

New Jasper Township Zoning Resolution

**AMENDED
August 17, 2016**

NEW JASPER TOWNSHIP ZONING RESOLUTION

Recommended for Adoption by the New Jasper Township Zoning Commission
March 14, 1956

A. Winston Bahns
Chairman

Warren Tidd
Secretary

Adoption by the New Jasper Township Board of Trustees
May 14, 1956

Herman Agnor

Lewis F. Mangan

Ben Webster

Recommended for Amendment by the New Jasper Township Zoning Commission
December 7, 1964

Warren Tidd
Chairman

Warren Tidd
Secretary

Amended by the New Jasper Board of Trustees
January 18, 1965

Franklin H. Boots
Chairman

Charles F. Dean
Clerk

Recommended for Amendment by the New Jasper Township Zoning Commission
January 12, 1981

Homer Hoover
Chairman

Norma Tidd
Secretary

Amended by the New Jasper Township Board of Trustees
February 16, 1981

Douglas McDowell
Chairman

Charles F. Dean
Clerk

Effective Date: March 19, 1981

Amended by the New Jasper Township Board of Trustees
May 18, 2000

Douglas McDowell
Chairman

Charles F. Dean
Clerk

Effective Date: June 18, 2000

<p>Amended by the New Jasper Township Trustees July 22, 2009 Section 1005 Violations and Penalties <u>Ron Mangan</u> Chairman</p>	<p><u>Sandy Coakley</u> Fiscal Officer</p>
<p>Amended by the New Jasper Township Board of Trustees March 24, 2010 Add New Section 536 Wind Turbines</p>	<p><u>Sandy Coakley</u> Fiscal Officer</p>
<p>Amended by the New Jasper Township Board of Trustees October 25, 2014 Section 507 Accessory Buildings <u>Michael Horsley</u> Chairman</p>	<p><u>Chris Bailey</u> Fiscal Officer</p>
<p>Amended by the New Jasper Township Board of Trustees November 26, 2015 Section 409 Rural Center <u>Michael Horsley</u> Chairman</p>	<p><u>Chris Bailey</u> Fiscal Officer</p>
<p>Amended by the New Jasper Township Board of Trustees August 17, 2016 Section 536 Agritourism Section 202.049 Flood Plain Illustration <u>Michael Horsley</u> Chairman</p>	<p><u>Chris Bailey</u> Fiscal Officer</p>

TABLE OF CONTENTS

ARTICLE1	GENERAL PROVISIONS.....	1
Section 101	Purpose.....	2
Section 102	Title.....	2
Section 103	Interpretation.....	3
Section 104	Area of Jurisdiction.....	3
Section 105	Separability.....	3
Section 106	Required Conformance.....	3
ARTICLE 2	CONSTRUCTION OF LANGUAGE AND DEFINITIONS.....	4
Section 201	Construction of Language.....	5
Section 202	Definitions.....	5
ARTICLE 3	ESTABLISHMENT OF DISTRICT AND MAP.....	29
Section 301	Establishment of District.....	30
Section 302	Official Zoning District Map.....	30
Section 303	Interpretation of District Boundaries.....	30
ARTICLE 4	DISTRICT REGULATIONS.....	32
Section 401	Uses Not Specifically Mentioned.....	33
Section 402	Planned Development.....	33
Section 403	A-2 Agricultural District.....	48
Section 404	E-1 Residential Estate District.....	50
Section 405	RS-2 Low Density Single-Family Residential District.....	52
Section 406	RT-3 Medium-Low Density Two-Family Residential District.....	54
Section 407	RM-8 Medium-High Density Multiple-Family Residential District.....	56
Section 408	R-MH Mobile Home Park District.....	58
Section 409	RC Rural Center District.....	66
Section 410	TB Township Business District.....	68
Section 411	LI Light Industrial District.....	70
Section 412	HI Heavy Industrial District.....	72
Section 413	FP Flood Plain District.....	74
Section 414	Minimum Dimensional Requirements.....	79
ARTICLE 5	SUPPLEMENTARY DISTRICT REGULATIONS.....	80
Section 501	General Provisions.....	81
Section 502	Public Street Frontage Required.....	81
Section 503	Principal Buildings Per Lot.....	81
Section 504	Reduction of Area or Space.....	81
Section 505	Architectural Projections into Required Yards.....	81
Section 506	Exceptions to Height Regulations.....	81
Section 507	Accessory Building.....	82
Section 508	Conversion of Dwellings to More Units.....	82
Section 509	Setback Requirements for Corner Lots or Through Lots.....	82
Section 510	Fences, Walls, and Vegetation.....	83

Section 511	Required Trash Areas	84
Section 512	Outdoor Storage and Waste Disposal	84
Section 513	Private Accessory Swimming Pools	85
Section 514	Private Recreation Facilities	85
Section 515	Screening.....	88
Section 516	Drive-In Service.....	89
Section 517	Parking and Storage of Mobile Homes and Vehicles Other than Passenger Cars	90
Section 518	Community Based Residential Social Service Facilities	91
Section 519	Agribusiness Operations	93
Section 520	Horse Care and Riding Operations	94
Section 521	Junk	94
Section 522	Junk Yards	94
Section 523	Sanitary Landfills.....	95
Section 524	Mineral Extraction Operations.....	98
Section 525	Temporary Uses	102
Section 526	Cemeteries.....	104
Section 527	Existing Farm Dwellings on Non-Conforming Lots.....	104
Section 528	Tenant Farm Dwelling	105
Section 529	Home Occupations.....	106
Section 530	Minimum Floor Area Per Dwelling Unit.....	107
Section 531	Churches Within Residential Districts.....	107
Section 532	Airports and Landing Strips	108
Section 533	Adult Entertainment Facilites	109
Section 534	Wireless Telecommunications Facilites	110
Section 535	Wind Turbines	124
Section 536	Agritourism	124.1
ARTICLE 6	OFF-STREET PARKING & LOADING REGULATIONS.....	124
Section 601	Off-Street Parking and Loading Required	125
Section 602	Required Parking and Loading Plan	125
Section 603	Off-Street Parking Design Standards.....	125
Section 604	Parking Space Requirements	127
Section 605	Off-Street Loading Design Standards	131
Section 606	Off-Street Loading Space Requirements	132
ARTICLE 7	SIGNS	133
Section 701	Intent and Purpose.....	134
Section 702	Zoning Permit Required.....	134
Section 703	General Location and Safety Requirements.....	134
Section 704	Real Estate Signs.....	135
Section 705	Subdivision Sale Signs.....	135
Section 706	Political Signs	135
Section 707	Construction Signs	136
Section 708	Agricultural Product Signs.....	136
Section 709	Special Event Signs.....	136
Section 710	Billboards.....	136
Section 711	Identification Signs	137
Section 712	Removal of Signs by the Zoning Inspector.....	138

ARTICLE 8 NON-CONFORMITIES 139
Section 801 Intent 140
Section 802 Non-Conforming Lots of Record..... 140
Section 803 Non-Conforming Uses of Land..... 140
Section 804 Non-Conforming Structures..... 141

ARTICLE 9 ADMINISTRATIVE BODIES AND THEIR DUTIES 143
Section 901 Township Zoning Inspector 144
Section 902 Township Zoning Commission..... 144
Section 903 Board of Zoning Appeals 145
Section 904 Township Trustees 147

ARTICLE 10 ADMINISTRATIVE PROCEDURES..... 148
Section 1001 Zoning Permit Required..... 149
Section 1002 Conditional Use Permits 150
Section 1003 Appeals and Variances..... 152
Section 1004 Amendments and District Changes..... 155
Section 1005 Violations and Penalties..... 158

Article 1

General Provisions

SECTION 101 PURPOSE: This is a Zoning Resolution for New Jasper Township, Greene County, Ohio, adopted and amended pursuant to Chapter 519 of the Ohio Revised Code for the following purposes, among others:

101.1 To promote the health, safety, comfort, and general welfare of the present and future inhabitants of New Jasper Township;

101.2 To protect the agriculturally based economy and promote the orderly development of residential, business, industrial, recreational, and public areas within New Jasper Township in accordance with Perspectives: A Future Land Use Plan for Greene County, Ohio;

101.3 To protect the quality of life within New Jasper Township through the protection of the total environment, the prevention of nuisances, and the provision of adequate light, air, and convenience of access to property;

101.4 To achieve such timing, density, and distribution development and use as will prevent environmental pollution and the overloading of systems for providing water supply, wastewater disposal, storm drainage, police protection, fire protection, education, and other public services within New Jasper Township;

101.5 To achieve an accessibility, design, and density of land development and use as will secure safety from fire, floods, and other dangers within New Jasper Township;

101.6 To achieve such density, distribution, and design of land development and use as will protect and preserve the design capacity of the streets and roads within New Jasper Township and prevent traffic congestion or hazards;

101.7 To achieve such density, design, and distribution of housing as will protect and enhance residential property and secure adequate housing for every citizen within New Jasper Township; and

101.8 To insure the compatibility of land uses which are either adjacent or in close proximity to each other.

SECTION 102 TITLE: This resolution, including the Official Zoning District Map made a part hereof, shall be known and may be referred or cited to as the "New Jasper Township Zoning Resolution."

SECTION 103 INTERPRETATION: In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the

promotion of the public health, safety and the general welfare. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or private deed restriction or private covenant, the most restrictive, or that imposing the higher standards shall govern.

SECTION 104 AREA OF JURISDICTION: The provisions of this Resolution shall apply to all land within the unincorporated area of New Jasper Township, Greene County, Ohio.

SECTION 105 SEPARABILITY: Should any section, paragraph, clause, sentence, item, phrase, or provision of this Resolution be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 106 REQUIRED CONFORMANCE: Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building structure or land be used, nor shall any excavation or fill be made;

106.1 Except for any expressed purpose permitted in the district in which such building or structure or land is located;

106.2 Except in conformance to the height and bulk limits established for the district in which such building or structure or use is located:

106.3 Except in conformance to the area, frontage, and yard regulations of the district in which such building or structure or use is located; and

106.4 Except in conformance to the off-street parking and off-street loading space regulations of the district in which such building or structure or use is located.

Article 2

Construction Of Language And Definitions

SECTION 201 CONSTRUCTION OF LANGUAGE: For the purpose of this Resolution, certain terms or words shall be interpreted as follows:

- 201.1 Words used in the singular shall include the plural, and the plural the singular;
- 201.2 Words used in the present tense shall include the future tense;
- 201.3 The word "shall" is mandatory and not discretionary;
- 201.4 The word "may" is permissive;
- 201.5 The phrase "used for " shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
- 201.6 The word "person" includes a firm, association, organization partnership, trust, company, or corporation as well as an individual; and
- 201.7 The word "dwelling" includes the word "residence."

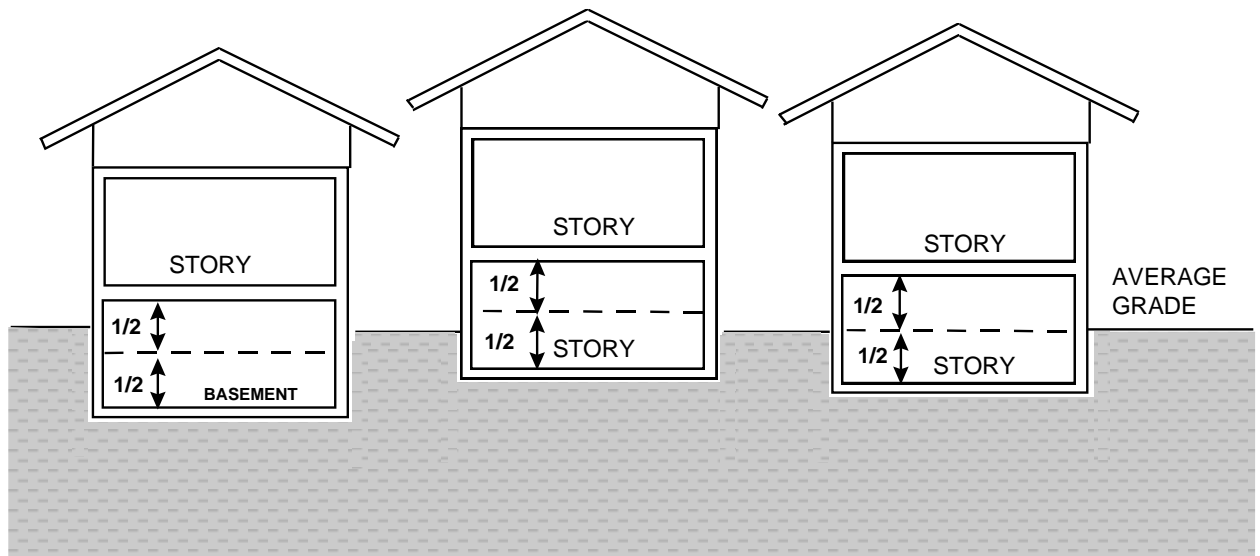
SECTION 202 DEFINITIONS: All words used in this Resolution shall have their customary meanings as defined in Websters New World Dictionary, except those specifically defined in this Section.

