30'	2	2	2
	25'	2	2	4
E	20'	3	4	4
	10'	3	4	4
	30'	2	2	2
	25'	3	4	4
	20'	3	4	4
	15'	3	4	4

⁽¹⁾ –Required minimum plant units per one hundred (100) linear feet, or portion thereof, of Buffer yard.

Plant materials shall comply with the other provisions of this Zoning Resolution including, but not limited to, the minimum planting requirements in Section 521.014.

⁽²⁾ – Entire length of Buffer yard, 3'-4' berm or 6-8' fence having at least 75% opaqueness.

2) Parking areas must be landscaped and screened according to the following, which requirements are in addition to the landscaping and screening requirements found elsewhere in Section 521 of this Zoning Resolution:

- a) Perimeter landscaping and screening. The perimeter of a parking area must be screened with a fence/wall, mounding, and/or landscaping to a height of at least four (4) feet with one hundred percent (100%) opaqueness being achieved at the four (4) foot height. Additionally, a deciduous shade tree must be planted at least every forty (40) feet or portion thereof. If a fence/wall is utilized, the deciduous shade tree(s) must be planted on the outside of the fence/wall, so as to create a further screening effect when viewed from adjoining property. Such landscaping and screening shall supplement the required Buffer yard material.
- b) Interior landscaping. Interior landscaping shall be required at a ratio of two (2) shade trees per ten (10) parking spaces. No interior landscape island containing a tree shall be less than one hundred (100) square feet in area. The area of landscape islands must be covered with sod or plant material and not solely by mulch.
- c) Automobile sales. A perimeter green buffer shall be maintained along all right-of-ways as specified in Section 531.034. Plantings in the green buffer strips shall contain groundcover and plant material not exceeding twelve (12) inches in height.

3) Materials being stored in conjunction with a permissible use must be screened according to the following:

- a) The storage of materials shall be screened fully to the height of stacking.
- b) Screening must be 100% opaque to the full height of the stacking and consist of a fence, wall, or landscaping as appropriate.

521.013 Landscape Maintenance. The following maintenance standards shall apply to the landscape screening requirements:

- 1) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from weeds, refuse, and debris at all times.
- 2) All landscape beds shall be maintained with defined edges and mulched on a yearly basis with natural hardwood mulch.
- 3) Plants that are required as part of this section which become unhealthy or dead shall be replaced within one year, or by the next planting season, whichever comes first.

521.014 Minimum Planting Requirements.

- 1) Plant material shall comply with the latest edition of American Standards for Nursery Stock by American Nursery and Landscape Association and shall have passed an inspection required under state regulations.
 - a) Deciduous Trees. Trees shall be balled and burlapped or from a container when planted. All trees shall have a minimum caliper of at least 2.5 inches .
 - b) Evergreen Trees. Evergreen trees shall be balled and burlapped or from a container when planted. Plantings shall be a minimum height of 6 feet at the time of planting.
 - c) Ornamental Trees. Ornamental trees shall be balled and burlapped or from a container when planted. Trees shall have a minimum height of 5 feet or a minimum caliper of 2.5 inches.
 - d) Shrubs and Hedges. Shrubs and hedges can be balled and burlapped or from a container at the time of planting. Shrubs and hedges used for screening shall be at least 24 inches in height when installed.
 - e) Groundcover and other plantings. Groundcover and other plantings can be planted as bare root as well as from a container. Ground cover shall be planted at a maximum spacing of one foot on center and provide at least 75% coverage after two growing seasons.
 - f) Grass. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Central Ohio, and may be sodded or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, provided that nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Sod shall be clean and free of weeds and noxious pests or diseases.

521.015 Prohibited Plant Material.

- 1) Species found on the Ohio Department of Natural Resources' invasive plant list shall not be planted or cultivated within the Township. Proactive measures should be taken to remove any invasive species according to the recommended management practices of the ODNR. A list of invasive species can be found in Appendix XX.
- 2) The following tree species are unacceptable for street tree use:

Box Elder Acer negundo
 Silver Maple Acer saccharinum
 Buckeye, Horsechestnut Aesculus species
 Tree of Heaven Ailanthus altissima
 Paper Birch Betula papyrifera
 European White Birch Betula pendula
 Northern Catalpa Catalpa speciosa
 Ginko (female) Ginko biloba
 Osage-orange Maclura ponifera
 Apple Malus punila
 Mulberry Morus species
 Poplar Populus species
 Bradford Pear Pyrus calleryana "Bradford"
 Upright English Oak Quercus robur "fastigiata"

Black Locust Robinia pseudoacacia
 Willow Salix species
 European Mountain Ash Sorbus aucuparia
 Moline American Elm Ulmus americana "Moline"
 Siberian Elm Ulmus pumila
 North American Ash Fraxinus species

SECTION 525 NOISE

525.01 Nonresidential Zoning District. Within a nonresidential zoning district, the maximum allowable hourly average sound level, emitted from any stationary noise source, shall not exceed the limits set forth in Tables 1 and 2 for respective categories of receiving land use adjacent to the nonresidential zoning district. The actual sound level shall be determined during any measurement period, which shall not be less than thirty (30) consecutive minutes, and shall be measured at the property boundary affected by the noise.

Table 1: Allowable

RECEIVING LAND USE	CATEGORY	30 MINUTE AVERAGE SOUND LEVEL (dBA)
Institutional	10 p.m. to 7 a.m.	50
Institutional	7 a.m. to 10 p.m.	60
Residential (All Residential Districts and residential nonconforming uses)	Anytime	50
Commercial	10 p.m. to 7 a.m.	65
Commercial	7 a.m. to 10 p.m.	70
Industrial	Anytime	70

Submission of adequate noise control measures to effectively lessen potential noise impact, prepared by a qualified professional, may be required by the Perry Township Zoning Commission as a part of an application for a Certificate of Zoning Compliance, Section 705.02.

525.012 Correction for Ambient Conditions for Nonresidential Zoning Districts. Where the ambient noise level influences a measurement at a property line boundary, such noise will be accounted for by applying the following correction factors:

Table 2: Correction for Ambient Conditions

IF THE AMBIENT NOISE LEVEL IS LESS THAN THE NOISE SOURCE BY:	ADD THE FOLLOWING TO THE NOISE LIMIT:
0 - 1 dBA	3 dBA

2 - 3 dBA	2 dBA
4 - 9 dBA	1 dBA

If the ambient noise level is greater than the noise limit, the noise source shall not be allowed to exceed the ambient level.

525.02 Residential and Non Conforming Residences: Individuals may not create noise that is plainly audible at a distance of 100 feet that is disruptive to any reasonable person prior to 7am or after 9pm. Normal residential daily noise levels should be maintained during daytime hours.

Maximum allowable hourly average sound level in a residential area or non conforming residences shall not exceed 50 dBA (30 minute average sound level) at anytime.

Lawn mowing, other landscaping equipment, construction activities, or the loading or unloading of commercial waste containers (if within 50 feet of a residence) cannot occur prior to 7am or after 9pm.

SECTION 527 EXTERIOR LIGHTING

The EXTERIOR LIGHTING section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, and promotion of safety and security. The regulations of this section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other features of a lot.

527.01 APPLICABLE ZONING DISTRICTS. Exterior lighting requirements shall apply to all commercial, industrial, and multi-family residential zoning districts. Lighting plans shall be submitted for approval with all applications for Certificates of Zoning Compliance.

527.02 LIGHTING STANDARDS. The following standards shall apply to the illumination of exterior grounds and surfaces of a site:

- 1) Adverse impact in the form of light pollution resulting in a public nuisance shall be prohibited. Light pollution is defined as any measurable, artificial illumination that strays beyond a site boundary both horizontally and vertically to the building height limitation.
- 2) Artificially produced light straying beyond property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond five (5) feet into the adjoining property and shall be adjusted, modified or removed accordingly.
- 3) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
- 4) Cutoff light fixtures shall be utilized to maintain no more than the maximum illumination at any property line as cited in Section 527.021. When two differing area classifications abut, the lower light level value shall take precedence (i.e., residential over commercial).
- 5) Light poles illuminating parking areas shall be placed within landscaped islands. Conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.
- 6) Light poles and fixtures illuminating parking areas shall be no taller than 15 feet high.

- 7) Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in a required lighting plan.

527.021 Maximum lighting levels maintained.

MAXIMUM LIGHT POLLUTION ILLUMINANCE		
Receiving Area Classification	Maximum Horizontal Foot Candles	Maximum Vertical Foot Candles
Residential	0.4	0.8
Commercial	3.4	6.5
Industrial	3.4	6.5

Note: When two differing area classifications abut, the lower light level value shall take precedence (i.e., residential over commercial)

SECTION 531 OFF-STREET PARKING AND LOADING

531.01 OFF-STREET PARKING SPACE REQUIRED. Off-street parking facilities shall be provided for the use of occupants, employees, and patrons of all uses, and off-street loading and vehicle storage space shall be provided for the handling of materials and products of commercial and industrial uses.

531.02 APPLICABILITY. Off-street parking and loading requirements of this article shall apply to the following:

- 1) The construction of a new building.
- 2) Alteration, addition, or change of use of an existing building that would expand the use therefore requiring additional parking.
- 3) Whenever parking areas are to be provided as required by the provisions of this Zoning Resolution.

531.021. Parking Plan Review. For review of a proposed off-street parking arrangement for other than a single-family dwelling, a parking plan shall be submitted to the Zoning Inspector as part of a request for Certificate of Zoning Compliance with the following information:

- 1) Chart showing the uses on the site, required number of spaces per the code requirement, and the number of spaces provided.
- 2) Scaled site plan detailing the arrangement of parking spaces, drive aisles, driveways entrances, vehicle and pedestrian circulation.
- 3) Details and locations of all landscaping, curbs, lighting, wheel stops, utilities, barriers, shelters, cart corrals, signs, and anything else located in the parking lot.

531.03 DESIGN. All off street parking and loading areas shall meet the following design criteria:

531.031 Parking Space Size. A parking space for one (1) vehicle shall be a rectangular area having dimensions of not less than nine (9) feet by eighteen (18) feet plus adequate area for ingress and egress.

531.032 Location of Space. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking space required of several uses may be provided contiguous and in common to the several structures and uses served.

531.033 Landscaping & Screening. Landscaping and screening must be provided for off street parking lots per the requirements of section 521, Screening and Landscaping.

531.034. Setbacks. For uses other than a single-family dwelling, there shall be a minimum 10' green buffer beginning at the right-of-way line of any public street. The areas within the green buffer shall be landscaped in accordance with Section 521 and maintained in good condition.

531.035 Surface. All off street parking areas, driveways, and aisles shall be hard-surfaced with asphalt, concrete, sealed non-aggregate material of like quality, or combination a of thereof.

531.036 Continuous curbs or wheel stops. Continuous curbs or wheel stops shall be made of concrete, stone, recycled rubber or polymer in white, black or grey or other similar material and maintained in good condition.

531.037 Striping. Parking stalls shall be clearly marked and striped.

531.038 Grading. All off street parking areas shall be sloped and constructed to properly manage stormwater run-off in accordance with all applicable stormwater management regulations.

531.039 Maintenance. All off street parking areas shall be maintained in good condition and in such a manner that no dust will be produced by continuous use. All such surfaced areas shall be maintained free of litter, glass, nails or other dangerous materials.

531.04 Fire Code. Parking and loading plans shall be reviewed by the appropriate fire department official as designated by the Township for compliance with the requirements of any applicable fire code.

531.05 PARKING REQUIREMENTS FOR THE PHYSICALLY DISABLED. Parking spaces other than for single-family dwellings for the physically disabled shall be provided according to the requirements of the State Building Code and shall include all necessary markings, striping, and signage.

531.06 MINIMUM NUMBER OF PARKING SPACES REQUIRED. A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

531.061 Schedule of Parking Spaces. The parking space requirements for a use not specifically named herein shall be the same as required for a listed use similar in nature.

<u>Use</u>	<u>Spaces Required</u>
Residence	
Fraternal or Group Housing occupants	One (1) space per two (2)
Institutional Housing	One (1) space per ten (10) (Unless otherwise specified); occupants plus one (1) space per

	each two (2) employees and staff on the combined work shifts
One (1) or Two (2) Dwelling Units per Lot Unit	Two (2) spaces per dwelling
Three (3) Dwelling Units per lot	One (1) and one-half (1 ½) spaces per dwelling unit
Four (4) or More Dwelling Units per Lot or Mobile Home Park	One (1) and one half (1 ½) spaces per dwelling unit
Commerce	
Commercial Lodging	One (1) space per sleeping room
Barber Shop, Beauty Shop or Similar Personal Service	Two (2) spaces per barber or beautician
Restaurant, Bar or Similar Place for the Sale and Consumption of Food and/or Drink on the Premises	One (1) space per one hundred (100) square feet of sales area
All Outdoor Display and Sales	One (1) space per one thousand (1,000) square feet of display area
Indoor Sales Exclusively of Motor Vehicles, Aircraft, Watercraft, Lumber, Plants and Furniture	One (1) space per one thousand (1,000) square feet of sales area
Retail Sales or Service Establishment not Elsewhere Specified	Three (3) parking spaces per first one thousand (1,000) square feet of gross floor area per structure plus one (1) space per two hundred fifty (250) square feet of gross floor area (excluding the first one thousand (1,000) square feet of gross floor area)
Funeral Parlors, Mortuaries	One (1) parking space per one hundred fifty (150) square feet of gross floor area on the first floor of the structure devoted to this use
Administrative or Business Office	One (1) space per three hundred (300) square feet of gross floor area
Medical and Health	
Medical/Dental Office/Clinic	One (1) parking space per one hundred fifty (150) square feet of gross floor area
Convalescent and Nursing	One (1) parking space per each two (2) beds
Hospital or Similar Medical Facility	One and one-half (1 1/2) spaces per bed
Education	

Day Care Centers	Two (2) parking spaces for each classroom but not less than six (6) per school or institution
Elementary Schools	One (1) space per teacher and staff member, plus one (1) parking space per student, up to five percent (5%) of the student body
High Schools	One (1) parking space per four (4) students
Business, Technical and Trade Schools	One (1) parking space per two (2) students
Colleges and Universities	One (1) parking space per two (2) students
Libraries, Museums, Art Galleries and Similar Uses	One (1) parking space per four hundred (400) square feet of gross floor area
Recreation and Religion Auditorium, Church, Stadium, or Similar Place with Fixed Seating for Assembly	One (1) space per four (4) seats
Assembly Hall, Club Room, Place of Amusement or Similar Place of Assembly	One (1) space per one hundred (100) square feet of area devoted to assembly
Tennis Court, Bowling Alley or Similar Establishment Providing Facilities for Intensive Public Participation in Sports Activity	Four (4) parking spaces per lane, court or similar activity area, plus additional parking spaces as required for supplementary uses, such as restaurant, etc.
Golf Course	Seven (7) spaces per hole plus one (1) space per two (2) employees on the combined work shifts
Miniature Golf Course	Two (2) spaces per hole plus one (1) space per two (2) employees on the combined work shifts
Driving Range	Two (2) spaces per three (3) playing locations
Indoor Public Swimming Pool or Natatorium of a Public or Semi-Public Type	One (1) space per five (5) of a persons capacity computed on the basis of one (1) person per thousand (1,000) gallons of pool capacity, plus one (1) for each four (4) seats or thirty (30) square feet of gross floor area used for seating purposes, whichever is greater
Outdoor Swimming Pool of a Public or Semi-Public Type	One (1) space per five (5) persons capacity computed on the basis of one (1) person per five hundred (500) gallons of pool capacity, plus additional spaces as required for any

All Other Recreational Facilities	supplementary uses such as restaurant, etc. One (1) space per each three (3) patrons the establishment is designed to serve
Industry Manufacturing, Warehousing, Wholesaling, or Similar Establishments	One (1) space per two (2) employees on the combined work shifts, on an annual average, plus one (1) space per ten thousand (10,000) square feet of gross building area

531.062 Churches. Churches may establish with public or commercial establishments joint parking facilities for fifty percent (50%) or less of their required spaces provided that a written agreement thereto is obtained and that all parking areas so designated lie within three hundred (300) feet of the main entrance of the church.