- 202.001 Accessory Use or Structure: A use or structure incidental and subordinate to the principal use or structure on the lot and serving a purpose customarily incidental and subordinate to the use of the principal building.
- 202.002 Agribusiness: Manufacturing, warehousing, storage, and related industrial and commercial activities that provide services for or are dependent upon agricultural activities found within the Agricultural District, and are not necessarily suited to locations within an established community. Agribusinesses include, but are not limited to the following uses: fertilizer production, sales, storage, and blending; sales and servicing of farm implements and related equipment; preparations and sale of feeds for animals and fowl; seed sales; poultry hatchery services; corn shelling, hay baling, and threshing services; grain elevators and bulk storage of feed grains; horticultural services; veterinary services; agricultural produce milling and processing, feed lots; livestock auctions; and retail nurseries.

- 202.003 Agriculture: The use of a tract of land for farming, dairy mg, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:
- a. The operation of any such accessory use defined above shall be secondary to that of normal agricultural activities;
 - b. The above uses shall not include the feeding of garbage or offal to swine or other animals;
 - c. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district;
 - d. The above uses shall not include the operation or maintenance of a feed lot or a commercial stockyard.
- 202.004 Airport, Commercial: Any runway, landing strip, or other facility designed or used by any person for the landing and take-off of aircraft by the public for commercial purposes, and may also include services such as fuel sales, storage, repair services, and aircraft sales.
- 202.005 Airport, Private: Any runway, landing strip, or other facility designed or used by any person for the landing, take-off, and storage of aircraft on his own property principally for his own use.
- 202.006 Alterations: Any change in the supporting members (bearing wall, beams, columns, girders, etc.) of a building or structure; or movement of a building or structure from one location to another.
- 202.007 Automobile Service Station: A building, lot, or both, having pumps and underground storage tanks at which fuels, oils, or accessories for the use of motor vehicles are dispensed, sold, or offered for retail sale, and where mechanical repair service may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles shall not be included in this definition.
- 202.008 Automobile Repair Station: A building, lot, or both, in or upon which the business of general motor vehicle repair and service is conducted, to include engine rebuilding, rebuilding or reconditioning of motor vehicles, body repair, and painting and undercoating of automobiles, but excluding a junk yard as defined in this Section.
- 202.009 Automobile Sales or Rental: A building, lot, or both used for the display, sale, or rental of new or used motor vehicles in operable condition and where repair service is incidental .

202.010 **Barn:** An accessory structure upon a lot customarily used for the housing of livestock and for the storage of crops and/or machinery used in bona-fide agricultural activities as previously defined in this Section.

202.011 **Basement:** Floor space in a building partially or wholly underground, but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story if it does not meet the definition above or is subdivided and used for dwelling or business purposes by other than a janitor employed on the premises. (See Illustration)



202.012 **Beginning of Construction:** The beginning of construction is the incorporation of labor and material within the walls of a building or buildings; the incorporation of labor and materials at the site, lot, or parcel where a building is to be constructed; and for the incorporation of labor and material where land is to be used for purposes other than construction of a building.

202.013 **Billboard:** See Sign.

202.014 **Block:** A tract of land bounded by streets, a combination of streets, railroad right-of-way, unsubdivided acreage, river or live stream, or any other barrier to the continuity of development, including corporation lines.

202.015 **Board of Zoning Appeals:** The Board of Zoning Appeals of New Jasper Township, Greene County, Ohio.

202.016 **Boarding House:** Any building, originally designed for and used as a single-family dwelling or part thereof, where rooms for lodging, with or without meals are provided for compensation for five (5) or

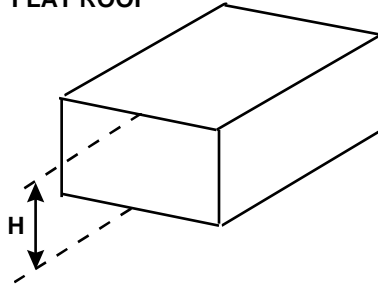
less persons who are not members of the keeper's family. A boarding house which is operated for more than five (5) persons shall be deemed to be a motel or hotel as defined in this Section.

202.017 **Buffer Area:** That portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provisions of this Resolution, to separate or screen different use districts and/or uses on one property from uses on another property.

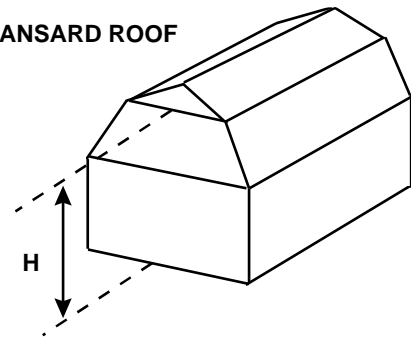
202.018 **Building:** Any structure having a roof supported by poles, columns, or by walls which is designed for the shelter, support, or enclosure of persons, animals, chattels, or property of any kind.

202.019 **Building Height:** The vertical distance from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. (See Illustration)

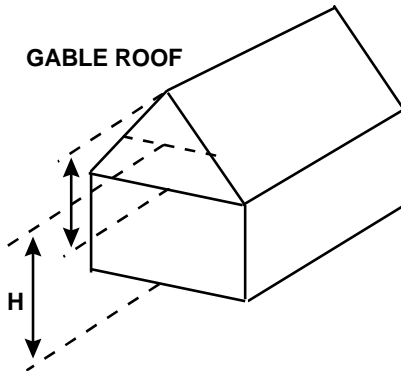
FLAT ROOF



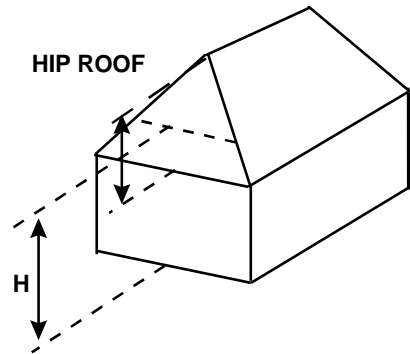
MANSARD ROOF



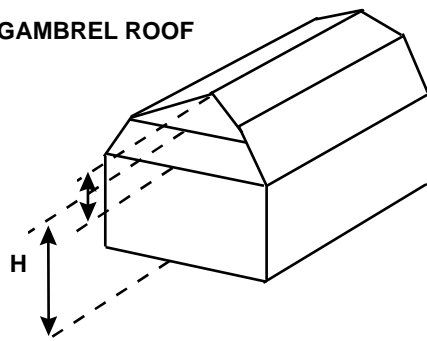
GABLE ROOF



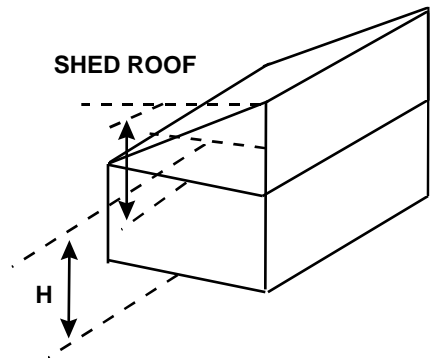
HIP ROOF



GAMBREL ROOF



SHED ROOF



- 202.020 Cemetery: Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
- 202.021 Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.
- 202.022 Club: A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.
- 202.023 Commercial Recreational Facilities, Indoor: Any commercial activity conducted primarily indoors which is related to the recreation field, such as bowling alleys, skating rinks, indoor tennis courts, indoor motion picture theaters, and similar recreational activities.
- 202.024 Commercial Recreational Facilities, Outdoor: Any commercial activity conducted primarily outside of a building which is related to the recreation field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar activities.
- 202.025 Community-Based Residential Social Service Facilities: Facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment, including the following five (5) types of facilities:
- a. Foster Homes: A private residence providing resident services and protective supervision for the care and/or rehabilitation of one (1) child, adolescent, or adult within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.
 - b. Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any

other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.

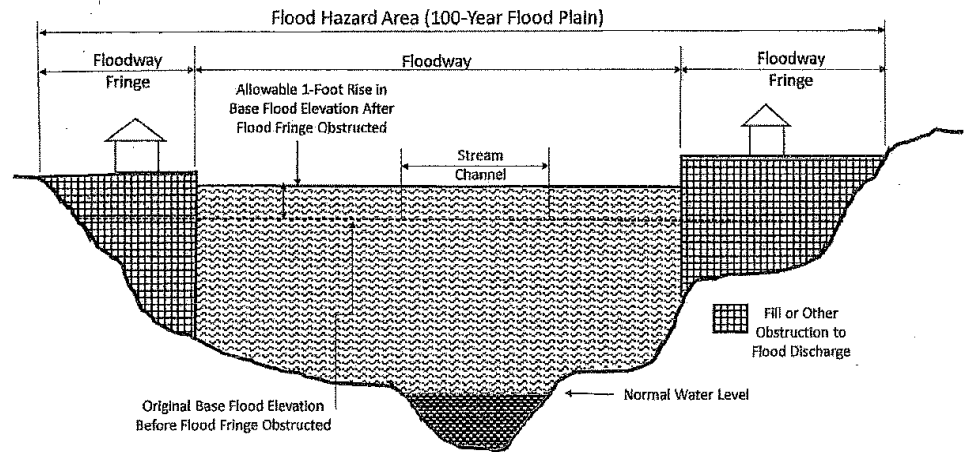
- c. Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.
- d. Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes: 1) to assist them in recuperating from the effects of drugs or alcohol; 2) to assist them in adjusting to living with the handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or 3) to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution. The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency. All homes for adjustment shall possess a license from the appropriate court, or state or local agency having authority under law to license the operation.
- e. Institution: A facility such as a hospital, a nursing home, rest home, or a correctional facility. An institution shall also be defined as any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency

having authority under law to license the operation and may be operated by private citizens, a social service agency, or a governmental authority.

- 202.026 Common Areas: As used herein, parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.
- 202.027 Comprehensive Plan: Perspectives: A Future Land Use Plan for Greene County, Ohio, as adopted by the Board of County Commissioners of Greene County. This plan establishes the goals, objectives, and policies of New Jasper Township as well as showing the general facilities including housing, industrial and commercial uses, major streets, parks, and other community facilities.
- 202.028 Conditional Use: A use permitted within a district other than a permitted principal use, requiring a conditional use permit and approval of the Board of Zoning Appeals. These uses are permitted only after the applicant has followed the procedures outlined in Article 10, Section 1002.
- 202.029 Conditional Use Permit: A permit issued by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning district. These permits are issued only after the applicant has followed the procedures as stated in Article 10, Section 1002 of this Resolution. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and conditions exactly or reapplies for a permit before deviating from that plan.
- 202.030 Court: An open space which may or may not have direct street access and which is bounded on two or more sides by a single building or a group of related buildings. A court is not a yard.
- 202.031 Corner Lot: See Lot Types.
- 202.032 Density: A unit of measurement designating the number of dwelling units per acre of land as follows:
- a. Gross Density: The number of dwelling units per acre of the total land to be developed.
 - b. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses and excludes such areas as street right-of-way, parks, and other similar uses.
- 202.033 District: A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Resolution.

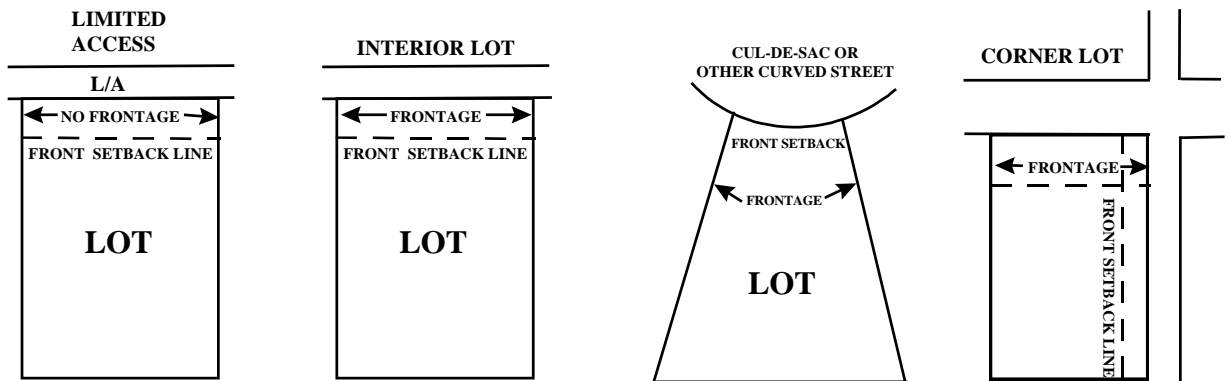
- 202.034 Drive-In: A business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons while in the motor vehicle.
- 202.035 Dwelling Unit: One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one (1) individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities. This definition shall include "modular homes" as defined in this Resolution.
- 202.036 Dwelling, Single-Family: A building consisting of one single dwelling unit on an individual lot, separated from other dwelling units by open space.
- 202.037 Dwelling, Two-Family: A building consisting of two dwelling units, including condominiums, which may be either attached side-by-side or one above the other. Each unit shall have a separate entrance.
- 202.038 Dwelling, Multiple-Family: A building consisting of three or more dwelling units, including condominiums, townhouses, quadruplexes, and garden apartments with varying arrangements of entrances and party walls.
- 202.039 Easement: Authorization by a property owner for use by another for a specified purpose, of any designated part of his property.
- 202.040 Erection: The acts of building, construction, altering reconstructing, moving upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.
- 202.041 Essential Services: The erection, construction reconstruction, change, alteration, maintenance, removal or, use of any underground or overhead equipment including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, signals, hydrants, or other similar accessories by any public utility or governmental agency for the purpose of furnishing adequate supply, transmission, distribution, collection, or disposal of gas, electric, water, steam, or communication service to the public in order to maintain the public health, safety, and welfare, but not including buildings.
- 202.042 Excavation: The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than one hundred (100) cubic yards of material or a vertical depth of more than four (4) feet. Common household gardening and ground care, or plowing of ground for agricultural purposes, shall be excepted from this definition.

- 202.043 Family: An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or a group of individuals, who need not be related, living together as a single housekeeping unit in a dwelling unit, provided that a ratio of two persons or less per bedroom within the dwelling unit be maintained.
- 202.044 Farm: All of the contiguous neighboring or associated land operated as a single unit by the owner-operator himself, his family, or hired employees on which bonafide agriculture is conducted as the primary use.
- 202.045 Feed Lot: Land used for the confining and commercial feeding of livestock for mass production and marketing, and not necessarily connected with any general farming upon the same lot. All feed lots shall obtain appropriate permits for waste treatment and disposal from the Ohio Environmental Protection Agency prior to the issuance of a Zoning Permit.
- 202.046 Fence: Any free-standing structure, other than part of a building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without. Live vegetation shall not be included in this definition.
- 202.047 Fill: Soil, rock, earth, sand, gravel, or any other material exceeding a total of one hundred (100) cubic yards or, more than four (4) feet in vertical height at its deepest point which may be deposited or placed onto or into the ground.
- 202.048 Filling: The act of depositing or dumping of any fill onto or into the ground, except common household gardening and ground care.
- 202.049 Flood, 100 - Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).



- 202.050 Flood Plain, Regulatory: That land area of New Jasper Township which is subject to inundation by the 100 - year flood as determined by the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. (See Illustration)
- 202.051 Floodway: That portion of the regulatory flood plain which is required to carry and discharge the flood waters of the 100 - year flood without obstruction as designated in the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio. (See Illustration)
- 202.052 Floodway Fringe: That portion of the regulatory flood plain which serves primarily as a storage area for the flood waters of the 100 - year flood as designated in the Flood Insurance Study: Unincorporated Areas of Greene County, Ohio (See Illustration).
- 202.053 Floor Area, Non-Residential: The sum of the gross horizontal area of all the floors of a non-residential building measured from the interior faces of the interior walls, excluding stairs, washrooms, elevator shafts, maintenance shafts, and similar areas.
- 202.054 Floor Area, Residential: The sum of the gross horizontal area of all floors of a residential building measured from the interior faces of the exterior walls. Floor area shall not include breezeways, carports, garages, storage areas with only outside access, porches, unfinished attics or other unheated and/or unfinished areas attached to the dwelling.
- 202.055 Frontage: The continuous distance between the side lot lines measured along the required front setback line; and (2) in the case of a corner lot where frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall

not be construed to be included within any calculation of frontage.
(See Illustration)



- 202.056 Garage, Private: A detached accessory building or a portion of a main building, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants of the premises.
- 202.057 Garage Public: A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.
- 202.058 Glare: Excessively bright illumination.
- 202.059 Grade, Average: The average elevation of the finished surface of the ground at the exterior walls of a building or structure.
- 202.060 Home Occupation: An occupation conducted by a person on the same premises as his principal place of residence and is clearly subordinate and incidental to its use for residential purposes.
- 202.061 Hotel: A building in which lodging or boarding is offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, which is herein separately defined.
- 202.062 Junk or Inoperable Vehicle: A vehicle shall be deemed junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:
- The vehicle is without a valid, current registration and/or license plate;
 - The vehicle is apparently inoperable;
 - The vehicle is without fully inflated tires and/or has any type of support under it;

- d. The vehicle has a missing or shattered window or windshield and/or;
- e. The vehicle has an extensively damaged or missing door, motor, transmission, or other similar major part.

202.063 Junk Yard (Salvage Yard): Any use primarily involved with buying, selling, exchanging, storing, baling, packing, disassembling, or handling of waste or scrap materials, including but not limited to vehicles, machinery, and equipment not in operable condition or parts thereof, and furniture, building materials, metals, paper, rags, rubber tires, and bottles. Such operations conducted entirely within completely enclosed buildings shall not be considered a Junk Yard. Two (2) or more junk or inoperative vehicles on a lot shall be considered a Junk Yard.

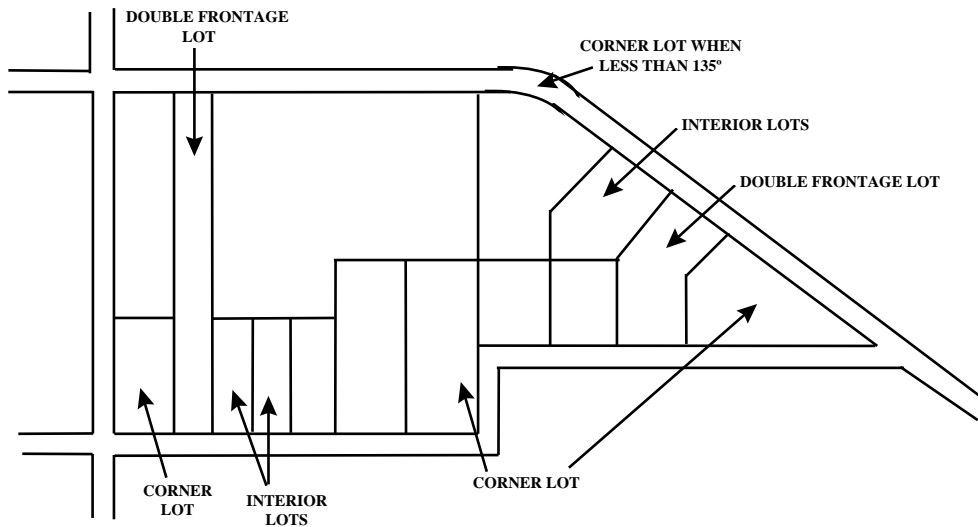
202.064 Kennel: Any lot or premises on which four (4) or more domesticated animals more than six (6) months of age are bred, boarded, trained, or sold.

202.065 Loading Space Off-Street: A space or berth located totally outside of any street or alley right-of-way for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

202.066 Location Map: See Vicinity Map

202.067 Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory building and uses, including such open spaces as are required under the provisions of this Resolution. Every lot shall have the minimum required frontage upon a public street.

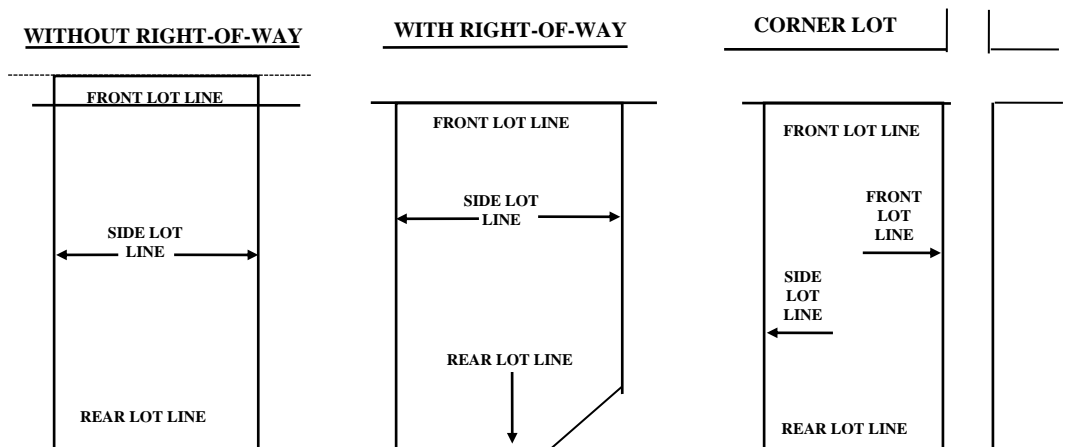
- a. Corner Lot: A lot abutting upon two (2) or more streets at their intersection, or upon two parts of the same street, and in either case forming an interior angle of one hundred thirty five (135) degrees or less as measured at the center-line of the road or the interior right-of-way line as applicable. (See Illustration)
- b. Interior Lot: A lot, other than a corner lot, with only one frontage on a public street. (See Illustration)
- c. Double Frontage Lot: A lot having frontage on two (2) non-intersecting streets or two approximately perpendicular portions of the same street. (See Illustration)



202.068 Lot Coverage: That percentage of the lot area which, when viewed directly from above, would be covered by the principal and accessory structure or structures, or any part thereof, excluding projecting roof eaves of less than twenty-four (24) inches.

202.069 Lot Lines: Lines bounding the lot as shown in the accepted plat or survey record. (See Illustration)

- a. Front Lot Line: A lot line which either falls along a street right-of-way line or falls approximately along the center of a road, frontage the boundary of a lot. On a corner, lot lines along both streets shall be considered front lot lines.
- b. Side Lot Line: A lot line which is neither a front lot line nor a rear lot line.
- c. Rear Lot Line: The lot line that is most distant from, and most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the lot opposite the shortest front lot line.



- 202.070 Lot Width: See Frontage.
- 202.071 Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Greene County; or a parcel of land, the deed or land contract to which was of record as of the effective date of this Resolution or any appropriate amendment thereto.
- 202.072 Manufacturing, Heavy: Fabrication, altering, converting, assembling, storing, testing, and similar industrial uses which are generally major operations, extensive in character and require large sites, large open storage and service areas, extensive accessory facilities, and ready access to regional transportation. Heavy manufacturing uses may normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, industrial traffic and water pollution.
- 202.073 Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations and normally do not require large sites. Such uses are normally relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, vibration, odor, water pollution, glare, air pollution, dust. Light manufacturing uses normally operate and store material within enclosed structures, and generate little industrial traffic or other nuisance.
- 202.074 Mineral Extraction Operation: Any operation, including accessory buildings, roads, or structures involving the excavation, mining, quarrying, storage, separation, cleaning and/or processing of clay, sand, gravel, limestone, shale, or other mineral resource. Such operation shall include all of the land or property that is used or owned in reserve by the person, firm, or corporation involved in such operation. Mineral extraction is an interim land use and such operations shall possess a plan for ultimate use of the property.
- 202.075 Mobile Home: A manufactured relocatable residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation and the design and construction of which meets the standards and specifications of the United States Department of Housing and Urban Development. A mobile home is not included within the definition of "Modular Home" and the removal of running gear shall not exempt a mobile home from this definition.
- 202.076 Mobile Home Park: Any lot upon which two or more mobile homes are located for residential use, either free of charge or for revenue purposes. A mobile home park shall include any roadway, building,

structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

- 202.077 Modular Home: A factory-fabricated transportable building consisting of two or more units designed to be assembled into a permanent structure at a building site on a permanent foundation and used for residential purposes by one family, and is built to meet the standards and specifications of the Industrial Unit Standards of the Ohio Building Code.
- 202.078 Motel: A building or group of buildings in which lodging is provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging house, or a multiple dwelling. A motel shall be distinguished from a hotel in that the building is usually designed to serve tourists traveling by automobile, entrance and exit to rooms need not be through a lobby or office, and parking is usually adjacent to the unit.
- 202.079 Non-Conforming Building or Structure: A building or structure lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.
- 202.080 Non-Conforming Lot: A lot existing at the time of enactment of this Resolution or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.
- 202.081 Non-Conforming Use: A use of land lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Resolution.
- 202.082 Nursery, Child Care: A building used for the commercial care of five (5) or more children who are not members or wards of the owner of his immediate family. All child care nurseries shall possess an appropriate license from the Ohio Department of Public Welfare as required.
- 202.083 Nursery, Retail: Land, buildings, structures, or a combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.
- 202.084 Official Thoroughfare Plan: The Official Thoroughfare Plan for Greene County, Ohio, establishing the official right-of-way width of major streets on file in the office of the Recorder of Greene County, Ohio, and in the office of the Regional Planning and Coordinating

Commission of Greene County, Ohio, together with all amendments thereto subsequently adopted.