531.063 Computing Number of Spaces. Where two (2) or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements.

The parking spaces required shall be rounded to the next highest whole number where a fractional space results in computation.

531.07 MINIMUM NUMBER OF LOADING SPACES REQUIRED. A loading space shall consist of a rectangular area of one (1) of the following classes:

Class A - An area at least fourteen (14) feet by fifty-five (55) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

Class B - An area at least twelve (12) feet by thirty (30) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

531.071 Schedule of Loading Spaces. Loading space shall be provided for retailing, wholesaling, warehousing, processing, and similar activities or uses in accordance with the following schedule:

Access or Use

Building Area less than Seven Hundred and Fifty (750) Square Feet.	None Required
Building Area more than Seven Hundred and Fifty (750) Square Feet but less than Fifteen Hundred (1500) Square Feet.	One (1) class B space required.
Building Area Fifteen Hundred (1500) Square Feet but less than Twenty-five Hundred (2500) Square Feet.	One (1) Class A space or two (2) Class B spaces required

Building Area Twenty-five Hundred (2500) Square Feet but less than Ten Thousand (10,000) Square Feet.

One (1) Class A space and one (1) Class B space, or three (3) Class B spaces required

Building Area Ten Thousand (10,000) Square Feet but less than Fifty Thousand (50,000) Square Feet.

One (1) Class A space and (1) Class B space, or three (3) Class B spaces, plus one (1) Class A space for each ten thousand (10,000) square feet over ten thousand (10,000) square feet of building area

Building Area Fifty Thousand (50,000) Square Feet or More.

One (1) Class A space for each ten thousand (10,000) square feet over ten thousand (10,000) square feet of building area, plus one (1) Class A space for each twenty-five thousand (25,000) square feet over fifty thousand (50,000) square feet of building area

531.08 COMMERCIAL AND INDUSTRIAL ACCESS DRIVES. Access drives (driveways) leading to and from a street shall be developed as follows:

531.081 Width of Drive. Except as otherwise reduced in Section 531.082, an access drive shall not exceed twenty-five (25) feet in width, except at curb returns.

531.082 Location of Drive. An access drive, exclusive of curb returns, shall be ten (10) feet or more from the side lot line and twenty (20) feet or more from another access drive. The Zoning

Inspector may determine, based upon public safety and recommendations from the State of Ohio Department of Transportation, the Franklin County Engineer or the County or Regional Planning

Commission, the placement of access drives. The exact location, number and configuration of a drive will be determined based on the following criteria:

- 1) Proper internal site circulation
- 2) Public safety in matters of ingress and egress onto public streets and roads
- 3) Location of existing access drives
- 4) Character of roadway being accessed
- 5) Location of intersections relative to the site
- 6) Recommendations from the State of Ohio Department of Transportation, the Franklin County Engineer or the County Planning Commission when determining public safety issues in the placement of access drives

531.083 Driveway Development Standards in the R-1, R-2 and R-4 Residential Zoning Districts. A driveway in the R-1, R-2 and R-4 Residential Zoning Districts shall meet the following additional development standards:

- 1) Driveway Width. No driveway in an R-1, R-2 or R-4 Residential Zoning District shall exceed 20 feet in width at the street right-of-way line (except for curb returns), and 33 feet in width beyond the street right-of-way line. For purposes of this section, driveway width limitations are established to maintain a minimum of green space between a residential structure and a public right-of-way in R-1, R-2 and R-4 Residential Zoning Districts.
- 2) Number of Driveways. Each lot in an R-1, R-2 and R-4 Residential Zoning District shall contain one (1) driveway which has only one (1) point of ingress and egress.
- 3) The Driveway as an Accessory Use. No driveway shall be constructed on a lot unless the principal structure is located on the same lot.
- 4) Driveway Setback. Driveways may be permitted in required yards but shall have a setback of no less than three (3) feet from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.
- 5) Turning Pads. All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- 6) During and in the course of any township-initiated construction performed by the township or its designee, if a decorative driveway apron is removed, the property owner has two options: 1) it will be replaced with 6" of concrete or 2) the property owner can replace the apron on their own.

531.084 Driveway Other Than As Permitted. A driveway in the R-1, R-2 and R-4 Residential Zoning Districts, except as permitted above, shall be allowed only as a conditional use established in accordance with Section 815 of this Resolution. In addition to the requirements of Section 815, the Applicant shall meet the following conditions:

- 1) Any driveway in excess of 25 feet in width shall maintain at least sixty percent (60%) of the existing front yard area between the building and front lot line at the street right-of-way as natural vegetation and landscaping.
- 2) Off-street parking shall only occur on an approved driveway.
- 3) In cases of a loop driveway, the lot width shall be greater than 140 feet along the public right-of-way (corner lots can only count the longest side) feet and there shall be no more than two (2) points of ingress and egress and the width of the drive shall be not greater than ten (10) feet. If established trees are to be affected by the drive location, tree plantings must be replaced with like caliper inches lost as may be determined by the Board of Zoning Appeals.
- 4) No driveway shall be constructed on a lot unless the principal structure is located on the same lot.

531.09 LIMITATION OF PARKING AND USE OF COMMERCIAL VEHICLES, CONSTRUCTION VEHICLES AND EQUIPMENT, RECREATIONAL VEHICLES, BOATS, CAMPING TRAILERS OR OTHER TRAILERS, MOBILE HOMES, INOPERABLE AUTOMOBILES AND OTHER VEHICLES.

531.091 Commercial Vehicles including Vehicles and Equipment used for Construction in Residential Zoning Districts. Not more than one (1) truck limited to being a two-axle, four-tired pickup, panel or light truck

and which has operating characteristics similar to those of a passenger car shall be allowed per one (1) dwelling unit in a Residential Zoning District or Planned Residential Zoning District as listed in SECTION 201, ARTICLE II.

- 1) Trucks having dual tires on one (1) or more axles, or having more than two (2) axles, designed for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers shall not be allowed in a Residential or Planned Residential Zoning District.
- 2) The parking or storage of commercial motor vehicles, including those vehicles having commercial signage, commercial equipment, or structures for commercial equipment attached to the motor vehicle permanently or temporarily, shall not be permitted with any residential district except when completely parked or stored in an enclosed garage. Commercial vehicles making temporary house calls or deliveries shall not be prohibited under the terms of this section.
- 3) Backhoes, road graders, bulldozers, trailers used to haul commercial vehicles or goods, well rigs, tractors and similar vehicles and equipment used for construction or commercial purposes are prohibited from being stored outside of a permitted structure or accessory structure in any Residential or Planned Residential Zoning District. Construction equipment temporarily used for construction upon a site shall not be prohibited under the terms of this section.

531.092 Recreational Vehicles, Boats, Camping Trailers Used for Personal Use. No recreational vehicle, motor home, boat, camping trailer, travel trailer or other similar vehicle or trailer shall be stored or parked in any Residential Zoning District unless completely enclosed within a permitted principal structure or accessory structure, except as follows: A recreational vehicle may be temporarily parked in a Residential Zoning District outside of an enclosed structure for a total period not to exceed all or any portion of seven (7) calendar days during any one (1) calendar year; provided, however, that no recreational vehicle shall be parked outside of an enclosed structure for a period exceeding seventy-two (72) consecutive hours.

Unless otherwise listed as a permitted use, no recreational vehicle, motor home, boat, camping trailer, travel trailer or other similar vehicle or trailer shall be stored or parked for personal use in any Commercial Zoning District unless completely enclosed within a permitted principal structure or accessory structure.

531.093 Use of Recreational Vehicles, Camping Trailers or Other Trailers and Mobile Homes.

Unless approved in accordance with Section 508, Temporary Uses, recreational vehicles, camping trailers and similar Recreational Vehicles and equipment, and Mobile Homes shall not be used as a dwelling unit or for living, sleeping or housekeeping purposes outside an approved mobile home park.

Recreational vehicles, camping trailers, or other trailers or vehicles designed for sales or office use, and mobile homes shall not be used for business purposes unless the business use is in association with a Temporary Use as permitted in Section 508 of this Resolution.

531.094 Inoperable Automobiles and/or Other Inoperable Motor Vehicles. Not more than one (1) wrecked, or otherwise inoperable automobile or other motor vehicle including any motor vehicle without a valid and current registration decal and/or license plate shall be allowed per one (1) dwelling unit. Such vehicle shall be parked or stored by completely enclosing the same within a permitted or accessory structure in such a manner so as not to be visible from any adjacent lot or street. In addition, no such vehicle shall be parked or stored within a required side or rear yard unless the parking or storage space is completely enclosed by a permitted or accessory structure.

531.095 Car Covers on Non-Junk, Operable or Licensed Vehicles. Any covers on non-junk, operable or licensed vehicles must be tarps or covers designed for such purposes. All tarps shall be secured to the vehicle and maintained in good condition free from tears, cracks or holes.

SECTION 541 SIGN AND BILLBOARD REGULATIONS

PREFACE. The SIGN AND BILLBOARD REGULATIONS are intended to protect the public health, safety and welfare by regulating the placement, size and general appearance of signs and billboards in order to:

- 1) Create a visually attractive economic and business climate by permitting signs and billboards which are compatible with their surroundings, orientation and physical appearance of the community;
- 2) Encourage signs and billboards that are readable and integrate with the aesthetics of the landscape and buildings of Perry Township;
- 3) Control the number, size and location of signs and billboards to reduce clutter;
- 4) Improve pedestrian and traffic safety;
- 5) Minimize the possible adverse effect of signs and billboards on nearby public and private property; and
- 6) Regulate signs and billboards so that they do not obstruct vision or interfere with the functions performed by drivers.

541.01 CERTIFICATE OF ZONING COMPLIANCE REQUIRED

- 1) Unless otherwise provided for in Section 541.02, a Certificate of Zoning Compliance shall be obtained for all signage placed within any zoning district in accordance with the provisions of Section 705.023(8).
- 2) When conflict arises between the sign and billboard requirements of this Resolution and those of the State of Ohio (ORC Chapter 5516) regarding the placement of signs and billboards adjacent to state highways, the more restrictive regulation shall govern.

541.02 SIGNAGE NOT REQUIRING A CERTIFICATE OF ZONING COMPLIANCE

- 1) No permit or approval shall be required for the following signage:
 - a) No more than one (1) temporary real estate signs with an area of twelve square feet or less for the sale or lease of property;
 - b) Identification signs, including house numbers legible from the street, names of buildings and dates of construction, nameplates identifying the occupant or address of a parcel of land, and not exceeding two (2) square feet in area;
 - c) Traffic, or government signs and private traffic control signs which conform to the requirements of the Ohio Manual of Uniform Traffic Control Devices;
 - d) Signs required by a state or federal statute;
 - e) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message as is necessary to identify the use;
 - f) Signs installed by a transit company with a franchise or other right to operate in Franklin County, where such signs are installed along its routes and relate to schedules or other information about the transit route;

- g) Political signs shall be permitted in any district of the Township provided the property owner consents and that said signs:
- i) do not interfere with the visibility of vehicular traffic entering or leaving a public street;
 - ii) are located outside of the right-of-way limits of a road; and
 - iii) shall not be posted, attached or affixed to any public utility structure including telephone poles and light poles; and shall not interfere with, obstruct the view of, or be confused with, any authorized traffic control sign, signal, or device.
 - iv) are posted and removed without the destruction of public or private property.

541.03 PROHIBITED SIGNAGE

The following signage shall be prohibited:

- 1) Abandoned signs and associated supporting structures that no longer advertise a commercial message for a bona fide business conducted on the premises for a period of one year. If the sign structure supports multiple business names, that portion of the face shall be replaced with a matching blank face and screen all internal lighting.
- 2) No sign or billboard of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- 3) Flashing lights, banners, posters, pennants, strings of lights, ribbons, streamers, rotation, or other similar moving devices shall not be used for advertising or attracting attention, either independently or as part of a sign or billboard.
- 4) No sign or billboard shall be painted or attached to, or maintained on a rock, tree or other form of vegetation.
- 5) Signs using a liquid crystal display (LCD) or light emitting diode (LED) to display advertisements or used for attracting attention.
- 6) Portable signs, including trailer signs or "rollaway" signs, air activated attractions, balloons and other devices used for commercial or advertising purposes shall not be permitted.
- 7) Signs placed on vehicles or trailers that are parked or located as such to display such signs.
- 8) Changeable copy signs (except for public and quasipublic institutions, theaters, and drive-through menu board copy). Section 541.052 shall apply to the aforementioned uses as regulated.
- 9) Bench signs.
- 10) Any sign which does not have a permit and is attached to a public utility pole, light pole, service pole or supports for another sign.
- 11) Roofs signs or any sign projecting beyond the parapet of a building.

541.04 COMPUTATIONS

- 1) The area of a sign or billboard shall be computed by means of a continuous perimeter forming a basic geometric figure which encloses the message or display along with any frame or other material, color, internal illumination or other feature which forms an integral part of the sign or billboard and is used to differentiate such sign from the wall or supporting structure upon which it is placed. Where an area of a sign or billboard has two or more display faces, the area of all faces shall be used in determining the area of the sign unless two display faces join back to back, are parallel to each other and not more than 24 inches apart, or form a V-angle of less than 45 degrees.
- 2) Supporting structures or uprights on which a sign or billboard may be placed are excluded from the sign area if they are clearly incidental to the display itself.
- 3) For wall-mounted signs which consist of individually mounted letters, numbers or other symbols on a wall or fascia, the area of the sign shall be the area of a rectangle circumscribed around the letters, numbers or other symbols.
- 4) For awning signs, the area of the sign shall only include the letters, numbers or graphics on the surface of the awning and not the entire area of the awning face. In cases where the awning or canopy is constructed of a translucent material, is illuminated from within or behind the structure, and contains sign copy, the entire area of the structure shall be calculated in determining the sign area.
- 5) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

541.05 SIGNS AND BILLBOARDS, GENERAL REQUIREMENTS IN ALL ZONING DISTRICTS. The following general requirements shall apply to signs and billboards in all zoning districts and are in addition to other specific district requirements enumerated in following sections:

- 1) No signs or billboards shall be mounted within any public right-of-way except by the government agencies having jurisdiction within that right-of-way, unless otherwise allowed by the provisions of the Perry Township Zoning Resolution. Projecting, canopy, and awning signs may project over a public right-of-way if they are in conformity with all other applicable standards of this Article;
- 2) No sign, billboard, or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the State of Ohio, by the County of Franklin, or by any township or municipality thereof, or by any railroad, public utility or similar authorized agency concerned with the protection of public health or safety;
- 3) No sign or billboard shall obstruct pedestrian or vehicular visibility or otherwise interfere with the safe operation of vehicles or the safety of pedestrians;
- 4) The light from any illuminated sign or from any light source shall be shaded, shielded, or directed in such a way that the light intensity or brightness shall not adversely affect surrounding premises, or adversely affect the safe vision and operation of vehicles moving on a public thoroughfare, highway, parking area, or sidewalk. Light shall not shine or reflect on or into residential structures.
- 5) Where applicable, all wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs, or billboards shall be fully concealed from view and in accordance with

the provisions of the applicable statutes or rules promulgated by the State of Ohio and local electrical codes in effect.

- 6) All permanent freestanding signs (ground-mounted or pole) shall be located in a landscaped area with a minimum landscaped area equal to the total sign area. The landscape area shall consist of evergreen plant material at the base, ornamental shrubs, flowers, and/or ground cover. Areas covered in sod or similar grass ground cover shall not count toward the landscape area requirement.
- 7) All billboards hung and erected shall be plainly marked with the name of the person, firm, corporation or group responsible for maintaining the billboard;
- 8) All signs and billboards shall be kept in a secure, safe condition. Should any sign or billboard be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign or billboard in a safe and secure condition or remove the sign or billboard;
- 9) Whenever a principal use of a building or land changes, all signs which are associated with the former principal use shall be removed within 30 days, unless a new principal use of a building or land is established and the sign(s) can be adapted to the new principal use in a manner permitted by this Zoning Resolution.