- 202.085 Open Space: An area open and unobstructed to the sky which may be on the same lot with a building. The area may include natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities that the Zoning Commission, Board of Zoning Appeals, or Township Trustees, whichever is applicable, deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.
- 202.086 Open Storage: Storing or keeping of chattel not enclosed in a building.
- 202.087 Parking Space, Off-Street: A space located totally outside of any street or alley right-of-way for the parking of an automobile or other vehicle.
- 202.088 Prime Agricultural Soils: Prime agricultural soils are those soils within New Jasper Township which display characteristics well-suited to agricultural activities such as field crops under normal or typical management practices. It has been determined through studies that the following soil types, as described in the Soil Survey of Greene County, Ohio, are prime agricultural soils;

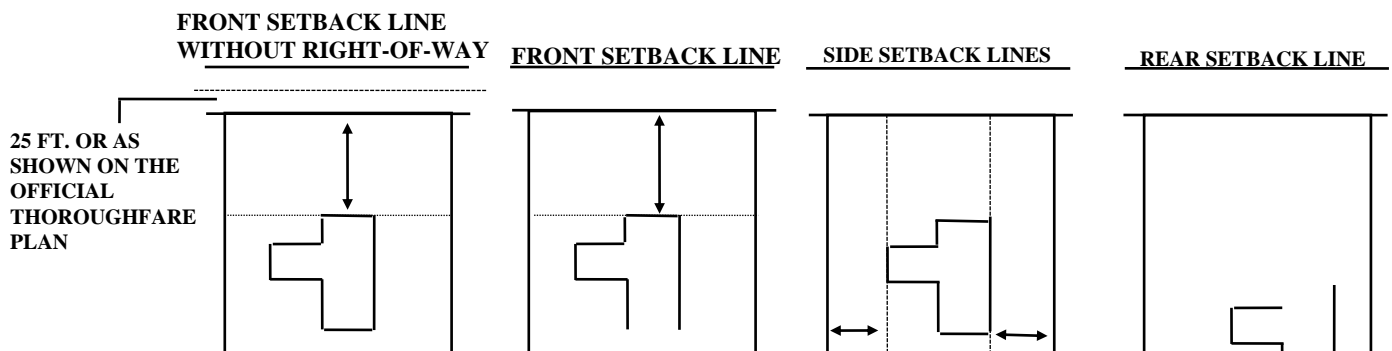
Ag	Algiers Silt Loam	OcA	Ockley Silt Loam (0 to 2 percent slopes)
BbB	Birkbeck Silt Loam (1 to 4 percent slopes)	OcB	Ockley Silt Loam (2 to 6 percent slopes)
Bs	Brookston Silty Clay Loam	OcB2	Ockley Silt Loam (2 to 6 percent slopes, moderately eroded)
Bt	Brookston - Urban Land Complex	OdB	Ockley Urban Land Complex (undulating)
CeA	Celina Silt Loam (0 to 2 percent slopes)	OeB	Odell Silt Loam (2 to 6 percent slopes)
CeB	Celina Silt Loam (2 to 6 percent slopes)	Pa	Patton Silty Clay Loam
CrA	Crosby Silt Loam (0 to 2 percent slopes)	Ra	Ragsdale Silty Clay Loam
CrB	Crosby Silt Loam (2 to 6 percent slopes)	RdA	Raub Silt Loam (0 to 2 percent slopes)
EdB	Edenton Silt Loam (2 to 6 percent slopes)	RdB	Raub Silt Loam (2 to 6 percent slopes)
Ee	Eel Loam	ReA	Reesville Silt Loam (0 to 2 percent slopes)
EmA	Eldean Silt Loam (0 to 2 percent slopes)	Rs	Ross Loam
EmB	Eldean Silt Loam (2 to 6 percent slopes)	RtA	Rush Silt Loam (0 to 2 percent slopes)
EmB2	Eldean Silt Loam (2 to 6 percent slopes, moderately eroded)	RtB	Rush Silt Loam (2 to 6 percent slopes)
FnA	Fincastle Silt Loam (0 to 2 percent slopes)	RuA	Russell Silt Loam (0 to 2 percent slopes)
Gn	Genesse Loam	RvB	Russell-Miamian Silt Loams (2 to 6 percent slopes)
Ln	Linwood Muck	RvB2	Russell-Miamian Silt Loams (2 to 6 percent slopes, moderately slopes)
MhA	Miamian Silt Loam (0 to 2 percent slopes)	SlA	Sleeth Silt Loam (0 to 2 percent slopes)
MhB	Miamian Silt Loam (2 to 6 percent slopes)	ThA	Thackery Silt Loam (0 to 2 percent slopes)
MhB2	Miamian Silt Loam (2 to 6 percent slopes, moderately eroded)	ThB	Thackery Silt Loam (2 to 6 percent slopes)
MoB2	Miamian-Eldean Silt Loams (2 to 6 percent slopes, moderately eroded)	WaA	Warsaw Loam (0 to 2 percent slopes)
MrB	Miamian Urban Land Complex (Undulating)	WeB	Wea Silt Loam (1 to 3 percent slopes)
MtA	Milton Silt Loam (0 to 2 percent slopes)	Ws	Westland Silty Clay Loam
MtB	Milton Silt Loam (2 to 6 percent slopes)	XeA	Xenia Silt Loam (0 to 2 percent slopes)
		XeB	Xenia Silt Loam (2 to 6 percent slopes)

The physical distribution of these soils within New Jasper Township, is noted on the Prime Agricultural Soils Map which is incorporated into this Resolution as a guide in considering zoning

district amendments, variances appeals, conditional use permits, and other administrative actions.

- 202.089 Principal Building: A non-agricultural building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot, and ordinarily the use conducted on the first story of such building above the basement.
- 202.090 Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.
- 202.091 Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which is dedicated, whether improved or not.
- 202.092 Recreational Vehicle: Any motor vehicle, or any other vehicle less than thirty-five (35) feet in length, designed or intended to be used primarily for short term dwelling or sleeping purposes away from the place of residence of the occupants; and not constituting the principal place of residence of the occupants.
- 202.093 Research Activities: Research, development and testing related to such fields as chemical, pharmaceutical, medical electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside such building.
- 202.094 Restaurant, Carry-Out: An establishment whose primary function is the offering of food and beverages which are sold only inside the building and are usually packaged to be carried and consumed off of the premises, but may be consumed within the restaurant building or on the premises.
- 202.095 Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.
- 202.096 Restaurant, Sit-Down: An establishment whose primary function is the offering of food and beverages which are sold and normally consumed within the restaurant building.
- 202.097 Retail: Sale to the ultimate consumer for direct consumption and/or use and not for resale.

- 202.098 Riding Academies: Facilities designed or used for the renting of horses and/or the instruction of horse riding, including any barns, exercise areas, and field areas to be used in the operation.
- 202.099 Right-of-Way: A strip of land purchased or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- 202.100 Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.
- 202.101 Screening: Structures, fences, or vegetation maintained for the purpose of concealing the area behind such structures or vegetation from view.
- 202.102 Setback Line: A line parallel to a lot line, street, or right-of-way line at any story level of a building which defines the limits of a yard and represents the distance which all or any part of a building or structure is to be set back from said lot line, street, or right-of-way line.
- Front Setback Line: An imaginary line parallel to the front lot line extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set back from the front lot line. In the event that the front lot line does not fall along a right-of-way line, then the front setback line shall be measured from a line parallel to and twenty-five (25) feet from the centerline of the street. (See Illustration)
 - Side Setback Line: An imaginary line parallel to any side lot line representing the distance which all or any part of any principal building is to be set back from the rear lot line. (See Illustration)
 - Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance which all or any part of any principal buildings is to be set back from the rear lot line. (See Illustration)



- 202.103 Sewage Disposal System, Central: A wastewater treatment system approved by the appropriate county, state, and/or federal agencies which provides a collection network and a central wastewater treatment facility for a single development, a community, or a region.
- 202.104 Sewage Disposal System, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process for the treatment of sewage and provides for the proper and safe disposal of the effluent.
- 202.105 Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business.
- a. Billboard: Any sign or advertisement used as an outdoor display by painting, posting, or affixing, on any surface, a picture, emblem, work, figure, numerals, or lettering for the purpose of directing attention to any business, service, or product which is not conducted or sold on the lot where such sign is located.
 - b. Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which the sign is placed; sign area shall be computed from measurements of the maximum silhouette of the largest sign face or combination of faces as viewed from a single point.
 - c. Freestanding Sign: Any sign which is not attached to, painted on, or supported by a building.
 - d. Projecting Sign: Any sign which is attached perpendicular to any building or structure and extends more than twelve (12) inches beyond the surface of that portion of the building or structure.

- e. Wall Sign: Any sign attached to or painted on the wall of a building or structure with the face in a plane parallel to such wall, and not extending more than twelve (12) inches from the face of such wall.
- 202.106 Stables: Facilities designed or used for the commercial boarding of horses including any barns, exercise areas, and field areas to be used in the stable operation.
- 202.107 Story: The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above; or if there is no a floor above, then the ceiling next above. The floor of a story may have split levels provided that there not be more than four feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.
- 202.108 Story, Half: An uppermost story lying under a gambrel, hip, gable, or shed roof if used, in whole or part, for dwelling or habitable purposes.
- 202.109 Street: See Thoroughfare
- 202.110 Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to the ground. Among other things, structures include buildings, mobile homes, walls, fences, swimming pools, tennis courts, signs, and billboards.
- 202.111 Swimming Pool: Any artificially constructed pool or natural body of water which contains a depth of water of at least 1 1/2 feet at any point used or intended to be used for swimming or bathing, including any accessory recreational structures.
- 202.112 Swimming Pool, Community: Any swimming pool, other than a private pool, which is the principal use upon a lot and operated with or without a charge for admission.
- 202.113 Swimming Pool, Private: A swimming pool located on the same lot as the principal use and used or intended to be used without compensation by the residents and guests of a single-family residence, a two-family residence, a multi-family development, or a motel.
- 202.114 Temporary Use or Structure: A transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.

202.115 Tenant Farm Dwelling: A dwelling unit constructed or occupied for the purpose of providing housing for a farmer and his family who are engaged in assisting the owner in the practice of agriculture and/or maintenance of his farm. A farm dwelling shall be considered a tenant farm dwelling only if a principal farm dwelling also exists upon the lot, otherwise the dwelling shall be considered a principal farm dwelling.