541.06 PERMANENT SIGN AND BILLBOARDS DISTRICT REQUIREMENTS

- 1) Signs located in Commercial Districts; Suburban Office and Institutional (SO), Neighborhood Commercial (NC), Community Commercial (CC), and Community Service (CS).
 - a) Freestanding Signs. All freestanding signs must be monument in type. No freestanding sign, including its frame and structure, shall exceed thirty-two (32) square feet in area on any one side with a total display area not exceeding sixty-four (64) square feet. Only one freestanding sign shall be permitted for each premise.
 - b) Projecting Signs. Each business may have one projecting sign on the front of the building, provided that no freestanding sign is used. The maximum size for a projecting sign shall be twelve feet in area on any one side with a total display area not exceeding twenty-four (24) square feet. The horizontal projection shall not exceed six feet in length. Projecting signs must maintain a minimum clearance of 8 feet from the base elevation of the building.
 - c) Wall sign. Each business may have not more than one wall sign fronting onto a public right of way. The aggregate area of all wall signs is equivalent to one square foot of sign area for each lineal foot of width of the building or portion of a building occupied by such business, not to exceed 70 square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building setback of the Zoning Resolution.
 - d) Permanent window signs. The collective amount of all permanent windows signs shall meet the requirements of this Chapter pertaining to wall signs. Under no circumstances shall a window sign exceed 25% of the area of the window in which it is contained.
 - e) Directional signs. Directional signs conveying only directions or instructions with respect to the premise on which it is located may be constructed on the premises. Directional signs shall be limited to six (6) square feet in area, and no more than four (4) on any premises. Such signs shall not contain business names, logos, or advertisement of any products.

- 2) Signs Located in Industrial District; Limited Industrial (LI)
- a) Freestanding Signs. All freestanding signs must be monument in type. No freestanding sign, including its frame and structure, shall exceed thirty-two (32) square feet in area on any one side with a total display area not exceeding sixty-four (64) square feet. Only one freestanding sign shall be permitted for each premise.
 - b) Projecting Signs. Each business may have one projecting sign on the front of the building, provided that no freestanding sign is used. The maximum size for a projecting sign shall be twelve feet in area on any one side with a total display area not exceeding twenty-four (24) square feet. The horizontal projection shall not exceed six feet in length. Projecting signs must maintain a minimum clearance of 8 feet from the base elevation of the building.
 - c) Wall sign. Each business may have not more than one wall sign fronting onto a public right of way. The aggregate area of all wall signs is equivalent to one square foot of sign area for each lineal foot of width of the building or portion of a building occupied by such business, not to exceed 70 square feet. The width of the building shall be determined by measuring that portion of the building that fronts onto the street as determined by the front yard building setback of the Zoning Resolution.
 - d) Permanent window signs. The collective amount of all permanent windows signs shall meet the requirements of this Chapter pertaining to wall signs. Under no circumstances shall a window sign exceed 25% of the area of the window in which it is contained.
 - e) Directional signs. Directional signs conveying only directions or instructions with respect to the premise on which it is located may be constructed on the premises. Directional signs shall be limited to six (6) square feet in area, and no more than four (4) on any premises. Such signs shall not contain business names, logos, or advertisement of any products.
- 3) Billboards Located in Commercial and Industrial Districts: Suburban Office and Industrial (SO), Neighborhood Commercial (NC), Community Commercial (CC), Community Service (CS) and Limited Industrial (LI).
- a) Billboards are permitted in the SO, NC, CC, CS and LI Districts, subject to compliance with the development standards of the zoning district in which the billboard location is sought and the following additional criteria:
 - i) Billboards shall be located behind the principal building setback line for the district in which it is located and shall not be erected within any required yard areas.
 - ii) Billboards shall be located not less than two hundred (200) feet from any adjacent residential dwelling unit.
 - b) Billboards shall be located at least seven hundred fifty (750) feet in any direction from other billboards. This required separation between billboards shall be determined as follows:
 - i) Spacing requirements shall be measured along the curb line of the street that the billboard is oriented to and the measurement shall apply to both sides of the street.
 - ii) Spacing requirements shall be measured from existing billboards regardless of the political jurisdiction within which any other billboard may be located.

- iii) Measurement of the spacing between billboard locations shall begin at a point nearest to the proposed billboard site location from an existing billboard site location and extending to a point nearest to the existing billboard site location from the proposed billboard site location.
 - c) No billboard shall exceed three hundred (300) square feet in sign area per side and shall not have more than two (2) sides.
 - d) All billboards shall be located in compliance with all local, state, and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state, or federal agencies.
 - e) The height of a billboard shall not exceed twenty-five (25) feet above the natural grade of the site location.
 - f) No billboard shall be erected or maintained in trees, or constructed, drawn or painted directly onto rocks or other natural features.
- 4) Residential Zoning Districts, Restricted Suburban (R-1), Limited Suburban (R-2), Suburban (R-4), Suburban Apartment (R-24).
 - a) No permanent sign or billboard shall be erected in a standard residential district unless the sign or billboard complies with the following:
 - i) Development entryway signs may be permitted where six or more dwelling units constitute one development or project; each development shall be limited to one sign located at the principal entrance and no more than 24 square feet in area on any one side. Such signs shall incorporate landscaping features around the base of such sign.
 - ii) Permitted sign associated with a home occupation and meeting the criteria contained within Section 541.061.
- 5) Planned Districts; Planned Low Density Residential (PR-6), Planned Medium Density Residential (PR-12), Select Commercial Planned (SCPD), Planned Shopping Center (PSC), Planned Highway Service (PHS), Planned Industrial Park (PIP).
 - a) No sign shall be erected for existing Planned District developments without first being approved by the Zoning Commission and the Township Trustees.
 - b) Signage in these Districts for new construction in a Planned District development shall be included in the detailed development plan and development text as required by Article IV.
 - c) The proposed signage shall be appropriate for the site and warranted by the design and other amenities incorporated in the sign plan.
 - d) The proposed signage shall not be detrimental to the other residents of the Township and surrounding areas or to the public facilities and services in the Township and surrounding areas.
- 6) Special Districts; Flood Plain (FP), Excavation and Quarry (E-Q), Oil and Gas (O-G), Exceptional Use (EU)

- a) Freestanding Signs. All freestanding signs must be monument in type. No freestanding sign, including its frame and structure, shall exceed fifty (50) square feet in area on any one side, with a total display area not exceeding sixty-four (64) square feet. Only one freestanding sign shall be permitted for each premise.
- b) Projecting Signs. Each business may have one projecting sign on the front of the building, provided that no freestanding sign is used. The maximum size for a projecting sign shall be twelve feet in area on any one side with a total display area not exceeding twenty-four (24) square feet. The horizontal projection shall not exceed six feet in length. Projecting signs must maintain a minimum clearance of 8 feet from the base elevation of the building.
- c) Wall sign. Each use may have not more than one wall sign on each side of a building. No single wall sign shall exceed 35 square feet in area. The aggregate area of all wall signs shall not exceed 70 square feet.
- d) Permanent window signs. The collective amount of all permanent windows signs shall meet the requirements of this Chapter pertaining to wall signs. Under no circumstances shall a window sign exceed 25% of the area of the window in which it is contained.
- e) Directional signs. Directional signs shall be limited to six (6) square feet in area, and no more than four (4) feet on any premises. Such signs shall not contain business names, logos, or advertisement of any products.

541.061 Home Occupation Signs In Residential Districts.

- 1) One (1) sign may be permitted for home occupations in compliance with Section 511.01, Section 511.011, subject to the following requirements:
 - a) The maximum permitted sign area shall not exceed three (3) square feet and the premises shall contain not more than one (1) sign.
 - b) The sign shall be mounted so that it is completely and flatly affixed against the surface of the dwelling or structure.
 - c) The sign shall not be placed on the dwelling or structure so that it covers any windows, doors or garage doors, nor shall it be placed 10 feet above the ground elevation.
 - d) The face of the sign shall not be illuminated.

541.062 Changeable Copy Signs or Bulletin Boards.

- 1) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, schools, societies, gasoline service stations, and drive-thru menu boards may be erected on the premises on which the use is located provided:
 - a) The maximum sign area shall not exceed 15 square feet and there shall be not more than one such sign on the premises.
 - b) The changeable copy is not displayed using liquid crystal display (LCD) light emitting diodes (LED), or other electro/mechanical displays.

541.07 TEMPORARY SIGNS

- 1) Temporary Signs in Non-Residential Zoning Districts. One (1) temporary sign may be erected in any office, commercial or industrial zoning district to announce special public or institutional events, or the erection, sale or remodeling of a building or development, subject to the following requirements.
 - a) The maximum permitted sign area of a temporary sign is 32 square feet and, there shall be not more than one (1) such sign.
 - b) A temporary sign may be erected for a period of 60 days, plus the construction period, if applicable.
 - c) No temporary sign shall be located closer than twenty (20) feet to the pavement of any public street. No temporary sign shall be located within a public right-of-way.
 - d) No temporary sign shall be illuminated.
 - e) Lettering on temporary signs shall be silk-screened, stenciled, created with vinyl letters, or sewn into the fabric or material.
 - f) Use of a temporary display on days without a Certificate of Zoning Compliance, when required or beyond the stated date of approval when applicable, shall be deducted from the allotted number of days.
- 2) Temporary Signs in Residential Zoning Districts.
 - a) Signs announcing the sale or lease of a building or work or services being performed (or the identification of the person or entity performing such work or service) in connection with the construction, remodeling, repair, maintenance or improvement of a building or lot upon which the sign is to be placed may be temporarily erected in the residential zoning districts, provided:
 - i) That such sign shall be non-illuminated, not located within any required side or rear yard areas and placed outside of the right-of-way; and
 - ii) That the maximum area of signs advertising a sale or lease of a building must not exceed six (6) square feet; and
 - iii) That no certificate of zoning compliance shall be required for signs advertising the sale, lease or rent of a building; and
 - iv) That signs announcing the work or services being performed (or the identification of the person or entity performing such work or service) in connection with the construction, remodeling, repair, maintenance or improvement of a building or lot upon which the sign is to be placed in residential zoning districts must be located on the parcel on which the work or service is taking place and shall not exceed six (6) square feet in sign area and may only be erected during the actual period when such work or service is taking place and shall be removed from the premises upon completion of the work or service.
 - v) That signs announcing special public or institutional events may be erected on the premises of permitted, conditional, or legally nonconforming institutions or businesses in residential zoning districts. They shall not exceed six (6) square feet in sign area, and must comply with Section 541.07 1), b and c herein, and

- b) Garage sale signs used on private residentially zoned property for a period of not more than four (4) consecutive days, nor more than two (2) times each year to advertise activities such as, but not limited to, garage sales, school events, or church bazaars. These signs shall not exceed six (6) square feet in sign area.

SECTION 551 PUBLIC NUISANCE REGULATIONS

551.01 PREVENTION OF NUISANCE. Every structure or use subject to the provisions of this Zoning Resolution shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.

551.02 REQUIRED LIMITS. The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of this Zoning Resolution.

551.021 Noise. Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other activities in the area.

551.022 Air Pollution. No visible smoke, dust or other particulate emissions, excluding steam, shall be permitted. Excepting those produced from fossil fuel, wood-burning stoves, fireplaces, furnaces or similar systems so long as such systems are primarily used for heating or cooking purposes and are not used in connection with the manufacture of goods or other commercial activity.

551.023 Odor or Fumes. Odor or noxious fumes shall be so controlled so they are not offensive or hazardous.

551.024 Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that located at the source of such activity.

551.025 Lighting and Glare. No direct glare from processing, lighting or other activities shall extend in a manner which adversely affects neighboring areas or interferes with safety on any public street, road or highway.

551.026 Toxic and Hazardous Substances. No toxic substance shall be emitted or otherwise discharged into the atmosphere, ground, surface waters or ground waters. No storage, use or transport of toxic or hazardous substances shall be permitted unless such activity is in full compliance with applicable state and federal environmental protection regulations and the expressed prior written approval of the appropriate fire department official as designated by the Township is obtained.

551.027 Hazards and Explosives. There shall be no storage, utilization or manufacture of detonable materials or intense burning materials unless the express prior written approval of the appropriate fire department official as designated by the Township is obtained. The said Fire Chief shall have the authority to specify the location, quantity, methods of storage and methods of utilization, and otherwise exert other controls which are necessary to protect the health and safety of the residents of Perry Township.

551.028 Trash. The storage of trash or waste materials, but not limited to discarded household goods, discarded commercial products, industrial by-products, and other similar shall not be visible from the right of way and screening shall be used to conceal the materials from the street. Screening shall be a minimum of 4 feet and a maximum of 6 feet in height, and must be composed of fencing material and/or landscape material as described in this Section. Any fencing material shall be 100% opaque and comply with the requirements of fencing in section 502.03 of this Resolution. If landscape is being used, it must be 4' tall at time of planting and be a form of evergreen; no ornamental grasses are acceptable as screening material. Acceptable landscape material includes, but is not limited to, arborvitae and evergreens. If used, landscape materials must be at least 75% opaque year-round. All such trash materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. In all cases, there shall be full compliance with applicable zoning district standards. Although no permit is required for the screening of trash can enclosures staff review is required of the proposed screening. A plan showing the location and type of screening must be submitted prior to installation of the screening. There is no fee for this review process.



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SECTION 561 PRESERVATION OF NATURAL DRAINAGE SYSTEMS

561.01 ACTIVITIES REQUIRING A CONDITIONAL USE PERMIT. In order to preserve the integrity of certain natural drainage systems, recognizing the need to preserve ravines for the health, safety and welfare of the citizens of Perry Township, filling, grading or other construction activities involving watercourses or areas encompassing a ravine, hill or stream bank with natural slopes of 12 percent (12%) or more, shall require a Conditional Use Permit in accordance with Section 815, Perry Township Zoning Resolution. In addition to the requirements of Sections 815.021 and 815.022, the applicant for a Conditional Use Permit application shall demonstrate compliance with the following criteria:

561.011 The proposed activity shall not cause sedimentation, erosion or destruction of the storm-carrying capacity of any related drainage ditch or water course. Design criteria and construction standards for drainage, stormwater management, erosion and sedimentation control shall follow the standards and referenced guidelines of the Franklin County Subdivision Regulations adopted in 1993;

561.012 The proposed activity shall not adversely impact any wetland classified as such or eligible to be classified as a wetland by the U.S. Army Corps of Engineers;

561.013 At the time of filing a Conditional Use application, written documentation shall be provided that notice has been given to the Ohio Historic Preservation Office regarding the proposed activity requiring a Conditional Use Permit;

561.014 Vegetation removed in conjunction with the proposed activity shall be reestablished with a vegetation pattern representative of or consistent with existing vegetation found in the area to be disturbed or on the opposite bank from said area proposed to be disturbed.

561.02 PLAN REQUIRED.

561.021 In addition to the foregoing criteria, the Conditional Use Permit application shall include plans prepared by a professional civil engineer or landscape architect registered to practice in the state of Ohio which

demonstrates that the above-listed criteria will be met. In addition, the submitted plans shall include the following:

- 1) A map illustrating areas, both on-site and off-site, which are vulnerable to erosion and sediment loss.
- 2) A map illustrating existing and proposed elevations within the proposed work area by contour lines, set at intervals of no greater than two feet.
- 3) Depiction of all stormwater runoff, erosion and sediment control measures to be taken before, during and after construction activity. Said depiction shall convey specific practices to be used, locations where such practices will occur and the manner and timing in which they will be implemented.
- 4) Explanation of how the applicant will monitor erosion and sediment control measures during and after construction activity. Said monitoring shall, at a minimum, occur after each erodible rain. Steps shall be taken to ensure and maintain continued effectiveness of erosion and sediment control measures.
- 5) Measures for the retention and utilization of as much existing vegetation as possible to slow water runoff. Particular emphasis shall be given to trees, shrubs and other woody vegetation.