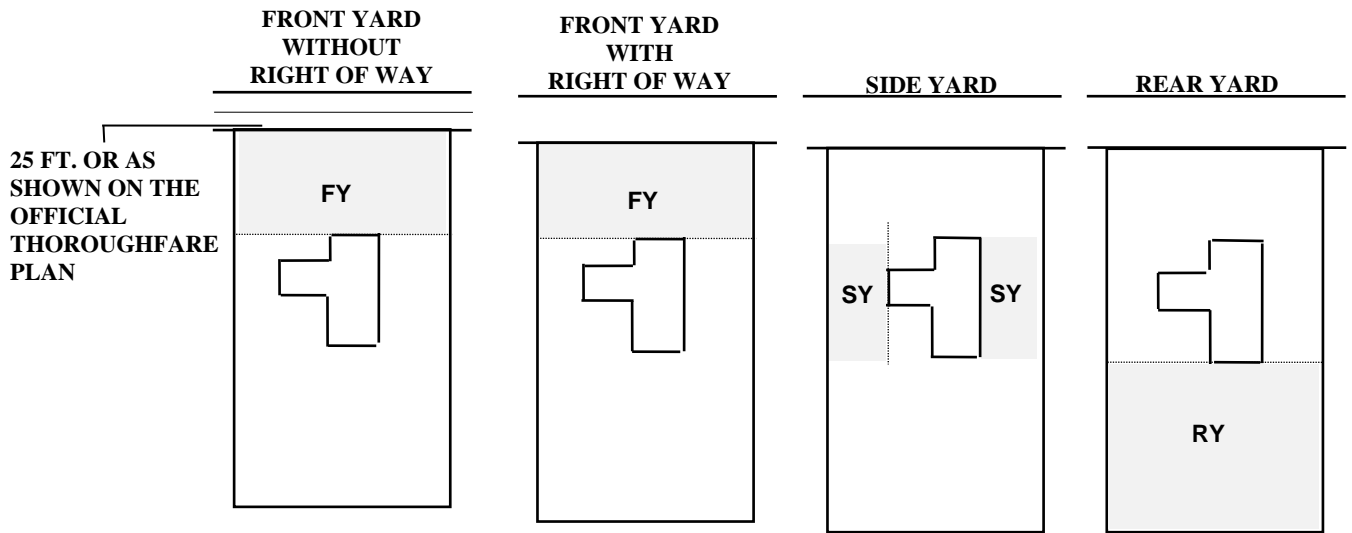
202.116 Thoroughfare, Street, or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for access to a property by vehicular traffic and designated as follows:

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around.
- e. Dead-End-Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- f. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street are not normally more than six hundred (600) feet from each other.
- h. Marginal Access Street: A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

- 202.117 Township Trustees: The Board of Township Trustees of New Jasper Township, Greene County, Ohio
- 202.118 Use: The specific purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.
- 202.119 Variance: A variance is a modification of the strict terms of this Resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship. Variances are granted only after the applicant has followed the procedures as stated in Article 10, Section 1003 of this Resolution.
- 202.120 Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such use may include overnight accommodations on the premises for treatment, observation, and/or recuperation.
- 202.121 Vicinity Map: A drawing which sets forth by dimensions or other means the relationship of a property or use to other nearby developments of landmarks and community facilities and services within New Jasper Township in order to better locate and orient the area in question.
- 202.122 Water System, Central: A water supply system approved by the appropriate county, state, and/or federal agencies which provides a water supply to a single development, a community, or a region.
- 202.123 Water System, On-Site: A well or other similar installation on an individual lot which provides a water supply to any structures or uses upon the lot, subject to the approval of health and sanitation officials having jurisdiction.
- 202.124 Yard: An open or unoccupied space other than a court on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except by trees or shrubbery or as otherwise provided herein. The minimum depth of a yard shall be determined by the setback lines as defined in this Resolution. No part of a yard provided for any building or structure shall be included as a part of any yard required for any other building or structure unless specifically permitted herein.
- a. Front Yard: An open space extending the full width of the lot between a building or structure and the front lot line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the front lot line, existing right-of-way line, or proposed right-

of-way line established on the Official Thoroughfare Plan or by any other method specified elsewhere in this Resolution, as appropriate. (See Illustration)

- b. Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration)
- c. Rear Yard: An open space extending the full width of the lot between a building or structure and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration.)



- 202.125 Zoning Commission: The Zoning Commission of New Jasper Township, Greene County, Ohio.
- 202.126 Zoning District: See District.
- 202.127 Zoning Inspector: The Zoning Inspector or his authorized representative, appointed by the Township Trustees of New Jasper Township, Greene County, Ohio.
- 202.128 Zoning Map: The Official Zoning District Map of New Jasper Township, or portion thereof, together with all amendments thereof subsequently adopted.
- 202.129 Zoning Permit: A document issued by the Zoning Inspector certifying that the use of lot, structure, or building or location of a structure of building upon a lot is in conformance with this Resolution.

Article 3

Establishment Of District And Map

SECTION 301

ESTABLISHMENT OF DISTRICTS: In order to carry out the purposes and provisions of this Resolution, New Jasper Township is hereby divided into the following zoning districts:

AGRICULTURAL DISTRICTS

A-2 Agricultural District

RFSIDENTIAL DISTRICTS

- E-1 Residential Estate District
- RS-2 Low Density Single-Family Residential District
- RT-3 Medium-Low Density Two-Family Residential District
- RM-8 Medium-High Density Multiple-Family Residential District
- R-MH Mobile Home Park District
- RC Rural Center District

BUSINESS DISTRICTS

TB Township Business District

INDUSTRIAL DISTRICTS

- LI Light Industrial District
- HI Heavy Industrial District

FLOOD PLAIN DISTRICT

FP Flood Plain District

SECTION 302

OFFICIAL ZONING DISTRICT MAP: The zoning districts and their boundaries are shown on the Official Zoning District Map of New Jasper Township. The Official Zoning District Map shall be identified by the signature of the Chairman of the Township trustees, attested by the Township Clerk, and bearing the seal of the Township. The map, together with all explanatory data and changes, is hereby incorporated into and made part of this Resolution. The original and one copy of the official map are to be maintained and kept up-to-date by the Zoning Inspector. One up-to-date copy shall be the final authority as to the current zoning status of lands, buildings, and other structures within the Township.

SECTION 303

INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

303.1 Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways, and/or alleys shall be construed to follow such lines or their extensions;

- 303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines;
- 303.3 Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- 303.4 Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
- 303.5 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 303.6 Boundaries indicated as parallel to or extensions of features or lines indicated in subsections 303.1 through 303.5 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map;
- 303.7 Initial interpretations of the location and/or elevation of the flood plain shall be made by the Zoning Inspector. Should a dispute arise concerning the location and/or elevation of the flood plain, the Board of Zoning Appeals shall make the necessary determination using information provided in the Flood Insurance Study For the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The person questioning or contesting the location and/or elevation of the flood plain shall be given a reasonable opportunity to present his case to the Board of Zoning Appeals and to submit such technical evidence as the Board of Zoning Appeals requests; and
- 303.8 Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning District Map, or in other circumstances not covered by the Preceding subsections, the Board of Zoning Appeals shall interpret the district boundaries.

Article 4

District Regulations

SECTION 401 USES NOT SPECIFICALLY MENTIONED

401.1 Uses Not Specifically Mentioned: Any use of land or buildings which is not specifically mentioned as a permitted principal, permitted accessory, or conditional use within any district shall not be permitted by the Zoning Inspector until it is determined by the Board of Appeals that such use is similar and compatible to uses permitted within such district. In determining if such uses are similar and compatible, the process outlined under Article 10, Section 1003 for Appeals shall be followed.

SECTION 402 PLANNED DEVELOPMENT

402.1 INTENT:

This Article is intended to permit the creation of Planned Development Districts. This district is a zoning change within Article 21 and has been established for the purpose of conserving land through more efficient allocation of private multi-family dwelling units, common grounds, non-residential uses, greater efficiency in providing public and utility services, and securing benefits from new techniques in community development. Such regulations need not be uniform, but may vary and shall promote the public health, safety and welfare.

402.2 TYPE OF PLANNED DEVELOPMENT DISTRICTS

"PD-R"Planned Residential District
"PD-O"Planned Office District
"PD-13"Planned Business District
"PD-1"Planned Industrial District

402.3 CRITERIA FOR PLANNED DEVELOPMENT APPROVAL

The Township Trustees shall not approve an application for a Planned Development District unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, which support conclusions that:

1. The development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
2. The site will be accessible from public roads -that are adequate to carry traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Private streets will not be permitted.

3. The development will not impose an undue burden on public services and facilities such as fire and police protection, the school system, water and sewer services, and transportation network.
4. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonable required for the public health, safety and welfare.
5. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a "PD" District not used for structures, parking and loading areas, or accessways, shall be landscaped or otherwise improved.
6. When business or industrial structures or uses in a "PD" District abut an "R" District, screening shall be provided. In no event shall a business or industrial structure in a "PD" District be located nearer than one hundred (100) feet to an "R" District.

402.4 PRE-APPLICATION CONSULTATION

A developer is encouraged to engage in informal consultations with the Zoning inspector, Regional Planning and Coordinating Commission (RPCC) staff, County Engineer, and Sanitary Engineer prior to the filing of any application; however, no statement or representation by such persons shall be binding on either the Zoning Commission or the Township Trustees.

402.5 DEVELOPER'S OPTIONS

- A. The Developer shall have the following options:
 1. Submission of a Pre-Development Plan, processed in the manner hereinafter set forth, and the subsequent submission of a Final Development Plan for any portion of the approved Pre-Development Plan the Developer desires to develop, or
 2. Submission of a Final Development Plan without a Pre-Development Plan, and, processed in the manner as hereinafter provided for.
- B. No Zoning Certificate shall be issued for any property for which a Planned Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property, whichever of the above options is elected by a Developer.

- C. No use shall be established or changed and no structure shall be constructed in any portion of a Planned Development until the final subdivision plat for that portion has been approved by the RPCC and recorded in compliance with the requirements of the Subdivision Regulations for Greene County. Such plat shall show or include the following:

Site arrangement, water, sewer/streets, and other public utilities and/or facilities; land to be publicly or commonly owned and maintained.

Deed restrictions, protective covenants and other legal statements, or devices to be used to control use, development and maintenance, and shall be consistent with the approved Final Development Plan.

402.6 SUBMISSION OF PRE-DEVELOPMENT PLAN

Eighteen (18) copies of a Pre-Development Plan and one (1) 8 1/2" x 11" photostat of the Pre-Development Plan shall be submitted with the application and shall include in text and map form:

1. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
2. A preliminary site plan showing the approximate areas and arrangement of the proposed uses, the relationship of abutting land uses and zoning districts, proposed lots and amount of buildable area within each lot. Included on this site plan, the location and arrangement of the proposed, parks, playgrounds, school sites, recreational facilities, and the points of ingress and egress of the Development including access to streets where required.
3. Evidence that the applicant has sufficient control over the tract to complete the proposed plan, including, a statement of all the ownership and beneficial interests in the tract of land and the proposed "PD" District Development.
4. In the case of an Office, Business or Industrial "PD" District, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development, their approximate location and intensity of development.
5. In the case of residential, a statement identifying density of the various residential uses in the development.
6. A statement describing the provision that is to be made for the care and maintenance of open space or recreational facilities, and

7. Any other information required by the Zoning Commission or Trustees.

402.7 PROCEDURE FOR APPROVAL OF PRE-DEVELOPMENT PLAN

1. The Township staff or designee shall study the material received, and confer with other agencies of government as appropriate in the case, to determine general acceptability of the proposal submitted. At a minimum, township staff will consult with the County Engineer, Sanitary Engineer and Planning Commission staff.
2. The Zoning Commission, per this Resolution, shall hold a public hearing, on the proposed Pre-Development Plan.
3. The recommendations of the Zoning Commission to the applicant shall be in writing and following any such public hearing, agreements between the applicant and the Zoning Commission as to changes in the Pre-Development Plan and report or other matters shall be recorded and acknowledged by the Zoning Commission and the applicant at a public hearing. On items on which no agreement is reached, or there is 0 specific disagreement, this fact shall be recorded, and the applicant may place in the record his reasons for any disagreement.
4. When the Pre-Development Plan and report have been approved in principle (as whole or with reservations duly noted), or when the applicant indicates in writing that no further negotiations with the Zoning Commission are desired before proceeding, the Commission shall, within thirty (30) days, make its recommendations to the Township Trustees. Such recommendations shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall transmit to the Township Trustees, and make available to the public, the latest draft of the Pre-Development Plan and report submitted by the applicant, a record of agreements reached and matters on which there were no specific agreements, including any reasons recorded by the applicant for any such disagreement.

402.8 ACTION BY THE TOWNSHIP TRUSTEES

The Township Trustees shall hold a public hearing, on the Pre-Development Plan as provided for in this Resolution.