Reestablishment of vegetation in accordance with Section 561.014, above, shall include measures sufficient to stabilize impacted slopes and adjoining areas. Such measures shall also be sufficient to demonstrate that no adverse environmental impact relating to increased sediment loss, erosion and/or bank stabilization will occur.

- 6) Such other information as may be necessary to establish conformance with this Resolution or as may be requested by the Board of Zoning Appeals in order to determine such conformance.

The Perry Township Zoning Inspector may seek the assistance of the Franklin Soil and Water Conservation District, Franklin County Engineer, or other available technical resources as necessary to administer and enforce this section. Grading, filling, excavating or construction within these steep slope areas shall commence only after the Perry Township Board of Zoning Appeals has granted Conditional Use approval for such activities and a Certificate of Zoning Compliance obtained from the Zoning Inspector.

SECTION 571 DISPLAY OF PROPERTY ADDRESS

Every dwelling shall have posted in a conspicuous place the identifying house or street number so that such numbers are clearly visible from the road right-of-way on which the dwelling is located. Street or house numbers shall be displayed using numerals not less than four (4) inches in height so public safety vehicles can easily locate the dwelling in case of an emergency.

SECTION 591 MAXIMUM NUMBER OF DOGS PERMITTED

It is the intent of this Section to regulate the number of dogs within Perry Township so as to allow their enjoyment without causing nuisance conditions and/or health hazards. No person in any zoning district shall own, keep or harbor more than four (4) dogs on any lot or premises. Offspring of dogs permitted under this Section may be kept for a period not exceeding four (4) months.

**ARTICLE VI
SPECIAL DISTRICTS**

SECTION 600 SPECIAL DISTRICTS AND REGULATIONS ADOPTED

600.01 SPECIAL DISTRICTS ESTABLISHED. Districts providing for use or development of land for certain purposes or under certain conditions, as hereafter specified, are hereby established and adopted.

600.02 SPECIAL DISTRICT REGULATIONS. Regulations pertaining to use or development of land in SPECIAL DISTRICTS are provided for the following:

600.021 Flood Plain Development. Provisions pertaining to the use and development of lands subject to periodic flooding are provided to encourage development of such lands in a manner to reduce the perils of flooding and promote the public health, safety and general welfare.

600.022 Excavation and Quarry. Provisions pertaining to the extraction of sand, gravel and other mineral resources are provided to allow the removal of these important resources in a manner appropriate to adjacent lands and to rehabilitate the excavated area to promote the public health, safety and general welfare.

600.023 Oil and Gas Drilling and Production. Provisions pertaining to the drilling and production of oil and gas are provided to allow the exploration for and removal of natural petroleum resources in a manner appropriate to promote the public health, safety and general welfare.

600.024 Exceptional Uses. Provisions pertaining to certain uses of a unique nature as to warrant individual consideration are provided to allow appropriate location and development in relation to other land use and development in a manner appropriate to promote the public health, safety and general welfare.

600.03 RELATION TO ZONING DISTRICTS. Special Districts and Regulations thereof shall be in addition to the Zoning Districts as established on the Zoning District Map and nothing herein is intended to amend, modify or otherwise change the Zoning District Regulations except as specifically set forth in the Special District Regulations.

600.031 Relation to Zoning District Map. The inclusion of land in a Special District shall be in addition to the Zoning District as established on the Zoning District Map, and nothing herein is intended to amend, modify or otherwise change the Zoning District boundaries as shown on the Zoning District Map.

SECTION 610 FLOOD PLAIN REGULATIONS

610.02 ESTABLISHMENT OF REGULATORY FLOOD PLAIN DISTRICT.

- 1) The Regulatory Flood Plain District shall exist as an overlay and shall apply concurrently with other zoning district classifications. All land uses and development must also meet all other applicable sections of this Zoning Resolution.
- 2) The Regulatory Flood Plain District shall be designated as those flood hazards areas which are identified in the "Flood Insurance Study Franklin County, Ohio and Incorporated Areas" and the accompanying "Flood Insurance Rate Map Franklin County, Ohio and Incorporated

Areas" published by the Federal Management Agency (FEMA) under the National Flood Insurance Program (NFIP) dated June 17, 2008 and all revisions and amendments thereto . These maps and data are available at the Franklin County Economic and Development Department. The Regulatory

Floodplain District is further divided into two portions consisting of the Floodway and the Floodway Fringe. The Floodway is that portion of the Floodplain consisting of the channel and sufficient adjacent lands to convey the Base Flood discharge without increasing the Base Flood Elevation more than one-half (1/2) foot. The Floodway Fringe is that portion of the Floodplain outside of the Floodway. The FEMA water surface profiles of the Base Flood shall govern the location of the Floodplain boundary. The Base Flood Elevations and Floodway boundaries shall be established as those indicated by NFIP maps and data published by FEMA, including all revisions and amendments thereto. The Floodplain District shall be illustrated on the Zoning District maps. FEMA maps and data shall be used to establish the Regulatory Floodplain District. FEMA maps and data shall govern in case of omission on or in conflict with the zoning map.

- 3) In designated flood hazard areas for which FEMA has not determined detailed flood elevations and Floodway boundaries, an applicant shall be required to furnish such information prepared by qualified personnel to enable the administration of this Resolution consistent with its intent. Flood maps and data published by State or Federal sources such as the USDA Soil Conservation Service, U.S. Army Corps of Engineers, U.S. Geological Survey, or Ohio Department of Natural Resources shall be utilized when available. In case of differing information from two (2) or more of these sources, the more comprehensive and recent technical data shall be used. When detailed flood elevations and floodway boundaries are not available for the Base Flood through FEMA or other state or federal sources, the applicant shall provide them. Such information and data shall be prepared by a qualified Professional Engineer in accordance with currently accepted hydrologic and hydraulic engineering techniques and methodology. Such studies, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the County NFIP Administrator and the State NFIP Coordinating Agency.

610.03 REGULATORY FLOOD PLAIN DISTRICT PERMITTED USES. Only the following open space uses will be permitted within the Regulatory Flood Plain District provided they are not prohibited by any other sections of the **Perry Township Zoning Resolution**, and provided further that they do not require structures, fill, or storage of materials or equipment. In addition, no use will adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

- 1) Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 2) Industrial-Commercial uses such as loading areas, parking areas, airport landing strips.
- 3) Recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife, and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking, and horseback riding trails.
- 4) Residential uses such as lawns, gardens, parking areas, and play areas.

610.04 PROHIBITED USES IN FLOODWAY PORTION OF REGULATORY FLOOD PLAIN DISTRICT. The following structures and uses are hereby prohibited in the floodway:

- 1) Structures designed or used for human habitation.
- 2) The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life in time of flooding or that have a high flood damage potential.

- 3) Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites.

610.05 CONDITIONAL USES IN FLOODWAY PORTION OF REGULATORY FLOOD PLAIN DISTRICT.

610.051 Conditional Uses. The following Conditional Uses may be permitted within the floodway provided they comply with the provisions of this Section, Sections 610.04 and 610.07, and other standards established in these Regulations and any conditions attached by the Board to the issuance of the Conditional Use Permit. No temporary or permanent structure, fill (including fill for roads and levees), deposit, obstruction, storage of materials, or equipment, or other use will be permitted which, acting along or in combination with existing or reasonably anticipated uses, will result in an increase in stage beyond that permitted in Subsection 610.07 (l) (b). Where permitted, such fill or other materials will be protected against erosion by vegetative cover, riprap, or bulkheading. Consideration of the effects of a proposed use will be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Conditional Uses include:

- 1) Uses or structures accessory to open space or Conditional Uses.
- 2) Circuses, carnivals, and similar transient amusement enterprises.
- 3) New and used car lots and roadside stands.
- 4) Extraction of sand, gravel, and other materials.
- 5) Navigational and drainage aids, marinas, boat rentals, docks, piers, wharves, and water measuring and control devices.
- 6) Storage yards for equipment, machinery, or materials.
- 7) Kennels and stables.
- 8) Other uses similar in nature to uses described in Section 610.03, or this Subsection which are consistent with the provisions set out in the purpose clause of the Perry Township Zoning Resolution.

610.052 Structures. Structures (temporary or permanent) accessory to Conditional Uses listed above are permitted as follows, provided:

- 1) They have a low flood damage potential.
- 2) They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - a) Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flood flow.
 - b) So far as practicable, structures will be placed approximately on the same flood flow lines as those of adjoining structures.
- 3) They are firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings, and other narrow sections of the stream or river.

- 4) Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or adequately flood-proofed.

610.053 Storage of Material or Equipment. Storage of material or equipment other than that prohibited in Subsection 610.04 (2) may be allowed upon issuance of Conditional Use Permits, if not subject to major damage by floods and firmly anchored to prevent flotation or are readily removable from the area within the time available after flood warning.

610.054 Public Utility Facilities. Public utility facilities and water-oriented industries which must be adjacent to water courses are permitted provided that the development is located so that it will not significantly alter flood flows, heights, or velocities at the regional flood. Whenever necessary, compensating measures will be required to be undertaken to offset any adverse effects of allowing the use within the floodway and to keep increases in stages of the regional flood within the limits specified in these Regulations.

610.055 Flood Control Structures. Structural works for flood control such as dams, levees, dikes, and floodwalls will not be allowed within the floodway except upon issuance of a Conditional Use Permit. In addition, any proposed structural work in the beds of public waters as defined in Section 1521.06, Ohio Revised Code, which will change the course, current, or cross section of the waters, will be subject to the provisions of Sections 1521.06 and 1521.07, Ohio Revised Code, and other applicable statutes.

610.06 CONDITIONAL USES IN FLOODWAY FRINGE PORTION OF REGULATORY FLOOD PLAIN DISTRICT. The following structural or other uses are permitted within the floodway fringe as Conditional Uses to the extent they are not prohibited by any other Sections of the Perry Township Zoning Resolution and they meet the following applicable standards:

- 1) Conditional Uses permitted in Section 610.05.
- 2) Residential Uses. Residences, consisting of four (4) units or less, erected, constructed, reconstructed, altered, or moved on fill or otherwise elevated, will be located so that the lowest floor, including basement, is at least one (1) foot above the water surface elevation in the profile of the regional flood plus any increase in flood heights caused by the proposed development.

Such buildings, structures, or additions shall have a means of ingress and egress to land outside the Regulatory Flood Plain which is at or above the regulatory flood protection elevation. This means of ingress and egress shall be at or above the regulatory food protection elevation and shall be a minimum of fifteen (15) feet wide or a minimum at five (5) feet wide if equipped either with handrails or other safety features as may be reasonably required.

- 3) Non-Residential uses other than those described in Paragraphs 4 through 8 of this Section. New construction and substantial improvements of structure and building, except for attendant utility and sanitary facilities which shall be flood proofed to the regulatory flood protection elevations, shall be elevated as provided for in Paragraph 2.
- 4) Commercial Uses. New construction of and substantial improvements to commercial structures and buildings will be elevated as provided for in Paragraph 2. Accessory land uses such as yards, railroad tracks, and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public will not be granted in the absence of a flood warning system, if the area is inundated to a depth greater than two (2) feet or subject to flood velocities greater than four (4) feet per second upon the occurrence of the regional flood.

For purposes of this Section, residential structures containing more than four (4) units will be considered commercial uses and the provisions of the Subsection 4 will apply. Also, such buildings, structures, or

additions shall have at least one (1) means of ingress and egress to land outside the regulatory flood plain in the same manner as set forth in Subsection 2 of this Section.

- 5) Manufacturing and Industrial Uses. New construction of and substantial improvement to manufacturing and industrial buildings, structures, and appurtenant works will be raised to the flood protection elevation or flood-proofed and otherwise protected to the flood protection elevation.

Measures will be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards, railroad tracks, and parking lots may be at lower elevations subject to requirements set out in Paragraph 4 above. In considering permit applications, the Board of Zoning Appeals will give due consideration to needs of an industry whose business requires that it be located in flood plain areas.

- 6) Utilities, Railroad Tracks, Streets and Bridges. Public utility facilities, roads, railroad tracks, and bridges will be designed not to increase the flood stage more than 0.5 feet in any one reach or for the cumulative effect of several reaches and will be compatible with local comprehensive flood plain development plans. Protection to the regulatory flood protection elevation will be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.

- 7) Storage of Materials. Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life will be stored at or above the flood protection elevation, flood proofed, or protected by structural measures consistent with the standards set forth herein. Storage of materials likely to cause pollution of the waters as defined by Ohio law, if subject to flooding, are permitted only if adequate safeguards approved by the State EPA are provided.

- 8) Waste Treatment and Waste Disposal.

- a) No new construction, addition, or modification to existing waste treatment facilities will be permitted within floodway fringe areas unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Ohio Environmental Protection Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.

- b) There shall be no disposal of garbage or solid waste materials within floodway fringe areas except upon issuance of a Conditional Use Permit at sites approved by the Ohio EPA.

- 9) Flood Control Works. Flood control works shall be subject to the provisions of Subsection 610.055, and the following provisions:

- a) For jurisdictional acres, the minimum heights and design of structural works shall be at least three (3) feet above the elevation of the regional flood.

- b) Modifications and additions to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area. Any existing structural work which potentially threatens public health, safety, comfort, convenience, prosperity, and general welfare shall be modified or reconstructed in order to meet the standards contained herein within a period of one year of the effective date of these Regulations.

- c) Flood protection elevations and floodway limits which reflect proposed measures for flood control, that will reduce the flood elevation, shall not become effective until such measures have been constructed and are operative. If the proposed measures will increase flood heights, the regulatory flood protection elevations and flood plain limits shall reflect the anticipated increases.
- d) Detailed plans shall be submitted to the Board of Zoning Appeals for any new developments placed on the flood plain landward from dikes and levees. The plans must provide for ponding areas or other measures to protect against flooding from internal drainage.

610.07 CONDITIONAL USES. Uses other than those specified in Section 610.03 are permitted only upon application to the Administrative Offices and the issuance of a permit by the Board of Zoning Appeals as provided in this section. The Board of Zoning Appeals shall determine whether the proposed Conditional Use is located within a floodway, or floodway fringe area. If it is determined that the proposed use is located within a floodway, the provisions of Section 610.05 of these Regulations shall apply. If it is determined that the proposed use is located within the floodway fringe, the provisions of Section 610.06 of these Regulations shall apply. All uses shall be subject to standards contained in these Regulations.

The Board of Zoning Appeals may deny, grant, or conditionally grant a Conditional Use permit in accordance with the provisions of Sections 610.05 and 610.06 after it:

- 1) Determines the specific flooding threat at the site of the proposed conditional use and determines whether the use is located in a floodway or floodway fringe area by:
 - a) Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the portions of the stream channel and other areas inundated by the regional flood. Flood protection elevations shall be one (1) foot above the water surface elevations of the regional flood plus the increase in flood heights caused by the proposed development.
 - b) Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damages to existing or reasonably anticipated future development. Computation of increases in flood heights caused by an encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.
- 2) Evaluates the effects of the proposed use upon the public health, safety, convenience, comfort, prosperity, and general welfare in light of the purposes of these Regulations and the standards established herein.

610.08 CONDITIONAL USE PERMITS AND VARIANCES. Procedure to be followed by the Board of Zoning Appeals in passing on Conditional Use Permits and Variances. Upon receiving an application for a Conditional Use Permit or Variance involving the use of fill, construction of structures or buildings, use of property or storage of materials, the Board of Zoning Appeals shall, prior to rendering a decision thereon:

- 1) Require the applicant to furnish such of the following information as is deemed necessary by the Board for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or floodway fringe portions of the regulatory floodplain as determined by a qualified registered engineer, and other factors necessary to render a decision on the suitability of the particular site for the proposed use.

- a) Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
 - b) A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
 - c) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
 - d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
 - e) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities.
 - f) Any other information requested by the Board within twenty (20) days after filing the application.
- 2) Factors upon which the decisions of the Board of Zoning Appeals shall be based. In passing upon Conditional Use and Variance applications, the Board shall consider all relevant factors specified in other Subsections of these Regulations, and
- a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d) The susceptibility of the proposed facility or use and its contents to flood damage and the effect of such damage on the individual owner.
 - e) The importance of the services provided by the proposed facility or use to the community.
 - f) The requirements of the facility or use for a waterfront location.
 - g) The availability of alternative locations not subject to flooding for the proposed use.
 - h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - j) The safety of access to the property in times of flood for ordinary and emergency vehicles.

- k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 - l) Such other factors which are relevant to the purposes of these Regulations.
- 3) Conditions attached to Conditional Use Permits and Variances. Upon consideration of the factors listed above and the purposes of these Regulations, the Board of Zoning Appeals may attach such conditions to the granting of Conditional Use Permits or Variances as it deems necessary to further the purposes of these Regulations. Among such conditions, without limitation because of specific enumeration, may be included:
- a) Modification of waste disposal and water supply facilities.
 - b) Limitations on period of use and operation.
 - c) Imposition of operational controls, sureties, and deed restrictions.
 - d) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
 - e) Flood proofing measures. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Zoning Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer, architect, or other expert that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. The following flood proofing measures may be required without limitation because of specific enumeration:
 - i) Anchorage to resist flotation and lateral movement.
 - ii) Installation of watertight doors, bulkheads, shutters, or similar methods of construction.
 - iii) Reinforcement of walls to resist water pressures.
 - iv) Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - v) Addition of mass or weight to structures to resist flotation.
 - vi) Installation of pumps to lower water levels in structures.
 - vii) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
 - viii) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
 - ix) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - x) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the building or structures. Gravity draining of basements may be eliminated by mechanical devices.

- xi) Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation by the regional flood.
 - xii) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare above the flood protection elevation or provision of adequate flood proofing to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.
- 4) Construction and use to be as provided in Applications, Plans, Permits and Certificates of Zoning Compliance. Use permits, Conditional Uses, or Certificates of Zoning Compliance issued on the basis of approved plans and applications, authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of these Regulations and punishable as provided by Section 710 of the Perry Township Zoning Resolution. The applicant shall be required to submit certification by a registered professional engineer or registered surveyor, or other qualified person designated by the Board of Zoning Appeals that the finished fill and building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of these Regulations.

610.09 WARNING AND DISCLAIMER OF LIABILITY. These Regulations do not imply that areas outside the Regulatory Flood Plain District boundaries or land uses permitted within such districts will be free from flooding or flood damages. These Regulations shall not create liability on the part of Perry Township or any officer or employee thereof for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made thereunder.

SECTION 620 EXCAVATION AND QUARRY REGULATIONS

620.02 PERMITTED USE. Land and structures governed by the EXCAVATION AND QUARRY REGULATIONS shall be used only for the following purposes in addition to permitted uses of the Zoning District in which the land is located.

620.021 Extraction.

- 141 Dimension Stone
- 142 Crushed and Broken Stone, including Riprap
- 144 Sand, Gravel and/or Topsoil Extraction

620.022 Top Soil Extraction Processing. The temporary erection and operation of plants and equipment necessary for crushing, polishing, dressing or otherwise physically or chemically processing the material extracted on the site including:

- 3271 Concrete Brick and Block
- 3272 Concrete Products, except Block and Brick
- 3273 Ready Mixed Concrete

620.03 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required under the EXCAVATION AND QUARRY REGULATIONS.

620.031 Intensity of Use. There is no minimum lot area required; however, the lot shall be adequate to provide the yard space required by the following Development Standards and meet the requirements of SECTION 502, ARTICLE V:

- 1) For excavation, quarrying and permitted processing, all equipment used shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which would injure or annoy persons living or working in the vicinity.
- 2) Accessways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be necessary.
- 3) No excavation shall be made from the banks or beds of the Scioto River or any other such stream or waterway designed as necessary to the Flood Control Program of Perry Township and Franklin County and no quarrying shall be permitted closer than two hundred (200) feet of either bank of the above named river and creeks except by a finding of the Franklin County Engineer which shall show that such excavation or quarrying shall not impair the lateral support needed for permanent stream levees.
- 4) All excavations shall be made either to a depth of five (5) feet below a water producing level, or graded, or back-filled with non-noxious and non-inflammable solids to assure that the excavated area will not collect and retain stagnant water, or that the graded or back-filled surface will create a gentle rolling topography to minimize erosion by wind or rain and substantially conform with the contour of the surrounding area.
- 5) Whenever the floor of a quarry is five (5) feet or more below the grade of adjacent land, the property containing the quarry shall be completely enclosed by a barrier either consisting of a mound of earth not less than six (6) feet high located at least twenty-five (25) feet from any street right-of-way and planted with a double row of autumn olive bushes, other approved landscaping or shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of six (6) feet in height along the property line. Such barriers may be excluded where deemed unnecessary by the Franklin County Engineer because of the presence of a lake, stream or other existing natural barrier.

620.032 Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred fifty (150) feet from a street right-of-way line; quarrying operations shall be located fifty (50) feet or more from a street right-of-way line. With approval by the Franklin County Engineer, such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the established street grade.

Excavation or quarrying shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.

Plants or equipment for processing of extracted materials or other approved ancillary operations shall not be located nearer than six hundred (600) feet to the boundary of the land placed under the provisions of the EXCAVATION AND QUARRY REGULATIONS.

620.04 REHABILITATION PLAN. Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of County Commissioners.

620.041 Rehabilitation Plan. All such Rehabilitation Plans shall include the following:

- 1) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
- 2) Existing and proposed drainage of the area.
- 3) Details of regrading and revegetation of the site during and at conclusion of the operation.

620.042 Required Rehabilitation. The following requirements shall be met in the Rehabilitation Plan:

- 1) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
- 2) Spoil banks shall be graded to a level suiting the existing terrain.
- 3) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized and approved by the County Engineer.
- 4) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- 5) All equipment and structures shall be removed within three (3) months of the completion of the extraction of materials.

SECTION 630 OIL AND GAS DISTRICT REGULATIONS

630.02 PERMITTED USE. Land and structures governed by the OIL AND GAS DISTRICT REGULATIONS shall be used only for the following purposes in addition to Permitted Uses of the Zoning District in which the land is located.

630.021 Extraction.

- 1481 Crude Petroleum
- 1481 Natural Gas
- 1482 Natural Gas Liquids
- 1483 Oil and Gas Field Services

630.022 Temporary Equipment and Structures. The temporary erection of structure and equipment necessary for the drilling and production of oil or gas on the site.

630.03 DEVELOPMENT STANDARDS. In addition to the provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, the following standards for arrangement and development of land and buildings are required in the OIL AND GAS DISTRICT.

630.031 Spacing of Wells. No permit shall be issued to drill, deepen, reopen, or plug a well for the production of oil or gas unless the proposed well is located:

- 1) Upon a tract or drilling unit containing not less than ten (10) acres;
- 2) Not less than four hundred sixty (460) feet from any well drilling to, producing from, or capable of producing from the same pool;
- 3) Not less than two hundred thirty (230) feet from a boundary of the subject tract or drilling unit.

630.032 Access and Egress. Prior to commencement of any drilling operations, all private roads used for access to the drill site and the drill site itself shall be surfaced by clean, crushed rock, gravel or decomposed granite, or oiled and maintained to prevent dust and mud.

630.033 Derricks. All derricks and masts hereafter erected for drilling or redrilling shall be at least equivalent to the American Petroleum Institute Standards 4A, 14th Edition and 4D, 3rd Edition.

630.034 Signs and Fencing. A sign having a surface area of not less than two (2) square feet and no more than six (6) square feet bearing the current name and number of the well and the name or insignia of the operator shall be displayed at all times from the commencement of drilling operations until the well is abandoned.

All oil well production equipment having external moving parts hazardous to life or limb shall be attended twenty-four (24) hours per day or be enclosed by a steel chain link type fence not less than six (6) feet in height and in addition having not less than three (3) strands of barbed wire sloping outward at approximately a 45 degree angle and for eighteen (18) inches from the top of the fence. There shall be no aperture below such fence greater than four (4) inches. Fence gates shall be placed at nonhazardous locations and shall be locked at all times when unattended by a watchman or service man.

630.035 Lighting, Delivery and Power.

Lighting. All lights shall be directed or shielded so as to confine direct rays to the drill site.

Delivery of equipment. The delivery or removal of equipment or material from the drill site shall be limited to the hours between 7:00 a.m. and 7:00 p.m., except in case of emergency.

Power Sources. All power sources shall be electric motors or muffled internal combustion engines.

630.036 Storage of Equipment. There shall be no storage of material, equipment, machinery or vehicle which is not for immediate use or servicing on an installation on the drill site. Storage tanks shall be located on the drill site and storage tank capacity at the drill site shall not exceed a total aggregate of two thousand (2000) barrels exclusive of processing equipment.

630.037 Flammable Waste Gases. Flammable waste gases or vapors escaping from a production drill site shall be burned or controlled to prevent hazardous concentration reaching sources of ignition or otherwise endangering the area.

630.04 REHABILITATION PLAN. Drilling and production shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Perry Township Trustees.

630.041 Rehabilitation Plan. All such Rehabilitation Plans shall include the following:

- 1) Redevelopment plan showing existing and proposed site and all facilities pertinent thereto. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale.
- 2) Details of regrading and revegetation of the site during and at conclusion of the operation.

630.042 Required Rehabilitation. The following requirements shall be met in the Rehabilitation Plan:

- 1) Upon cessation of drilling and beginning of production, the well shall be serviced only with a portable derrick when required.
- 2) All concrete, pipe, wood and other foreign materials shall be removed from the drill site to a depth of six (6) feet below grade, unless part of a multi well cellar then being used in connection with any other well for which a permit has been issued.
- 3) All holes and depressions shall be filled and packed with native earth. All oil, waste oil, refuse or waste material shall be removed from the drill site.
- 4) Adequate landscaping shall be required of the drilling site with screen planting around visible equipment and tanks, ground cover on other portions of site and maintenance of all equipment and premises in a good and painted condition.
- 5) All drilling equipment and the derrick shall be removed from the premises within sixty (60) days following the completion, abandonment or desertion of any well.

SECTION 640 EXCEPTIONAL USE DISTRICT REGULATIONS

640.02 SPECIAL USES. The following listed uses shall be subject to these EXCEPTIONAL USE DISTRICT REGULATIONS, except as they may be permitted by other provisions of this Zoning Resolution.

640.021 Transportation. Airport or Flying Field, Transportation Terminals, Depots or other transportation facilities not exempt from regulation.

640.022 Recreation and Amusement. Amusement Center, Amusement Park, Skating Rink, Miniature Golf, Swimming Pool, Drive-In Theater (except Adult Motion Picture Theater as defined in Section 720, ARTICLE VII) or similar facility.

Athletic Field, Stadium, Race Track or similar sports facility not otherwise allowed by the provisions of this Zoning Resolution.

Golf Club, Country Club, Fishing Club or Lake, Gun Club, Riding Stable, including boarding of animals, or similar recreational facility operated on an admission fee or membership basis.

Resort establishment, park, camping or boating facilities, picnic grounds or similar recreational facility operated on an admission fee or membership basis.

640.023 Social and Cultural Institution. Cemetery or Crematory not otherwise allowed by the provisions of this Zoning Resolution.

Hospital, Sanitarium, Convalescent Home, Rest Home or Home for Children or the Aged, not otherwise allowed by the provisions of this Zoning Resolution.

Private school or college including those with students or faculty in residence, not otherwise allowed by the provisions of this Zoning Resolution.

640.024 Other Uses Not Provided For. Other legal uses of unique or exceptional requirements or circumstances that are otherwise not permitted by this Zoning Resolution.

640.03 PROCEDURE. The following procedure shall be followed in placing land in the EXCEPTIONAL USE DISTRICT.

640.031 Development Plan. Three (3) copies of a Development Plan shall be submitted with the application for amendment of the Zoning District Map and such plan shall include in text or map form:

- 1) The proposed location and size of areas of use, indicating size, location and type of structure.
- 2) The proposed location, size and use of all open areas landscaped and other open space with suggested ownership of such areas.
- 3) The proposed provision of water, sanitary sewer and surface drainage facilities including engineering feasibility or other evidence of reasonableness.
- 4) The proposed circulation pattern including streets, both public and private, parking areas, walks and other accessways including their relation to topography, existing streets and other evidence of reasonableness.
- 5) The proposed schedule of site development and construction of buildings and associated facilities including sketches or other documentation indicating design principles or concepts for site development, buildings, landscapes or other features. Such schedule shall include the use or redevelopment of existing features such as structures, streets, easements, utility lines and land use.
- 6) The relationship of the proposed development to the existing and future land use in the surrounding area, the street system, community facilities and services and other public improvements.
- 7) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan within three (3) years. Such control includes property rights, economic resources and engineering feasibility as may be necessary.

640.032 Basis of Approval. The basis of approval for the EXCEPTIONAL USE DISTRICT shall be:

- 1) That the proposed development is consistent in all respects to the purpose, intent and applicable standards of this Zoning Resolution;
- 2) That the proposed development is in conformity with a Comprehensive Plan or a portion thereof as it may apply;
- 3) That the proposed development advances the general welfare of the Township and that the benefits to be derived from the proposed use justifies the change in the land use character of the area.

640.033 Effect of Approval. The Development Plan as approved by the Perry Township Trustees shall constitute an amendment of the Special District Map and a supplement to the EXCEPTIONAL USE DISTRICT REGULATIONS as they apply to the land included in the approved amendment.

The approval shall be for a period of three (3) years to allow the preparation of the Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio, if required; or if no plat is required for the completion of plans for application for a Certificate of Zoning Compliance. If the plat is not submitted and filed nor such Certificate applied for and used within the three (3) year period, the approval shall become voided and the Board of Trustees or Zoning Commission may institute a zoning amendment to rezone the property to its previous Zoning District or another comparable District, except if an application for time extension is submitted and approved in accordance with 640.034.

640.034 Extension of Time or Modification. An extension of the time limit or the modification of the approved Development Plan may be approved by the Board of Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension of modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the EXCEPTIONAL USE DISTRICT.

640.04 DEVELOPMENT STANDARDS. The provisions of ARTICLE V, GENERAL DEVELOPMENT STANDARDS, shall pertain to the EXCEPTIONAL USE DISTRICT. Because of the unique nature and requirements of these uses, and because their locations cannot be readily predetermined, appropriate Development Standards cannot be set forth, but full usage of Development Standards, requirements, and other provisions of this Zoning Resolution as they may be appropriate, shall be used.

**ARTICLE VII
ADMINISTRATION**

SECTION 705 ENFORCEMENT OF REGULATIONS

705.01 ADMINISTRATIVE OFFICER. This Zoning Resolution shall be administered and enforced by a Township Zoning Inspector or his/her designated representative who shall be appointed by the Board of Perry Township Trustees as is prescribed by Section 519.16, **Ohio Revised Code**, and is hereby empowered:

705.011 Certificate of Zoning Compliance. To issue a Certificate of Zoning Compliance when these regulations have been followed or, to refuse to issue the same in the event of non-compliance.

705.012 Collection of Fees. To collect the designated fees as set forth in this Zoning Resolution for Certificates of Zoning Compliance, application for amendment or changes, Appeal and Conditional Use.

705.013 Making and Keeping of Records. To make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all Certificates of Zoning Compliance and of receipt of complaints of violation of this Zoning Resolution and action taken on the same.