If the application is granted, the area of land involved shall be redesignated as a "PD-R", "PD-O", "PD-B", or "PD-I" district by resolution and such resolution shall incorporate the Pre-Development

Plan, including any condition or restriction that may be imposed by the Township Trustees.

402.9 SUBMISSION OF FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH AN APPROVED PRE-DEVELOPMENT PLAN

A Final Development Plan may be filed for any portion of an approved Pre-Development Plan the applicant wished to develop and it shall conform to the approved Pre-Development Plan. The filing fee shall be the same as that required for a change in Zoning- District. Eighteen (18) copies of the Final Development Plan and one (1) 8 1/2" x 11" photostat of the final Development Plan shall be submitted and shall include in text and map form:

1. A site plan showing the location and arrangement of all existing, and proposed structures, the proposed traffic circulation pattern within the development, landscaping, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities.
2. A statement of the density, the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.
3. Sketches of the proposed structures.
4. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than twenty (20) percent the density of the entire Planned Development. When a Planned Development provides for common -open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development
5. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including, a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
6. In addition to the final site plan, in the case of an Office, Business or Industrial Planned Development, a statement identifying the principal types of offices, business and/or industrial uses that are to be included in the proposed development.

7. When a Planned Development includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
8. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.
9. Any other information required by the Trustees.

402.10 PROCEDURE FOR APPROVAL OF FINAL DEVELOPMENT PLAN WITH APPROVED PRE-DEVELOPMENT PLAN

1. The Township staff or designee shall study the material received, and confer with other agencies of government as appropriate in the case, to determine general acceptability and conformance to approve Pre-Development Plan.
2. The Zoning Commission shall hold a public meeting on the proposed Final Development Plan. All property owners within five hundred (500) feet of the project shall be notified.
3. The recommendations of the Zoning Commission to the applicant shall be in writing. Agreements between the applicant and the Zoning Commission as to changes in the Final Development Plan and report or other matters shall be recorded and acknowledged by the Zoning Commission and the applicant at the public meeting.
4. Recommendations by the Zoning Commission shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall transmit to the Township Trustees, and make available to the public, the latest draft of the Final Development Plan and report submitted by the applicant.
5. At a public meeting, the Township Trustees shall evaluate the Zoning Commission's recommendation and Final Development Plan to consider all aspects thereof and determine whether or not it is in accord with the approved Pre-Development Plan. The Township Trustees shall disapprove, approve, or approve the Final Development Plan with amendments, conditions or restrictions. If the Plan is approved, the Plan shall be incorporated into the Zoning, Resolution and that District for which the Plan is proposed, including any condition or restriction that may be imposed by the Township Trustees. Upon approval by the Township Trustees, the Final Development Plan will go into immediate effect.

6. Approval of a Final Development Plan as being in compliance with the standards of approval established under this section shall not be considered an amendment or supplement to the Township Zoning Resolution for the purpose of 519.12 of the ORC.

402.11 SUBMISSION OF FINAL DEVELOPMENT PLAN WITHOUT AN APPROVED PRE-DEVELOPMENT PLAN

The applicant need not file a Pre-Development Plan if he files a Final Development Plan for his entire site incorporating all requirements of both the Pre and Final Development Plans as described in this Section. The Final Development Plan shall be processed, noticed and heard in the manner prescribed herein. Eighteen (18) copies of the Final Development Plan and one (1) 8 1/2" x II" photostat of the Final Development Plan shall be submitted and shall include in text and map form:

1. A survey of the tract that is to be developed showing existing features of the property, including, streets, alleys, easements, utility lines, existing land use, general topography and physical features.
2. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the Development, landscaping, the area to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities.
3. A statement of the density of the various Residential uses within the development, when applicable, the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.
4. Sketches of the proposed structures and landscaping
5. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than twenty (20) percent the density of the entire Planned Development. When a Planned Development provides for common open- space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.
6. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the

ownership and beneficial interests in the tract of land and the proposed Development.

7. In the case of an Office, Business or Industrial Planned Development, a statement identifying, the principal types of office, business and/or industrial uses that are to be included in the proposed development.
8. When a Planned Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
9. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.
10. Any other information required by, the Zoning Commission or Trustees.

402.12 ACTION BY THE TOWNSHIP ZONING COMMISSION ON SINGLE STAGE FINAL DEVELOPMENT PLAN

The Zoning Commission shall hold a public hearing on the Final Development Plan as provided by this Resolution. Such public hearing shall consider all aspects of the Final Development Plan including any proposed stages and/or units of development. The Zoning Commission shall prepare and transmit to the Township Trustees and to the applicant, specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in this Article and the District for which the change has been requested, together with its recommendations to the Township Trustees with respect to the action to be taken on the Final Development Plan. The Zoning Commission may recommend disapproval, approval, approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.

402.13 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES

The Township Trustees shall hold a public hearing on the Final Development Plan as provided by this Resolution. If the application is granted, the area of land involved shall be redesignated as a “PD-R”, “PD-O”, “PD-B”, or “PD-I” District by resolution and such resolution shall incorporate the Plan, including any condition or restriction that may imposed by the township trustees.

402.14 EXTENSION OF TIME OR MODIFICATION

An approved Pre-Development or Final Development Plan may be amended by following the procedures described in this Article. However, minor adjustments in the Final Development Plan which become necessary because of field conditions, detailed engineering, data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations, and building configurations, parking area locations or other similar project particulars, may be authorized in writing, by the Township Trustees. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to perimeter property lines. The Trustees shall approve, disapprove or modify all minor adjustments.

402.15 "PD-R" "PD-MR" PLANNED RESIDENTIAL DISTRICT

1. PRINCIPAL PERMITTED USES

- A. Residential use development in a unified manner in accordance with the approved Development Plan.
- B. Uses permitted in any Residential District.
- C. Convenience establishments may be permitted if specifically approved as part of the Plan, provided that the areas and structures occupied shall be so located and designed as to protect the character of the surrounding property, and provided further that convenience establishments shall be subject to additional requirements as herein specified:
 - 1. Convenience establishments.
 - a. Such establishments and their parking areas shall not occupy more than five (5) percent of the total area of the development.
 - b. Such establishments shall be so located, designed and operated as to serve primarily the needs of persons within the Development Plan and not persons residing elsewhere.
 - c. Off-street parking and loading requirements shall be appropriate to the particular case based upon the types of convenience establishments permitted and the anticipated proportion of walk-in trade. Multiple use of off-street parking and service areas and accessways or convenience establishments may be permitted, if such multiple use will not lead to congestion or the creation of hazards to pedestrian or vehicular traffic.

2. DEVELOPMENT STANDARDS

- A. (Single-Family) PD-RS. A single family residential "PD" development shall meet those established setback requirements, minimum lot or open space, height regulations, minimum rear and minimum side yard of the abutting zone on the perimeter buildings of the project. However, "R-IA" district standards shall be observed as a minimum on perimeter buildings. Structures built on the interior of the project shall have flexibility as to layout and minimum lot size shall be determined at the time of the negotiations, however, the maximum density of Article 17. Section 15 shall apply. However, RI-B district standards shall be observed as a minimum on perimeter buildings on planned developments containing 20 gross acres or less. All other requirements shall apply.

Planned Development Residential (Multi-Family) PD-RM. Multi family residential "PD" buildings shall meet those established setback requirements, general area, height regulations, minimum rear and minimum side yard requirements of the abutting zone on the perimeter buildings of the project. However, "R-3" district standards shall be observed as a minimum on perimeter buildings. Structures built on the interior of the project shall have flexibility as to layout (minimum distance between buildings shall be twenty (20) feet with the average for the entire project of thirty (30) feet between buildings - See Note) and minimum lot size shall be determined at the time of negotiations, however, the maximum density of Article 17. Section 15 shall apply.

Maximum density for single family development shall be two (2) dwelling units per gross acre after streets are deducted from the development plan.. Maximum density for multi family development shall be eight (8) dwelling units per gross acres after streets are deducted from the development plan with four (4) dwelling units per structure (See Article 18.25).

- B. The final development plan required by Article 17, Planned Development, shall be prepared in conformance with the above and in conformance with the Article 18, General Regulations.
- C. Accessory uses are permitted as in R-IA through R-3.

3. REQUIRED CONDITIONS

- A. The regulations of any "PD" District shall be uniform throughout any one "PD-R" District and shall include but without limitation the following where applicable:
 1. Conditions of use.
 2. Public streets and sidewalks.
 3. District buffer strips.
 4. Parking and loading.
 5. Height and area standards.
 6. Lighting.
 7. Landscaping.
 8. Open space and provision for maintenance and/or neighborhood playground or public park.
 9. Signage.
- B. The regulations of said "PD-R" District shall be finalized by the Board of Township Trustees at the time the district is established and, except as otherwise permitted in this section, shall be equal to the following.
 1. Insofar as practicable the regulations of the most restrictive district adjoining the proposed "PD-R" District, and;
 2. Any other more restrictive regulations which in the opinion of the Board of Township Trustees should apply.

4. PARKING AND LOADING

Off-street parking and loading spaces shall be required as set forth under the General Regulations and Off-Street Parking and Loading Areas.

402.16 "PD-O" PLANNED OFFICE DISTRICT

1. PRINCIPAL PERMITTED USES

- A. The following Planned Development Office Districts shall be allowed "PD-01". The uses and height restrictions applicable to the O-1 District shall apply to the PD-01 district and the uses and height restrictions of the 0-1 District shall apply to the PD-01 District.

2. DEVELOPMENT STANDARDS

In addition to the provisions of General Regulations, the following standards for arrangement and development of land and building, are required in the "PD-0" Planned Office District.

A. Land Occupancy by Buildings

Total land occupancy by all buildings for an office park shall not exceed sixty (60) percent of the tract, provided, however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of land occupancy by buildings.

B. Open Space Requirements

Open space shall be a minimum of twenty (20) percent of the land area and shall not be used or occupied by automotive vehicles. Such space shall be reserved for landscaping, and its location, use and other improvements shall be consistent with the general area in which it is located.

C. The specific Development Plan required by Article 17, Planned Development, shall be prepared in conformance with the above and with the Required Conditions and the Standards for Planned Development as set forth in Planned Development.

Where a residential district abuts a retail service or office use of the PD-01 District the yard requirements of the 0-1 shall be applicable. When a residential district abuts a retail or office use of the PD-01 (including, PD-R) the yard requirement of the "R" district which abuts shall be the minimum rear or side yard of the "R" district plus an additional four (4) foot of side yard for every one (1) foot of building height in the office district. However, the parking lot shall have a minimum set back requirement of either the "R" District where it abuts the rear yard or one (1) foot of side and/or rear yard for every one (1) foot of building height, which ever is greater.

3. PARKING AND LOADING

Off-street parking, and loading spaces shall be required as set forth in General Regulations and Off-Street Parking and Loading Areas (Article 18.16).

402.17 "PD-B" PLANNED BUSINESS DISTRICT

1. PRINCIPAL PERMITTED USES

- A. The following Planned Development Business Districts shall be allowed: PD-B 1, PD-B2, and PD-B3. The uses, and height restrictions applicable to the B-1 shall apply to the PD-B I. The uses and height restrictions applicable to the B-2 shall apply to the PD-B2. The uses and height restrictions applicable to the B-3 shall apply to the PD-B3.

2. DEVELOPMENT STANDARDS

In addition to the provisions of the General Regulations, the following standards for arrangement and development of land and building, are required in the "PD-B" District.

A. Land Occupancy by Buildings

Total land occupancy by all buildings for a "PD-B" District shall not exceed sixty (60) percent of the area of the tract, provided however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computations of land occupancy by buildings.

B. Open Space Requirements

Open space shall be a minimum of twenty (20) percent of the land area and shall not be used or occupied by automotive vehicles. Such space shall be reserved for landscaping,, and its location, use and other improvements shall be consistent with the character of the site and its relation to the general area in which it is located.

- C. The specific Development Plan required by Article 17, Planned Development, shall be prepared in conformance with the above and with the Required Conditions and the Standards for Planned Development as set forth in Planned Development.

- 1. When residential district abuts the retail, service and/or office uses of the PD-BI, PD-B2 or PD-B3 then the residential districts yard requirements shall be applicable.

3. PARKING AND LOADING

Off-street parking, and loading spaces shall be required as set forth in General Regulations and Off-Street Parking and Loading Area (See Articles 18.1 5 and 18.16).

402.18 "PD-1" PLANNED INDUSTRIAL DISTRICT

1. PRINCIPAL PERMITTED USES

- A. Uses permitted in the "I-J" District that are manufacturing, processing, warehousing and/or industrial service, activities developed, operated and maintained within an organized development of associated activities in accordance with the approved Development Plan.

2. DEVELOPMENT STANDARDS

In addition to the provisions of General Regulations, the following standards for arrangement and development of land and building are required in the "PD-I" District.

A. Land Occupancy by Buildings

Total land occupancy by all buildings for a "PD-1" District shall not exceed sixty (60) percent of the area of the tract.

B. Site Planning

The same requirements applicable to the "PD-R" District shall apply to "PD-I" District. In addition, yards with a minimum width of 100 feet shall be provided along all property lines, except where it adjoins a "B" or "I" District.

3. PARKING AND LOADING

Off-street parking and loading space shall be required as set forth in General Regulations (See Article 18.15 and 18.16).

SECTION 403 A-2 AGRICULTURAL DISTRICT

403.1 Intent and Purpose: The intent of the Agricultural District is to recognize the long-range physical, social, and economic needs of the agricultural community within New Jasper Township. Since agricultural pursuits provide a substantial economic base for New Jasper Township and many areas still exist which possess an existing agricultural character and prime agricultural soils, it is the intent of this district to maintain and protect such areas. Only those land uses which perform necessary functions within the agricultural community will be encouraged to locate within the Agricultural District. Rural farm dwellings are permitted to locate within the Agricultural District at a maximum density of one dwelling unit per two acres. Unnecessary encroachment by nonagricultural land uses which limits agricultural effectiveness either through encroachment of land resources or through incompatibility of land uses will be discouraged.

403.2 Permitted Principal Uses:

- a. Agriculture.
- b. Churches.
- c. One single-family dwelling in accordance with Section 530.
- d. Essential services.
- e. Plant materials nurseries.
- f. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed through studies. Such uses include, but are not limited to: parks; playgrounds; libraries; schools; fire stations; community centers; water treatment, pumping, and storage facilities; and sanitary landfills.
- g. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

403.3 Permitted Accessory Uses:

- a. Bona fide accessory agricultural structures or buildings including but not limited to barns, stables, sheds, tool rooms, shops, bins, tanks, silos, and fences.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations regulated in Section 529.
- f.. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Roadside stands offering for sale agricultural product produced on the premises as regulated in Section 525.
- h. Temporary uses incidental to construction work as regulated in Section 525.
- i. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- j. Fences as regulated in Section 510.
- k. Private accessory landing strips as regulated in Section 532.
- l. Accessory structures necessary for domestic activities and storage, which does not include any business activity or other use not otherwise permitted within this Resolution.

403.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002 upon the satisfaction of the Board of Zoning Appeals that such use will not pose, by means of location or mode of operation, a threat to surrounding agricultural activities or unnecessary encroachment of prime agricultural soils.

- a. Commercial airports as regulated in Section 532.
- b. Cemeteries as regulated in Section 526.

- c. Agribusiness operations as regulated in Section 519.
- d. Horse care and riding operations as regulated in Section 520.
- e. Mineral extraction operations as regulated in Section 524.
- f. Radio, television, or other transmission towers or masts provided that such tower or mast and accessory building are located a distance equal to or greater than the height of the tower or mast from any existing dwelling.
- g. Kennels provided that any building or outside enclosed area for animals is a minimum of five hundred (500) feet from any existing dwelling or residential district.
- h. Telephone exchanges, substations or other similar public utility buildings, including garage and maintenance buildings.
- i. Existing farm dwellings on non-conforming lots as provided in Section 527.
- j. Tenant farm dwellings as regulated in Section 528.
- k. Billboards as regulated in Article 7.
- l. Private sanitary landfill operations as regulated in Section 523.
- m. Storage of construction equipment as regulated Section 517.
- n. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

403.5 Minimum Dimensional Requirements:

As shown in Section 414.

SECTION 404 E-1 RESIDENTIAL ESTATE DISTRICT

404.1 Intent and Purpose: The intent of the Residential Estate District is to recognize the existence of and the demand for residential lots of a relatively spacious nature. The density of residential development should be limited to a maximum of one acre per dwelling unit. This district should be applied to areas where physical land characteristics, central water or sewer system constraints and/or accessibility to community services require the lowest densities of suburban residential development. Agricultural activities should be limited to minor accessory uses within this district.

404.2 Permitted Principal Uses:

- a. One single-family dwelling in accordance with Section 530.
- b. Churches and other places of worship as regulated in Section 531.
- c. Essential services.
- d. Forests and wildlife and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities, and waste water pumping facilities. No outside storage or stockpiling of materials shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.
- g. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

404.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private accessory swimming pools and game courts for occupants and their guests as regulated in Section 513.
- h. Temporary uses incidental to construction work as regulated in Section 525.
- i. Fences as regulated in Section 510.

404.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Horse care and riding operations as regulated in Section 520.
- b. Private recreation facilities, including but not limited to swimming pools, tennis courts, country clubs and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- c. Private accessory landing areas as regulated in Section 532.
- d. Private schools and child care nurseries.
- e. Telephone exchanges, substations, or other similar public utility building excluding garage and maintenance buildings.
- f. Extensions of existing cemeteries as regulated in Section 526.
- g. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures

404.5 Minimum Dimensional Requirements:

As shown in Section 414.

405.1 Intent and Purpose: The intent of the Low Density Single-Family Residential District is to recognize the existence of and the demand for residential lots at a density of approximately two dwelling units per acre. Necessary services and accessory uses compatible with low density residential surroundings are encouraged to locate within this district. Central water supply and wastewater disposal facilities shall be required for land placed in this district.

405.2 Permitted Principal Uses:

- a. One single-family dwelling in accordance with Section 530.
- b. Churches and other places of worship as regulated in Section 531.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities, and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.
- g. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

405.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- h. Temporary uses incidental to construction work as regulated in Section 525.
- i. Fences as regulated in Section 510.

405.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and child care nurseries.

- b. Extensions of existing cemeteries as regulated in Section 526.
- c. Private recreation facilities, including but not limited to swimming pools, tennis courts, country clubs and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- d. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

405.5 Minimum Dimensional Requirements:

As shown in Section 414.

406.1 Intent and Purpose: The intent of the Medium-Low Density Two-Family Residential District is to provide for both single-family and two-family residential development at a density of approximately three dwelling units per acre. Necessary services and accessory uses compatible with single-family and two-family dwellings are encouraged to locate within this district. Central water supply and wastewater disposal facilities shall be required for land placed within this district.

406.2 Permitted Principal Uses:

- a. One single-family dwelling or two-family dwelling in accordance with Section 530.
- b. Churches and other places of worship as regulated in Section 531.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.
- g. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

406.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 529.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- h. Temporary uses incidental to construction work as regulated in Section 525.
- i. Fences as regulated in Section 510.

406.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and child care nurseries.
- b. Extensions of existing cemeteries as regulated in Section 526.
- c. Private recreation facilities, including but not limited to swimming pools, tennis courts, country clubs, golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- d. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

406.5 Minimum Dimensional Requirements:

As shown in Section 414.

407.1 Intent and Purpose: The intent of this district is to provide for both two-family and multiple-family residential development at a density up to approximately eight units per acre. Necessary services and accessory uses compatible with medium-high density residential surroundings are encouraged. This district should only be encouraged at locations which possess adequate access to schools, employment areas, shopping facilities, and other community services via major streets without passage through areas of lower density. Central water and sewer facilities shall be required for land placed within this district.

407.2 Permitted Principal Uses:

- a. One Two-family dwelling or multiple-family dwelling structure in accordance with Section 530.
- b. Churches and other places of worship as regulated in Section 531.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. One boarding house.
- g. Community-Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.
- h. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

407.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. Home occupations as regulated in Section 529.
- e. Accessory storage of recreational vehicles as regulated in Section 517.
- f. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- g. Temporary uses incidental to construction work as regulated in Section 525.
- h. Fences as regulated in Section 510.

407.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and child care nurseries.
- b. Extensions of existing cemeteries as regulated in Section 526.
- c. Private recreation facilities, including but not limited to swimming pools, tennis courts, country clubs, and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- d. Community Based Residential Social Services Facilities: Group Care Homes or Homes for Adjustment as regulated in Section 518.
- e. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

407.5 Minimum Dimensional Requirements:

As shown in Section 414.

- 408.1 Intent and Purpose: The purpose of the Mobile Home Park District is to provide sites for mobile homes at appropriate locations in relation to existing and potential development of the surroundings, other land uses, and community facilities. By realizing the special requirements of the mobile home and specifying the provisions under which mobile home parks may be established, this district is intended to provide a proper setting for such uses in relationship to other land uses and to Perspectives: A Future Land Use Plan for Greene County.
- 408.2 Permitted Principal Uses: The following uses may be permitted provided all the requirements of the Mobile Home Park District are met:
- a. Mobile homes.
 - b. Essential Services.
 - c. Public parks, playgrounds, and other public recreation facilities, including but not limited to community swimming pools, golf courses (excluding driving ranges and miniature golf), game courts, ball fields and country clubs.
 - d. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.
- 408.3 Accessory Uses:
- a. Those uses required for the direct servicing and well being of mobile home park residents, and for the management and maintenance of the mobile home park, including but not limited to offices, storage facilities, laundry facilities, and recreation areas.
 - b. Structural additions to mobile homes which include awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets, and similar accessory structures. All such additions shall be considered as part of the mobile home for the purpose of determining compliance with the minimum design standards of this section.
- 408.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:
- a. Home occupations as regulated in Section 529.
 - b. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.
- 408.5 General Provisions: The design, location, and operation of all mobile home parks shall be in accordance with the following provisions:
- a. It shall be unlawful for any person, firm, and/or corporation to open, operate, or administer any mobile home park within New Jasper Township unless a valid license is obtained from the proper

health authorities in the name of such person, firm, or corporation for the specific mobile home park.

- b. Any mobile home not located within a licensed mobile home park and not used for agricultural tenants on or after the effective date of this Resolution is privileged to remain at its present location, but may not be relocated within the Township except by meeting the requirements of this Section.
- c. No existing mobile home park may be expanded or altered without first obtaining the licenses required in this Section, meeting the requirements of this Section, and obtaining a Mobile Home Park Permit.
- d. At least forty percent (40%) of the mobile home park lots shall be completed and ready for occupancy before the owner may initiate rental of any space within the development. Such completion shall include installation of roadways, sidewalks, lighting, public utilities, and service and management buildings.
- e. Every mobile home dwelling hereafter placed upon a mobile home park lot shall have a total ground floor area of not less than four-hundred (400) square feet, measured from the outside of exterior walls, including utility rooms, but excluding open porches, breezeways, and garages.
- f. Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences. No portion subject to predictable sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards.
- g. Mobile home parks shall be served adequately by essential public facilities and services such as water supply, wastewater disposal, highways, streets, police and fire protection, drainage, refuse disposal, and schools. Persons or agencies responsible for the establishment of Mobile Home Parks shall be able to adequately provide any such services.
- h. Mobile home parks shall be consistent with the intent and purpose of Perspectives: A Future Land Plan for Greene County, Ohio.
- i. Mobile home parks shall have vehicular approaches to the property which shall be so designed as not to create an interference with or hazard to traffic on surrounding public streets or roads.
- j. Development of a mobile home park shall not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
- k. Mobile home parks shall meet those requirements of the Ohio Revised Code and Sanitary Codes and the regulations of the Greene County Health Department which are more restrictive than the requirements of this Resolution.