705.014 Inspection of Building or Land. To inspect any building or land to determine whether any violations of this Zoning Resolution have been committed or exist.

705.015 Enforcement. To enforce this Zoning Resolution and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress, and may request the Franklin County Prosecuting Attorney to commence appropriate action. This authority includes the ability to issue stop work orders.

705.016 Advise Zoning Commission. To keep the Township Zoning Commission advised of all matters other than routine duties pertaining to the enforcement of this Zoning Resolution and to transmit all applications and records pertaining to supplements and amendments.

705.017 Advise Board of Appeals. To keep the Board of Zoning Appeals advised of all matters pertaining to Conditional Use Permits, Appeals or Variances and to transmit all applications and records pertaining thereto.

705.02 Certificate of Zoning Compliance. No occupied or vacant land shall hereafter be changed in its use in whole or part until a Certificate of Zoning Compliance shall have been issued by the Township Zoning Inspector. No activity resulting in a disturbance equal to or greater than 1 acre of occupied or vacant land shall hereafter be permitted until the Certificate of Zoning Compliance has been issued by the Township Zoning Inspector. No existing or new structure, including principal and accessory structures, existing use of a lot or portion thereof shall hereafter be charged in its use in whole or in part until the Certificate of Zoning Compliance shall have been issued by the Township Zoning Inspector. The Zoning Inspector may issue a stop work order for failure to obtain a Certificate of Zoning Compliance or any other required permits. Based upon the extent of the proposed change and the potential impact(s) on the immediate area, the Township Zoning Inspector shall have the discretionary authority to require any application for a Certificate of Zoning Compliance to be evaluated for approval or disapproval by the Township Zoning Commission at the next regularly scheduled meeting. This section shall in no way be construed as requiring a Certificate of Zoning Compliance in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no repairs, alterations, or additions are proposed for such structure or accessory structures.

705.021 For purposes of this Resolution, changes or alterations involving any non-conforming structure and/or accessory development (see Section 110.042) shall result in the modification of all other non-conforming structures and accessory development on the lot or lots involved in the Application for a Certificate of Zoning Compliance so that all alterations, re-construction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located. However, a Certificate of Zoning Compliance may be issued for an existing, non-conforming, principal structure which does not meet current building set-back requirements provided that no structural expansion is made to the exterior of the non-conforming, principal structure.

705.022 Building Permit. No building permit for the extension, erection or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance issued, and no building shall be occupied until such certificate is approved.

705.023 Application for Certificates. Each application for a Certificate of Zoning Compliance for new development shall be accompanied by a plan in duplicate, prepared by a professional engineer, surveyor or architect drawn to scale, one (1) copy of which shall be returned to the owner upon approval. The plan shall show the following:

- 1) The actual dimensions of the lot including easements;
- 2) The exact size, location and height of all existing and proposed buildings on the lot;
- 3) The existing and intended use of all parts of the land or buildings;
- 4) Existing zoning on all adjacent lots;
- 5) Existing and, or proposed parking spaces, traffic flow, wheel stops access drive(s) and parking set-backs;
- 6) The proposed provision of water and sanitary sewer facilities including a written indication of at least preliminary approval of such provisions from the applicable Franklin County or State of Ohio regulatory agency;
- 7) Existing and proposed screening as required by Section 521 of this Resolution.
- 8) Existing and proposed signs and billboards as required by Section 541 with the following detailed information:
 - a) A completed application and fee for each requested sign.
 - b) Scale elevation drawing(s) of proposed sign(s).
 - c) Foundation and anchoring drawing(s) of proposed sign(s).
 - d) A dimensioned site plan showing the location of proposed sign(s) and adjacent buildings or other structures.
 - e) For wall signs, a building elevation drawn to scale showing the proposed wall sign and the dimension from established grade to the top of the sign.
 - f) For ground signs, a sign base landscaping plan.
 - g) Cut sheets for any exterior lighting fixtures and/or details of the lighting type to be used.

- 9) A grading plan and storm sewer layout, to include existing and proposed surface and subsurface drainage features indicating how storm runoff will be handled.
- 10) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for compliance with and the enforcement of this Zoning Resolution.
- 11) The requirements of 705.022 or portions thereof, may be waived by the Township Zoning Inspector when, in his/her opinion, the applicant has satisfactorily demonstrated that all aspects relative to the above have been suitably addressed.

Applications for Certificates of Zoning Compliance must comply with applicable local and state requirements and regulations. These may include, but are not limited to, the Franklin County Storm Water Management Manual if the proposal will disturb 1 or more acres of land, Franklin County Public Health Regulations, Franklin County Sanitary Engineer requirements, Franklin County Drainage Engineer requirements, Franklin County Engineer requirements and requirements of the applicable Ohio Environmental Protection Agency Construction permit.

705.024 Fees. When making application for a Certificate of Zoning Compliance, the investigation and compliance fees shall be paid in accordance with the Schedule of Fees Resolution as adopted by the Board of Perry Township Trustees. Any person, firm or corporation who begins work for which a permit or Certificate of Zoning Compliance is required without first obtaining said permit or Certificate, shall be assessed a fine of double the amount of the appropriate fee that would otherwise been paid as established by the Schedule of Fees Resolution.

705.025 Issuance of Certificates. Certificates of Zoning Compliance shall be issued or refusal thereof given within thirty (30) working days after the date of application. Written notice of such refusal and reason thereof shall be given to the applicant.

705.026 Expiration of Certificate of Zoning Compliance. If the change or modifications described in any Certificate of Zoning Compliance has not begun within six (6) months from the date of issuance thereof, said Certificate of Zoning Compliance shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any Certificate of Zoning Compliance has not been completed within twelve (12) months of the date of issuance thereof, said Certificate of Zoning Compliance shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled Certificate of Zoning Compliance shall not proceed unless and until a new Certificate of Zoning Compliance has been obtained or an extension granted by the Board of Zoning Appeals.

SECTION 710 PENALTIES FOR VIOLATION

710.01 PENALTY FOR VIOLATION OF ZONING RESOLUTION. Any person violating any provision of any article of this Zoning Resolution, or who shall violate or fail to comply with any order made thereunder; or who shall falsify plans or statements filed thereunder; or who shall continue to work upon any structure after having received written notice from the Township Zoning Inspector to cease work, shall be guilty of a misdemeanor, and subject to the penalty provided in Section 519.99, **Ohio Revised Code**.

710.011 Remedies for Violation of Zoning Resolution. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of any regulation in or any provisions of this Resolution or any amendment thereto, the Board of Township Trustees, the Zoning Inspector, Prosecuting Attorney of the county, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to

other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

SECTION 715 AMENDMENTS TO ZONING RESOLUTION

715.01 AMENDMENT BY BOARD OF TOWNSHIP TRUSTEES. The Board of Township Trustees may amend the text of this Zoning Resolution and/or the Zoning District Map.

715.011 Initiation by Resolution or Motion. Proposed amendments may be initiated by the Board of Township Trustees by resolution or by motion of the Township Zoning Commission.

715.012 Initiation by Application. Proposed amendments may be initiated by one or more owners or lessees of land within the area that is proposed to be changed or affected by the proposed amendment.

715.013 Resubmission of Application. If a proposed amendment initiated by application is disapproved by the Board of Township Trustees, another application for amendment affecting the land included in the disapproved application shall not be submitted within one (1) year from the date of disapproval, except with a statement by the Zoning Commission of changed or changing conditions affecting the land sufficient to warrant reconsideration.

715.05 INITIATION OF ACTION BY OWNER OR LESSEE OF LAND. Ten (10) copies of a provided application form along with attachments shall be filed with the Zoning Commission.

715.051 Application. The application for any proposed amendment shall contain such information as required in the provided application form including, without limitation, the following:

- 1) A description or statement of the present and proposed provisions of this Zoning Resolution or the proposed change of the district boundaries of the Zoning District Map.
- 2) A description by map or text of the property to be affected by the proposed change or amendment.
- 3) A statement of the relation of the proposed amendment to the general health, safety and morals of the public in terms of need or appropriateness within the area by reason of changed or changing conditions and the relation to appropriate plans for the area.
- 4) A list of the names and addresses of all owners of property within, contiguous to and directly across the road from and all other property owners within two hundred (200) feet of such area proposed to be rezoned. Such a list shall be in accordance with the Franklin County Auditor's current tax list.

715.052 Fees. A fee paid in accordance with the Schedule of Fees Resolution adopted by the Board of Perry Township Trustees shall be paid to Perry Township for each amendment to cover the necessary administrative and advertising costs.

SECTION 716 PROCEDURE FOR CONSIDERATION OF PROPOSED AMENDMENT

716.01 ESTABLISHMENT OF PUBLIC HEARING BY TOWNSHIP ZONING COMMISSION. Upon the certification of such resolution by the Board of Township Trustees, the adoption of such motion by the Perry Township Zoning Commission or the filing of such application for a proposed amendment of the text of this

Zoning Resolution or the Zoning District Map, the Township Zoning Commission shall set a date for a public hearing.

716.011 Hearing Date. The date for a public hearing shall be set for not less than twenty (20) days nor more than forty (40) days from the date of the certification of such resolution, the adoption of such motion or the filing of such application.

716.012 Notice of Hearing. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such public hearing as set forth in Section 519.12 Ohio Revised Code.

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Township Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from and to all property owners within two hundred (200) feet of such area affected by the proposed amendment. This notice is to be mailed to the address of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

716.013 Notice to County or Regional Planning Commission. One (1) copy of the proposed amendment, together with text and map pertaining thereto, shall be forwarded to the County or Regional Planning Commission within five (5) days from the applicable date of the resolution, motion or application.

716.02 ACTION BY THE COUNTY OR REGIONAL PLANNING COMMISSION. The County or Regional Planning Commission shall consider the proposed amendment and make recommendations concerning the approval, denial or some modification thereof to be considered by the Zoning Commission.

716.021 Staff Review. The staff of the County or Regional Planning Commission together with the Franklin County Engineer, the Franklin County Board of Health and other appropriate agencies or bodies may present to the County or Regional Planning Commission a written report including all apparent facts, implications and conclusions concerning the proposed amendment.

716.022 Consideration. The County or Regional Planning Commission shall consider approval, denial or some modification of the proposed amendment.

716.023 Recommendation. The recommendation of the County or Regional Planning Commission shall be submitted to the Zoning Commission for consideration at a public hearing.

716.03 ACTION BY THE TOWNSHIP ZONING COMMISSION. After a public hearing, the Township Zoning Commission shall act on a proposed amendment.

716.031 Consideration. The Township Zoning Commission shall consider the approval, denial or some modification of the proposed amendment.

716.032 Recommendation. Within thirty (30) days after the public hearing, the Township Zoning Commission shall submit to the Board of Township Trustees a recommendation of approval, denial or some modification of the proposed amendment, together with such resolution or application, the text and map pertaining thereto, and the recommendation of the County or Regional Planning Commission.

716.04 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES. Upon receipt of such recommendation concerning a proposed amendment, the Board of Township Trustees shall set a time for a public hearing.

716.041 Hearing Date. The date for a public hearing shall be set for not more than thirty (30) days from the date of the receipt of the recommendation from the Township Zoning Commission.

716.042 Notice of Hearing. Notice of the public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of the public hearing as set forth in Section 519.12 Ohio Revised Code.

716.043 Final Action. Within twenty (20) days after such public hearing the Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification thereof.

716.044 Date of Effect. Such amendment as the Board of Township Trustees shall adopt shall become effective in thirty (30) days after the date of such adoption unless within such thirty (30) day period there is presented to the Board of Township Trustees a proper petition, as set forth in Section 519.12 **Ohio Revised Code**, requesting the Township Trustees to submit the proposed amendment to referendum vote.

SECTION 720 DEFINITIONS

720.01 DEFINITION OF WORDS. Except where specifically defined herein, all words used in this Zoning Resolution shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word structure includes the word building; the word lot includes the word plot or parcel; the term "shall" is always mandatory; the words "used" or "occupied", as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".

720.011 Specifically Defined Words. The following listed words are specifically defined for use in this Zoning Resolution.

ABANDONED SIGN – A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained and not repaired within the requirements set forth in Section 541.04.

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

ADULT BOOK STORE - Adult Book Store means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films, or mechanical or non-mechanical devices, which constitute Adult Materials.

ADULT FAMILY HOME – means, as defined in Chapter 3722 of the Ohio Revised Code, a residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three adults.

ADULT MATERIAL - Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and;

- 1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

- 2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

ADULT MOTION PICTURE THEATER - Adult Motion Picture Theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting, and deriving a majority of its gross income from Adult Material for observation by patrons therein.

ADULTS ONLY ENTERTAINMENT ESTABLISHMENT - Adults Only Entertainment Establishment means an establishment which features services which constitute Adult Material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute Adult Material.

ALLEY - Secondary accessway of not less than twenty (20) feet in width dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ANCILLARY DWELLING UNIT - A separate living quarters within a residence for the exclusive independent occupancy of no more than 2 persons who are related by blood, marriage, adoption or other legal relationship to the owner of the residence.

ANEMOMETER - An instrument that measures the force and direction of the wind.

ARBOR OR TRELLIS - A fence of latticework used as a screen or as a support for climbing plants. Trellises, or other structures supporting, or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose or partially enclose or separate any premises shall be included within the definition of the word FENCE.

AWNING SIGN – Any graphic or commercial message placed on any face of a shade structure attached above a building window.

BASEMENT - A story, all or part of which is underground, but having at least one-half (1/2) of its height below the average level of the adjoining ground.

BENCH SIGN - A sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning.

BILLBOARD - A billboard shall be defined as an outdoor display intended to advertise products or services at locations where activities related to their sale, distribution, production, repair and associated administrative functions are not maintained. Billboards also include outdoor displays intended to convey information, ideas, or opinions to the public at locations not used by their sponsors for other professional administrative activities. Billboards are subject to local zoning and the building permit requirements of Franklin County and the State of Ohio.

BOARD - The Zoning Board of Appeals.

BORROW PIT - A lot or parcel of land or part thereof used for the purpose of extracting sand, gravel or topsoil for sale or use on another premises, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

BOTTOMLESS - Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.

BUILDING - A structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

BUILDING, HEIGHT OF - The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

BUILDING SETBACK LINE - A line establishing the minimum allowable distance between the nearest portion of any building and the center line of any street when measured perpendicularly thereto.

CHANNEL - A natural or artificial depression of perceptible extent with definite bed and banks to confine and conduct flowing water either continuously or periodically.

CHILD CARE - Any place, home or institution which cares for young children apart from their parents when received for regular periods of time for compensation such as kindergarten, nursery

school or class for young children that develops basic skills and social behavior by games, exercises, toys and simple handicraft.

CHILD DAY CARE TYPE B HOME – means a permanent residence of the provider in which day child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purpose of this provision, any children under six years of age who are related to the provider and who are one the premises of the Type B home shall be counted. A Type B day care home does not include a residence in which the needs of children are administered to, if all of the children are siblings of the same immediate family and the residence is the home of the siblings.

CLEAR FALL ZONE - An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.

CIRCULAR DRIVE – A drive on a lot which does not lead to an off-street parking space and requires more than one curb cut on the same right-of -way or a drive which connects one right-of-way with another on a corner lot.

COWLING - A streamlined removable cover that encloses the turbine's nacelle.

CUTOFF LIGHT FIXTURE - shall mean an artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

DECIBEL - A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

DETONABLE MATERIALS - Generally unstable materials having the propensity to explode violently from a moderately irritating force. Examples of such materials include, but are not limited to, fulminates, nitrocellulose, black powder, dynamite, nitroglycerine, ozonides, perchlorates, gasoline, fuel oil, and other flammable gases and vapors.

DIRECTIONAL SIGN - A permanent sign that provides information regarding location, instructions for use, or functional/directional data.

DISTURBANCE - Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

DIVERGENCE – In a Planned Residential District, a divergence is a deviation of development standards or other standards or requirements contained the Zoning Resolution. A deviation may be approved by the Zoning Commission and/or the Perry Township Board of Trustees at the time of Development Plan approval at the time of rezoning, provided the benefits, improved arrangement and design of the proposed development justify the deviation from the development standards or other standards or requirements of the Zoning Resolution.

DRIVEWAY – A private way, other than a street or alley, that provides access to off-street parking on one lot of record.

Driveway Approach - is an area, construction or improvement between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property, such as a parking area.

DWELLING, APARTMENT - A building arranged or intended for four (4) or more families living independently of each other in separate dwelling units, any two (2) or more provided with a common entrance or hall and all dwelling units are intended to be maintained under single ownership or owned under condominium.

DWELLING, SINGLE-FAMILY - A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING, TWO-FAMILY - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units with separate entrances.

DWELLING, UNIT - A "dwelling unit" means one or more rooms arranged, intended or designed for the primary purpose if independent residential occupancy by the individuals residing therein who live together in such a unit as a single housekeeping unit for living and sleeping purposes, and containing cooking facilities for the exclusive use of such occupants residing therein, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, living and sleeping facilities.

EPA - Environmental Protection Agency, Federal and State.

EQUAL DEGREE OF ENCROACHMENT - An equal reduction of conveyance on both sides of the stream for flood flows.

FAMILY - A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- 1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- 2) two unrelated people; or
- 3) two unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship.

“Family” does not include any society, club, fraternity, sorority, association, lodge, federation or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which is specifically set forth and authorized by applicable law as being permitted uses within residential zoning districts.

FENCE – GENERAL - The word FENCE shall in general terminology mean any structure composed of wood, metal, stone, plastic, or other natural and permanent material erected in such a manner and positioned as to enclose or partially enclose any lot or any part of any lot. Structures erected other than on lot lines or within five feet of lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing premises, separating premises from adjoining premises, hedges, retaining walls, or radio controlled dog fences, shall not be included within the definition of the word FENCE.

FLOOD - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

FLOOD FREQUENCY - The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded, which is expressed as having a probability of occurring once within a specified number of years.

FLOODWAY FRINGE - That portion of the regulatory flood plain outside of the floodway.

FLOOD PLAIN - The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorology and hydrological conditions.

FLOOD PROOFING - A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

FLOODWAY - The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

FREESTANDING SIGN – A sign which is monument in type where the sign face is attached to a wall or supporting base constructed specifically for the display of the sign.

GARAGE – A portion of a dwelling unit used for the parking or temporary storage of automobiles, recreation vehicles and other personal property owned by the occupants of the premises.

GARAGE, DETACHED – A detached accessory building located on the same lot as a dwelling unit for the parking or temporary storage of automobiles, recreation vehicles and other personal property owned by the occupants of the premises.

GARAGE SALE - A sale of personal property to the general public conducted in or on any property within any zoning district, to include, without limitation, garage sales, patio sales, yard sales, porch sales, driveway sales, attic and basement sales and the like.

GRASS - shall mean means a species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

GROSS FLOOR AREA - Gross floor area of a residential structure shall be computed as the sum of the gross horizontal area of the several floors of the residential structure, excluding finished and unfinished

basements, breezeways, carports, garages, storage areas with only outside access, porches, unfinished attics, and other unheated and/or unfurnished areas attached to the principal use or structure.

Gross floor area of non-residential structure shall be computed as the sum of the gross horizontal floor area of the specified use.

GROUND COVER - shall mean a plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

HEDGE - A row of dense closely spaced living plant material composed of vines, trees, shrubs, bushes or combination thereof.

IMPERVIOUS SURFACE – Material covering the ground that is incapable of being penetrated by water. Impervious surface includes but is not limited to any Building, Dwelling, Structure, deck, patio, sidewalk, driveway or other concrete, asphalt and/or paved areas and any other similar areas that are constructed or otherwise created in a manner that causes water runoff rather than allowing water to run into the ground. Impervious surfaces may include an area where the ground has been made impervious due to compaction or other manmade condition, regardless of the material placed on the ground.

LANDSCAPE - The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

INTENSE BURNING MATERIALS - Materials having the propensity to burn with great intensity by virtue of characteristics such as low ignition temperature, high rate of burning and large heat evolution. Such materials include, but are not limited to, manganese, pyrotechnics and pyroxylin.

LOT, MINIMUM - A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Zoning Resolution, and having not less than the minimum required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.

LOT, DEPTH OF - The average horizontal distance between front and rear lot lines.

LOT COVERAGE – The portion of a lot that is covered by the principal and accessory building, structures, and impervious surfaces that prevent the passage or absorption of stormwater including paving and driveways.

LOT LINE - A line bounding or demarcating a plot of land or ground as established by a plat of record.

LOT WIDTH - The average horizontal distance between side lot lines.

MEGAWATT (MW) - A unit of power, equal to one million watts.

MOBILE HOME - A single-family dwelling designed to be moved by being built on a frame or chassis and further specifically designed and constructed so that wheels are, or may be attached for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

If applicable, the following criteria may be used to define and identify a mobile home for purposes of this Resolution:

- 1) A single-family dwelling constructed between 1975 and June 14, 1976 may be defined as a mobile home if constructed in accordance with the standards of Chapter BB-77, Industrialized Units, and Mobile Homes of the Ohio Building Code.
- 2) A single-family dwelling constructed other than between 1975 and June 14, 1976 may be defined as a mobile home if constructed in accordance with the standards of the National Home Construction and Safety Standards Act--42 USC 5042(6) and as hereinafter amended.

A single-family dwelling may be defined as a mobile home if constructed in accordance with the standards of the National Home Construction and Safety Standards Act--42 USC 5042(6) and as hereinafter amended; except those constructed between 1975 and June 14, 1976, which may be defined as mobile home if constructed in accordance with the standards of Chapter BB-77, Industrialized Units and Mobile Homes of the Ohio Building Code.

NACELLE - Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

NON-CONFORMING USE - A legal use of a building and/or of land that antedates the adoption of these Regulations and does not conform to the Regulations for the Zoning District in which it is located.

NUDE - (NUDITY) - Nude (Nudity) means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

ODOR - A scent of spicy, flowery, fruity, resinous, foul or burnt character of sufficient intensity and duration to be irritating to one or more individuals.

OBSTRUCTION - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter which is in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or which is placed where the flow of water might carry the same downstream to the damage of life or property.

OPAQUENESS - The degree to which a wall, fence, structure or landscaping is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

OPEN FENCE – A fence constructed for its functional, ornamental or decorative effect and, when viewed at right angles, having not more than 50% of its vertical surface area open to light and air. Example varieties include chain link (vinyl coated or painted), split rail, or wrought iron.

OPEN TOP DUMPSTER – A temporary container that is not fully closed and is typically used to haul and dispose of unwanted materials.

ORNAMENTAL TREE - A small to medium tree to be an expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

OUTDOOR STORAGE - Outdoor Storage shall mean the keeping of any goods, materials, merchandise, or vehicles outside of a structure or building.

PARTIALLY OPEN FENCE - A fence designed to offer a vertical, but not totally blocked visual separation. This fence is used where a low level of screening is adequate to soften the impact of the use or where partial visibility between areas is more important than a total visual screen. When viewed at right angles, the fence would have more than 50% of its vertical surface open to light and air. Example would include a picket fence.

PARTICULATES - Fine particles, either solid or liquid, which are small enough to be dispensed or otherwise carried into the atmosphere.

PAVEMENT - For purposes of this Resolution, pavement is asphaltic concrete, portland cement concrete, chip and sealer, or any combination of the above materials.

POLITICAL SIGN - A sign designed for the sole purpose of promoting candidates for elective office, public issues, and similar matters to be decided by public election and which is built and/or erected in such a manner as to be temporary in nature.

PORTABLE STORAGE UNIT - A non-permanent, non-habitable, self-contained unit, including open top dumpsters and bagsters, designed for placement on and subsequent removal from a property which can be transported by vehicle and left on-site for the purpose of facilitating the storage of personal property.

PROJECTING SIGN - A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building.

REACH - A hydraulic engineering term to describe a longitudinal segment of a stream or river within which flood heights are primarily controlled by man-made or natural obstructions or constrictions.

RECREATIONAL VEHICLE - A recreational vehicle is a vehicle manufactured or modified to contain temporary living quarters for travel, recreation, or vacation purposes. This definition shall include but in not necessarily limited to campers, travel trailers, truck campers, and motor homes.

REGIONAL FLOOD - A flood which is representative of large floods known to have occurred generally in Ohio and reasonably characteristic of what can be expected to occur on an average frequency in the order of the one hundred (100) year recurrence interval.

REGULATORY FLOOD PLAIN - A watercourse and the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

REGULATORY FLOOD PROTECTION ELEVATION - A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by the flood plain regulations are required to be elevated or flood proofed.

RESIDENTIAL CARE FACILITY - A "Residential Care Facility" is a use of a dwelling unit or dwelling units within a building primarily for providing supervised room, board and care in a residential setting to residents thereof whose disabilities or status limit their ability to live independently, and only secondarily for training, rehabilitation and non-clinical services. The term excludes use as a social and cultural institution as listed in Section 640.023, food and lodging establishments as defined in Section 322.034, clinics, institutions, hospitals, nursing homes, convalescent homes, schools, child day care centers, nursery schools, dormitories and other similar uses.

RESIDENTIAL ZONING DISTRICT OR USE - Residentially zoned District or Use means any residential zoning district as listed in SECTION 201, ARTICLE II or any area where person may reside.

RETAINING WALL - A wall composed of wood, stone, brick or other masonry material designed to hold back a portion of higher ground from a lower one. A retaining wall permits two elevation levels to be placed adjacent to each other with an abrupt vertical change between them.

ROOF SIGN - shall mean a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SEXUAL ACTIVITY - Sexual Activity means sexual conduct or sexual contact, or both.

SEXUAL CONDUCT - Sexual Conduct means vaginal intercourse between a male and a female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL EXCITEMENT - Sexual Excitement means the condition of human male or female genitals, when in a state of sexual stimulation or arousal.

SIGN - A sign shall be defined as an outdoor display intended to identify or attract attention to the premises on which it is located; the businesses, organizations, or individuals conducting professional activities on the premises; or the products or services sold, distributed, produced, or repaired on the premises. Signs also include outdoor displays used by businesses, organizations, or individuals conducting professional activities on the premises to convey information, ideas, and opinions to the public.

SOLID FENCE - A fence designed to inhibit public view and provide seclusion and, when viewed at right angles, having more than 50 percent of its vertical surface area closed to light and air. Example varieties would include board on board, stockade, and walls of brick or stone.

SMALL WIND PROJECT, ACCESSORY STRUCTURES - Structures such as sheds, storage sheds, pool houses, unattached garages, and barns associated with a Wind Project.

SMALL WIND PROJECT - Any wind project less than 5MW which includes the wind turbine generator and anemometer.

STORAGE CONTAINER – A non-habitable, self-contained unit designed for placement on a property for the storage of commercial property.

STREET - A street is an existing state, county, township or municipal roadway, which is shown on a plat approved pursuant to law or by other appropriate official action, consisting of at least forty (40) feet of improved, dedicated and publicly maintained right-of-way; or, a street is an approved private vehicular access which by regulations herein allowing private streets creates legal road frontage for future development.

STREET RIGHT-OF-WAY LINE - The dividing line between a street right-of-way and the contiguous property.

STRUCTURE - Anything constructed or erected, the use of which requires permanent location on the ground, or to something having permanent location on the ground including advertising signs, billboards and other construction or erection with special function or form and for purposes of this Resolution, Mobile Homes which are otherwise herein defined and restricted.

STRUCTURE, ACCESSORY OR ANCILLARY - A subordinate structure, the use of which is incidental to that of a principal structure on the same lot.

STRUCTURE, PRINCIPAL - A structure in which is conducted the principal use of the lot on which it is situated.

SWIMMING POOL - Any confined body of water, with a rim/deck elevation less than one foot above the existing finished grade of the site, exceeding 12 feet in diameter, and 18 inches in depth, designed, used, or intended to be used for swimming or bathing purposes.

TELECOMMUNICATIONS TOWER – Any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- 1) That free-standing or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 519.211 (i.e., 10/31/96).
- 2) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- 3) The free-standing or attached structure is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use. Areas zoned for residential use shall include all land located within the following Zoning Districts: Restricted Suburban Residential District (R-1); Limited Suburban Residential District (R-2); Suburban Residential District (R-4); Suburban Apartment Residential District (R-24); Exceptional Use District (EU), if a residential use component is included; and all Planned Residential Zoning Districts.
- 4) The free-standing structure is proposed to top at a height that is greater than 35 feet. In the case of an attached structure, such structure is proposed to top at a height that is three (3) feet greater than the height of the building or other structure to which it is to be attached.
- 5) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

TEMPORARY SWIMMING POOL – A swimming pool that is not a permanent fixture and can be dismantled and installed on a seasonal basis.

TOPLESS - Topless means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

TOWNHOUSE - A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate ownership or condominium.

TOXIC SUBSTANCE - Those toxic substances as defined by regulations adopted pursuant to the Resource Conservation and Recovery Act of 1976, and any future law or regulation of like tenor or effect.

USE - The specific purpose for which land, a structure, or a building, is designed, arranged, intended, occupied or maintained.

WALL SIGN - Sign, Wall shall mean a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

WATERCOURSE - Any natural stream, river, creek, ditch, channel, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite

channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

WATER SURFACE PROFILE - A graph showing the relationship of water surface elevation to location, the latter generally expressed as distance above the mouth for a stream of water flowing in an open channel. It is generally drawn to show surface elevation for the crest of a specific flood but may be prepared for conditions at a given time or stage.

WINDOW SIGN - Any signs, posters, symbols and other types of identification or information about the use or premises directly attached to the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.

WIND POWER TURBINE OWNER_ The person or persons who owns the Wind Turbine structure.

WIND POWER TURBINE TOWER_ The support structure to which the turbine and rotor are attached.

WIND POWER TURBINE TOWER HEIGHT_ The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

YARD, REAR - An open space between the rear line of the principal structure (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory structures.

YARD, SIDE - An open, unoccupied space on the same lot with a structure between the side line of the structure (exclusive of steps) and the side line of the lot and extending from the front line to the rear line of the lot.

ZONING DISTRICT - Any section of Perry Township in which zoning regulations are uniform.

ZONING ENFORCEMENT OFFICER - The official charged with the administration and enforcement of the Zoning Resolution.

SECTION 725 EXISTING ZONING RESOLUTIONS

725.01 REPEAL OF CONFLICTING RESOLUTION. The County Zoning Resolution or parts thereof now in effect in Perry Township, Franklin County, Ohio, not otherwise adopted as a part of this Zoning Resolution, and in conflict with the Zoning Regulations as they are established or established hereafter are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution heretofore in effect, which are not pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of this Zoning Resolution but shall be prosecuted to their finality the same as if this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

SECTION 730 SEVERABILITY OF ZONING RESOLUTION

730.01 INVALID PROVISIONS. If for any reason any one (1) or more sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid and the invalidity of any section, sentence,

clauses, or parts of this Zoning Resolution in any one (1) or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.

**ARTICLE VIII
BOARD OF ZONING APPEALS**

SECTION 800 CREATION OF THE BOARD OF ZONING APPEALS

800.01 APPOINTED BY THE PERRY TOWNSHIP TRUSTEES. There shall be a Perry Township Board of Zoning Appeals ("BZA") consisting of five (5) members appointed by the Perry Township Trustees as provided by Section 519.13 of the Ohio Revised Code. The Board of Trustees may appoint two (2) alternate members to the BZA.

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

SECTION 801 POWERS AND DUTIES OF THE BZA

801.01 POWERS AND DUTIES. The BZA shall have the following powers and duties:

801.011 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution.

801.012 Variances. To hear and decide, upon appeal, in specific cases such variance from the terms of this Zoning Resolution as will not be contrary to the public interest where, owing to special conditions on the land, a literal enforcement of the provisions of this Zoning Resolution would result in unnecessary hardship. In granting such variance, the BZA shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.

801.013 Conditional Use. To authorize only such conditional uses as the BZA is specifically authorized to consider by the terms of this Resolution.

SECTION 802 GENERAL PROCEDURES FOR APPEALS, VARIANCES, AND CONDITIONAL USES

802.01 APPLICABILITY. In addition to any other requirement or rule contained within this Zoning Resolution or duly adopted by the BZA in accordance with this Resolution, the general procedures contained within Section 802 shall apply to all appeals, variances and conditional uses.

802.02 SCHEDULE OF HEARINGS. All appeals, variances and applications for conditional uses shall be set down for hearing within a reasonable period of time after the filing with the Zoning Inspector.

802.03 DECISIONS OF THE BZA. Within a reasonable period of time after the hearing, the BZA shall issue its decision based upon the criteria of and in accordance with the Zoning Resolution. The concurring vote of three (3) members of the BZA shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Inspector or assistant; to approve any variance or conditional use permit; or to decide in favor of an applicant on any matter which the BZA is required to hear

under the Zoning Resolution. The failure of an applicant to secure at least three (3) such concurring votes shall constitute a decision for disapproval of the application and, in the case of an appeal, shall be deemed a confirmation and an affirmance of the decision of the zoning officer.

SECTION 805 ADMINISTRATIVE APPEAL

805.01 PROCEDURE. Appeals to the BZA may be taken by any person aggrieved or by any officer of Perry Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken. The BZA shall fix a reasonable time for the public hearing of the appeal, give at least 10 days notice in writing to the parties in interest and to all property owners within 200 feet of the subject tract, give notice of such public hearing by one publication in one or more newspapers of general circulation in Franklin County at least 10 days before the date of such hearing and decide the appeal within a reasonable time after it is submitted.

SECTION 810 PROCEDURES FOR VARIANCES

810.01 NATURE OF VARIANCE. The BZA may authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in any other districts shall be considered grounds for issuance of a variance.

810.02 WRITTEN APPLICATION. Ten (10) copies of a provided application form shall be filed with the Zoning Inspector by the owner of the property for which such variance is proposed.

810.021 Description of Property. The provided application shall contain the following information:

- 1) Name, address and phone number of applicant; and
- 2) Legal description of the property; and
- 3) A list of the names and addresses of all adjacent property owners and those property owners within 200 feet of the subject tract; and
- 4) A detailed description of the nature of the variance requested, including the specific provisions of the Zoning Resolution upon which the variance is requested; and
- 5) A narrative statement demonstrating that the requested variance conforms to the standards set forth in this Resolution.

810.022 Plot Plan. The application shall be accompanied by ten (10) copies of a plot plan drawn to an appropriate scale clearly showing the following:

- 1) The boundaries and dimensions of the subject tract; and
- 2) The nature of the special conditions or circumstances giving rise to the application for approval; and

- 3) The size and location of existing and proposed structures; and
- 4) The proposed use of all parts of the subject tract, including structures, access ways, walks, off-street parking and load spaces, and landscaping; and
- 5) The relationship of the requested variance to the Development Standards; and
- 6) The use of the land and location of structures on adjacent property.

810.03 COUNTY OR REGIONAL PLANNING COMMISSION REVIEW. The Zoning Inspector may forward copies of the application and plot plan to the County or Regional Planning Commission, and any other township or county departments or agencies which, in the opinion of the Zoning Inspector, may have an interest in the variance. The Commission, acting through its staff, the Perry Township Zoning Commission, and all other departments or agencies receiving said application and plot plan may forward their recommendations to the BZA for consideration at the public hearing thereon.

810.04 ACTIONS OF THE BOARD OF ZONING APPEALS. The BZA shall fix a reasonable time for a public hearing of the application, give at least 10 days' notice in writing to the parties in interest and to all property owners within 200 feet of the subject tract, give notice of such public hearing by publication in one or more newspapers of general circulation in Franklin County at least 10 days before the date of such hearing, and render a decision on the variance within a reasonable period of time after the conclusion of the hearing.

810.041 Approval of a Variance. Except as otherwise provided for area variances in Section 810.043, below, the Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:

- 1) That such variance or modification will not be contrary to the public interest; and
- 2) That owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship; and
- 3) That the approval of such variance or modification thereof is consistent with the spirit of this Zoning Resolution, and substantial justice shall be done thereby.

810.042 Factors to be Considered in Making Findings. In making such findings, the BZA shall consider all relevant factors including, but not limited to, the following:

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
- 2) That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution; and
- 3) That the special conditions and circumstances do not result from the actions of the applicant; and
- 4) That granting the variance requested will not confer on the applicant the same effect as rezoning to another zoning district classification; and
- 5) That granting the requested variance will conform to the Perry Township Comprehensive Plan and the spirit and intent of the Perry Township Zoning Resolution; and

- 6) That the requested variance is the minimum variance necessary to accomplish the purpose of the request; and
- 7) That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to persons or property in such vicinity, or injurious to private property or public improvements in the vicinity.

810.043 Area Variance. The Board of Zoning Appeals shall not grant an area variance unless the property owner has encountered practical difficulties in the use of such owner's property. The BZA shall consider all relevant factors in determining whether the applicant has encountered practical difficulties in the use of such property including, but not limited to:

- 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- 2) Whether the variance is substantial.
- 3) Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- 4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
- 5) Whether the property owner purchased the property with knowledge of the zoning restriction.
- 6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- 7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

810.05 CONDITIONS. In granting any variance request, the BZA may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a variance is granted, shall be deemed a violation of this Resolution. Under no circumstances shall the BZA grant any variance

or impose any conditions which allow a use not permissible under the terms of this Resolution in the Zoning District involved or any use expressly or by implication prohibited by the terms of this Resolution in said District.

810.06 EXPIRATION OF APPROVAL. The applicant for a variance shall obtain the required certificates of zoning compliance and building permits for the proposed use within 1 year of the BZA's approval of the variance; otherwise, the BZA's approval shall lapse, expire, and be null and void ab initio. Extensions of time may be requested by the applicant in writing by filing such a request with the Zoning Inspector at least 30 days prior to the expiration of the 1 year period. The BZA for good cause shown may enlarge the 1 year period prescribed by this Section 810.06.

SECTION 815 PROCEDURES FOR AUTHORIZING A CONDITIONAL USE

815.01 NATURE OF CONDITIONAL USES. Specifically listed conditional uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely affect the

surrounding area in which they are located than the permitted uses of such Zoning District. No unlisted conditional use may be permitted or otherwise allowed.

The intent of the procedure for authorizing a conditional use is to set forth the Development Standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

Unless otherwise specifically approved by the BZA, a conditional use permit shall not be permanent but shall be personal to the applicant and shall not run with the land. The sale or conveyance of the land and/or structure whereon the conditional use was located and/or conducted shall result in the immediate termination of the conditional use permit, and any subsequent owner of such land and/or structure shall be required to file and obtain the approval of a new application for such conditional use.

815.02 WRITTEN APPLICATION. Ten (10) copies of a provided application form shall be filed with the Zoning Inspector by the owner of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

815.021 Description of Property and Intended Use.

- 1) Name, address and phone number of applicant; and
- 2) Legal description of the property; and
- 3) A list of the names and addresses of all adjacent property owners and property owners within 200 feet of the proposed use; and
- 4) A detailed description of the existing use; and
- 5) The present Zoning District; and
- 6) A narrative statement evaluating the impact upon adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the District; and the relationship of the proposed use to the comprehensive plan; and
- 7) Such other information as may be required by Zoning District requirements; and
- 8) Such other information regarding the property, proposed use, or surrounding areas as may be pertinent to the application or required for appropriate action by the BZA; and
- 9) If the applicant desires that the conditional use be transferable, a written statement specifically requesting that the conditional use permit be approved as a permanent conditional use and that it run with the land.

815.022 Plot Plan. The application shall be accompanied by ten (10) copies of a plot plan, drawn to an appropriate scale, clearly showing the following:

- 1) The boundaries and dimensions of the subject tract; and
- 2) The size and location of existing and proposed structures; and
- 3) Traffic access points, traffic circulation, and parking and loading facilities; and

- 4) A listing of utilities servicing or proposed to service the subject tract; and
- 5) The proposed use of all parts of the subject tracts, including structures, access ways, walks, open spaces, landscaping, signs and yards; and
- 6) The relationship of the proposed development to the Development Standards; and
- 7) The use of land and location of structures on adjacent property; and
- 8) Such other information as the BZA may require to determine if the proposed conditional use meets the applicable requirements of this Resolution.

815.03 REVIEW OF GOVERNMENTAL AGENCIES. The Zoning Inspector may forward copies of the application and plot plan to the County or Regional Planning Commission, the Perry Township Zoning Commission, and any other township or county department or agency which, in the opinion of the Zoning Inspector, may have an interest in the conditional use. All such commissions, departments, and other governmental agencies may forward their recommendations to the BZA for consideration at the public hearing.

815.04 ACTIONS OF THE BZA. The BZA shall fix a reasonable time for a public hearing of the application, give at least 10 days' notice in writing to the parties in interest and to all property owners within 200 feet of the subject tract, give notice of such public hearing by publication in one or more newspapers of general circulation in Franklin County at least 10 days before the date of such hearing, and shall within a reasonable time after the application is submitted hold a public hearing and act on the conditional use in one of the following ways:

815.041 Approval. The BZA may, in its discretion, approve an application for a conditional use if the BZA determines that the proposed use meets all of the following conditions:

- 1) The proposed use is a Conditional Use of the Zoning District, and complies with all applicable Development Standards established in this Zoning Resolution.
- 2) The proposed development is in accord with applicable plans or polices for the area.
- 3) The proposed development will be in keeping with the existing land use character and physical development of the area.
- 4) The use is of such nature and will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing and intended character of the general vicinity and that such use will not change the essential character of the same area.
- 5) The use will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 6) The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse removal, water and sewers or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately.
- 7) Any other conditions, factors and/or circumstances that the Board deems relevant.

815.042 Approval with Modification. The BZA may approve with modification an application for a conditional use if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met and the requirements listed above are established by the applicant, but plot plan modification is required:

- 1) To be in accord with appropriate plans for the area; and
- 2) To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may be a limitation on the extent or necessity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required by the BZA.

815.043 Disapproval. The BZA shall not approve an application for a conditional use if the applicant does not clearly establish the requirements listed above.

815.044 Conditions. In granting any conditional use application, the BZA may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the request for a conditional use is granted, shall be deemed a violation of this Resolution. Under no circumstances shall the BZA grant any conditional use request or impose any conditions which allow a use not permissible under the terms of this Resolution in the Zoning District involved, or any use expressly or by implication prohibited by the terms of this Resolution in said District.

815.045 Expiration of Approval. The applicant for a conditional use shall obtain the required certificate of zoning compliance and building permits for the proposed use within one (1) year of the BZA's approval of the conditional use; otherwise, the BZA's approval shall lapse, expire, and be null and void ab initio. Extensions of time may be requested by the applicant in writing by filing a request with the Zoning Inspector at least 30 days prior to the expiration of the one (1) year period. The BZA for good cause shown may enlarge the one (1) year period prescribed by this Section 815.045.

SECTION 821 FEES FOR CONDITIONAL USES AND VARIANCES

821 FEE TO COVER ADMINISTRATIVE COSTS AND ADVERTISING.

821.01 Fees for Conditional Uses and Variances. In order to cover necessary administrative and advertising costs, fees for each variance or conditional use application shall be paid to Perry Township in accordance with a fee schedule established from time to time by the Perry Township Board of Trustees.

APPENDIX XX

OHIO'S INVASIVE PLANT SPECIES

The majority of invasive plant species in Ohio's natural areas are non-native. Of the more than 700 non-native plant species in Ohio, approximately 60 species threaten natural areas.

The following three categories separate the species by their invasiveness in Ohio.

TARGETED SPECIES: These species have a state-wide distribution, are the most invasive in Ohio's natural areas, and are the most difficult to control. These species were chosen as the focus for the Division's Ohio EPA Environmental Education grant in 1999-2000.

WELL-ESTABLISHED INVASIVES: The distribution and invasiveness of these species are state-wide or regional within Ohio. These species pose moderate to serious threats to natural areas in Ohio.

WATCH LIST: These species are very invasive in natural areas in neighboring states and are a potential threat in Ohio. The current distribution of these species may be limited, but should be monitored.

TARGETED SPECIES

Common Name

Autumn-olive
Buckthorn, glossy
Buckthorn, European or common
Common reed grass *
Garlic mustard
Honeysuckle, amur
Honeysuckle, Japanese
Honeysuckle, Morrow
Honeysuckle, Tatarian
Japanese knotweed
Multiflora rose
Purple loosestrife
Reed canary grass *

Scientific Name

Elaeagnus umbellata
Rhamnus frangula
Rhamnus cathartica
Phragmites australis
Alliaria petiolata
Lonicera maackii
Lonicera japonica
Lonicera morrowii
Lonicera tatarica
Polygonum cuspidatum
Rosa multiflora
Lythrum salicaria
Phalaris arundinacea

*these species may have native and non-native strains

WELL-ESTABLISHED INVASIVES

Common Name

Air-potato
Asian bittersweet
Bouncing bet
Canada thistle
Cattail, hybrid
Cattail, narrow-leaved
Celandine, lesser
Crown-vetch
Curly pondweed
Dame's rocket
Day-lily
European cranberry-bush

Scientific Name

Dioscorea batatas
Celastrus orbiculatus
Saponaria officinalis
Cirsium arvense
Typha Xglauca
Typha angustifolia
Ranunculus ficaria
Coronilla varia
Potamogeton crispus
Hesperis matronalis
Hemerocallis fulva
Viburnum opulus var. opulus

WELL-ESTABLISHED INVASIVES CONT.

Common Name

Eurasian water-milfoil
Field bindweed
Flowering-rush
Japanese barberry
Johnson grass
Meadow fescue
Moneywort
Lesser naiad
Periwinkle or myrtle
Poison hemlock
Privet, common
Quack grass
Queen Anne's lace
Russian-olive
Smooth brome
Sweet-clover, white
Sweet-clover, yellow
Teasel, common
Teasel, cut-leaved
Tree-of-heaven
Water-cress
Willow-herb, hairy
Willow herb, small-flowered hairy
Winged euonymus
Wintercreeper
Yellow flag

Scientific Name

Myriophyllum spicatum
Convolvulus arvensis
Butomus umbellatus
Berberis thunbergii
Sorghum halepense
Festuca pratensis
Lysimachia nummularia
Najas minor
Vinca minor
Conium maculatum
Ligustrum vulgare
Agropyron repens
Daucus carota
Elaeagnus angustifolia
Bromus inermis
Melilotus alba
Melilotus officinalis
Dipsacus fullonum (sylvestris)
Dipsacus laciniatus
Ailanthus altissima
Rorippa nasturtium-aquaticum
Epilobium hirsutum
Epilobium parviflorum
Euonymus alatus
Euonymus fortunei
Iris pseudacorus

WATCH LIST

Common Name

Black swallow-wort
Chinese silvergrass
Dog rose
Giant knotwood
Honeysuckle, showy pink
Kudzu
Leafy spurge
Mile-a-minute vine
Nepalgrass
Nodding thistle
Porcelain-berry
Privet, border
Spotted knapweed
Star-of-Bethlehem

Scientific Name

Vincetoxicum nigrum
Miscanthus sinensis
Rosa canina
Polygonum sachalinense
Lonicera Xbella
Pueraria lobata
Euphorbia esula
Polygonum perfoliatum
Microstegium vimineum
Carduus nutans
Ampleopsis brevipedunculata
Ligustrum obtusifolium
Centaurea maculosa
Onithagalum umbellatum

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