408.6 Specific Minimum Design Standards: All mobile home parks created, altered, or expanded after the effective date of this Resolution shall meet the following minimum design standards:

- a. Every mobile home park shall not contain less than ten (10) acres of land and a minimum of twenty (20) lots.
- b. The maximum density shall be regulated by separation requirements, maximum lot coverage, and recreation area requirements, as set forth in this Resolution. However, in no instance shall the gross density of mobile homes exceed eight (8) per acre.
- c. All mobile home parks shall have a frontage of not less than two hundred fifty (250) feet along a public thoroughfare.
- d. Every mobile home hereafter placed in a mobile home park shall be on a lot having an area equal to or greater than four thousand (4,000) square feet.
- e. Each mobile home dwelling, including accessory buildings, garages, and covered porches, shall not cover more than fifty (50%) percent of each mobile home park lot.
- f. The maximum height of any service building, laundry or other accessory building shall not exceed thirty-five (35) feet.
- g. The following minimum yard requirements shall be required for every lot within the mobile home park:
 - 1. Front Yard: No mobile home or projection thereof shall be placed closer than fifteen (15) feet from a front lot line.
 - 2. Side Yard: No mobile home or projection thereof shall be placed closer than ten (10) feet from any side lot line.
 - 3. Rear Yard: No mobile home or projection thereof shall be placed closer than fifteen (15) feet from a rear lot line, nor closer than twenty-five (25) feet from any perimeter property line.
- h. All mobile home lots shall be at least forty (40) feet in width.
- i. No mobile home lot shall front upon a major public thoroughfare, including but not limited to roads maintained by the State of Ohio or Greene County.
- j. Each mobile home shall be skirted, entirely enclosing the bottom section, within sixty (60) days after its placement.
- k. All corners of each mobile home lot shall be marked by an iron pin. The location of lot lines on the ground shall correspond to those shown on the approved application plan.
- l. There shall be a minimum clearance of twenty (20) feet between individual mobile homes.
- m. Each mobile home within the mobile home lot shall be secured with tie downs for securing the stability of the mobile home during periods of high-wind velocity in accordance with the requirements of the Greene County Health Department.
- n. Each mobile home lot shall be provided with a paved patio area at least one hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.
- o. Each mobile home park shall provide a buffer area of at least forty (40) feet between the right-of-way line of adjacent public roads

and highways and any portion of a mobile home lot. The buffer area shall be clear of obstruction with the exception of approved trees and landscaping materials. No mobile home lot shall extend into any required buffer strip.

- p. On each mobile home lot at least one (1) deciduous hardwood tree a minimum of one-and-one-half (1 1/2) inch caliper shall be planted in the front yard.
- q. Not less than ten percent (10%) of the gross site area of the mobile home park shall be devoted to a recreation and open space site, generally provided in a central location. This figure shall be in addition to any other open areas required by yard requirements or other sections of this Resolution.
- r. The recreation area may include space for community buildings, indoor and outdoor recreation facilities such as swimming pools, hobby and repair shops, and service buildings.
- s. Walkways not less than three (3) feet in width shall be provided from the mobile home lots to service buildings in order to facilitate safe and convenient pedestrian traffic throughout the park.
- t. All streets within the Mobile Home Park shall meet the following requirements at a minimum:
 - 1. All mobile home lots shall abut upon an interior hard paved surfaced street which shall have unobstructed access to a public street.
 - 2. All drives shall be protected at the edges by curb and gutter, or other suitable edging approved prior to the approval of the Mobile Home Park District, where necessary for the stabilization of the pavement, and for adequate drainage.
 - 3. Pavements of interior streets and drives shall be in accordance with the following minimum specifications and the Subdivision Regulations of Greene County unless otherwise approved prior to the approval of the Mobile Home Park District:
 - a. Collector streets with guest parking shall not be less than thirty-six (36) feet wide.
 - b. Collector streets without parking shall not be less than twenty-four (24) feet wide.
 - c. Local streets without parking shall not be less than twenty (20) feet wide.
 - d. Local streets with guest parking on one side shall not be less than twenty-seven (27) feet wide.
 - 4. One way streets shall not be permitted in any mobile home park.
- u. No mobile home shall be placed in any mobile home park, nor any mobile home within any mobile home park be occupied unless

adequately maintained parking spaces are provided in accordance with the following provisions:

1. Two (2) parking spaces shall be provided for each mobile home lot.
 2. Each mobile home lot shall be provided with a paved driveway to accommodate off-street parking for two (2) vehicles.
 3. Auxiliary paved parking areas or parking along streets shall be provided and maintained within each mobile home park for the use of guests. The number of spaces required in such areas shall be equal to one (1) space for every five (5) mobile home lots. The location and layout of guest parking areas shall be subject to approval prior approval of the Mobile Home Park District.
- v. Signs shall be permitted only in accordance with the provisions of Article 7, unless otherwise approved by the Board of Zoning Appeals.
- w. The following facilities shall be provided within each mobile home park and available to residents:
1. Management and maintenance offices including storage facilities for grounds-keeping equipment.
 2. Coin-operated laundry and drying facilities in a permanent structure which shall be accessible to all residents of the mobile home park.
 3. Safe usable recreation areas as regulated in this Section.
 4. A conveniently located public telephone available for use of residents of the mobile home park at all times, day and night.
- x. The following utilities shall be provided within each mobile home park in accordance with the following specifications:
1. Water Supply: Within each mobile home park a water supply and distribution system shall be installed in conformance with the requirements of the appropriate agencies. Each mobile home lot shall be connected to this system.
 2. Wastewater Disposal: Within each mobile home park a wastewater collection system shall be installed which shall be connected with a municipal sewer where available. Where a municipal sewer system is not available, a central treatment plant may be located, constructed, and maintained in accordance with the regulations of the Ohio Environmental Protection Agency and any appropriate local authorities. Each mobile home and mobile home lot shall be connected to this system.
 3. Storm Drainage: All areas of a mobile home park shall be graded in a manner to insure there will be no poorly drained areas. Grading shall not obstruct the natural drainage of

surrounding properties, and all drainage systems shall be subject to approval by the County Engineer.

4. Garbage and Refuse Storage: The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in flytisht, rodent-proof containers. Stands in which the garbage containers can be placed shall also be provided and so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. These containers shall be located no more than two hundred n(200) feet from each lot unless otherwise approved prior to the approval of the Mobile Home Park District. Collection shall be provided at least once a week.
5. Liquefied Petroleum Gas or Fuel: When liquefied petroleum gas is used, the containers for such gas shall be the liquefied petroleum gas container approved by the Interstate Commerce Commission for its intended purpose and shall be integrally attached to the mobile home in a manner as approved by the appropriate authority.
6. Fuel Oil Supply: Fuel oil supply systems shall be installed maintained in accordance with applicable state and local codes and regulations.
All fuel oil storage containers, barrels, tanks, or cylinders and piping to the mobile homes shall securely fastened in place and protected against physical damage.
7. Electrical System: Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and the Greene County Building Code.
8. Underground Utilities: Within each mobile home park, all utility lines including those for electricity and telephone service shall be located underground.
9. Lighting: All interior streets and walkways shall be lighted in a manner approved prior to the approval of the Mobile Home Park District.
10. Fire Protection: Within each mobile home park there shall be provided a fire protection system approved by the appropriate agencies and the local fire authority. The fire protection system shall be in accordance with standards of the National Board of Fire Underwriters.
11. Supplementary Conditions and & Safeguards: Any appropriate additional conditions and safeguards may be prescribed prior to the approval of a Mobile Home Park District in order to insure the proper development of such a mobile home park. Violation of such conditions and safeguards, when made a part of the approval of the Mobile Home Park District, shall be deemed a violation of this Resolution and punishable under Article 10, Section 1005.

408.7 APPLICATION FOR DISTRICT CHANGE: An application for a Mobile Home Park District shall follow the procedures in Article 10, Section 1004. The application shall contain the following text and map information in addition to the information required in Article 10, Section 1004:

- a. A vicinity map at a scale approved by the Zoning Commission including property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require to show the relationship of the Mobile Home Park to Perspectives: A Future Land Use Plan for Greene County, Ohio.
- b. Proposed topography for the site including final pad elevations showing contour levels at intervals approved by the County Engineer.
- c. Proposed location, site size and total number of mobile home sites.
- d. Proposed location and width of vehicular and pedestrian circulation systems.
- e. Proposed size and location of parking areas.
- f. Proposed size, location, and use of non-residential portions of the tract, including recreation areas and usable open spaces.
- g. Proposed provisions for fire protection, water supply, sanitary sewage disposal, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
- h. Proposed provisions for refuse disposal.
- i. Proposed accessory buildings and uses within the tract.
- j. Proposed location of street lighting system.
- k. Proposed buffer areas and/or screening.
- l. Deed restrictions, covenants, easements, encumbrances, or other devices to be used to control the use, development, and maintenance of the land.
- m. A fee as established by the Township Trustees.

SECTION 409 RC RURAL CENTER DISTRICT

409.1 Intent and Purpose: The RC Rural Center District recognizes the existence of small rural settlements where the residents of the more isolated agricultural and rural areas of New Jasper Township beyond the limits of service of existing municipalities can receive certain convenience commercial, professional, and public services. This district is intended to be a flexible zone which is necessary in a rural center. It is designed to allow for change and growth within these areas, but also to prevent this mixture of land uses from unnecessarily spreading into the adjacent country-side.

409.2 Permitted Principal Uses:

- a. One single-family dwelling in accordance with Section 530.
- b. Essential services.
- c. Churches and other places of worship as regulated in Section 531.
- d. Medical or dental offices or clinics.
- e. Individual retail or service establishments less than 4,000 square feet in floor area, without drive-through facilities, providing for the convenience of the surrounding rural area, including but not limited to groceries, carry-outs, drug stores, barber shops, beauty shops and professional offices. No outside storage or stockpiling of materials shall be permitted.
- f. Automobile service stations with incidental repair services.
- g. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations and community centers. No outside storage or stockpiling of material shall be permitted.
- h. Child care nurseries.
- i. Community Based Residential Social Facilities: Family Care Homes as regulated in Section 518.
- j. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

409.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Accessory storage of recreational vehicles as regulated in Section 517.
- f. Private swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.

- g. Temporary uses incidental to construction work as regulated in Section 525.
- h. Fences as regulated in Section 510.

409.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Airports and/or landing strips as regulated in Section 532.
- b. Automobile repair stations.
- c. Automobile sales
- d. One boarding house.
- e. Veterinary or animal hospitals.
- f. Drive-in commercial establishments.
- g. Home occupations as regulated in Section 529.
- h. Community Based Residential Social Service Facilities: Group Care Homes as regulated in Section 518.
- i. Telephone exchanges, substations, or other similar public utility buildings, excluding garage and maintenance buildings.
- j. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

409.5 Minimum Dimensional Requirements:

As shown in Section 414.

SECTION 410 TB TOWNSHIP BUSINESS DISTRICT

410.1 Intent and Purpose: The purpose of the Township Business District is to provide for the establishment of areas devoted for the use of those retail and personal service businesses that operate as a response to the daily needs of the residents of New Jasper Township. Uses in this district are intended to be located on major streets at strategic access points to surrounding areas minimizing the potential adverse effects on surrounding residential property. It is the intent of this District to encourage clustering of businesses in order to discourage "strip" development, provide for a minimum of traffic interference and encourage pedestrian access.

410.2 Permitted Principal Uses: Public water supply and sanitary sewer service shall be available to the site, or the owner shall present proof that proposed on-site water and/or sewage disposal facilities have been approved by the Greene County Health Department and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

- a. Antique shops.
- b. Automobile Parts and Accessory Sales.
- c. Automobile Service Stations.
- d. Bakeries.
- e. Banks.
- f. Book and Stationery Shops.
- g. Business Services.
- h. Candy and Ice Cream Stores.
- i. Convenience Carry-out Stores.
- j. Clothing and Apparel Stores.
- k. Delicatessens.
- l. Department and/or Discount Stores.
- m. Drug Stores.
- n. Farm Supply Stores.
- o. Food Stores and Groceries.
- p. Furniture Repair and Upholstery Stores.
- q. Hardware Stores.
- r. Ice Sales.
- s. Indoor Commercial Entertainment Facilities.
- t. Laundry and Dry Cleaning, Self-Service or Pick-Up.
- u. Medical Clinics.
- v. Personal Services.
- w. Post Offices.
- x. Professional Offices.
- y. Restaurants, Sit-Down Service.
- z. Variety Stores.
- aa. Veterinary Services, Without Kennels or the Outside Keeping of Animals.
- bb. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which

has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, police stations, public administrative offices, public maintenance garages, and community centers.

- cc. Essential services.
- dd. Private recreation facilities, including but not limited to fishing lakes, swimming pools, tennis courts, gun clubs, country clubs, outdoor theater facilities, recreational vehicle parks and campgrounds, and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- ee. Private schools and child care nurseries.
- ff. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

410.3 Accessory Uses:

- a. Off-street parking and loading spaces as regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Storage within an enclosed building of supplies or merchandise which are normally carried in stock in connection with a permitted use.
- d. Temporary buildings or uses as regulated in Section 525.

410.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Accessory living quarters for persons employed on the premises.
- b. Auction Houses.
- c. Automobile Repair Stations.
- d. Automobile Sales or Rentals.
- e. Automobile Washing Facilities.
- f. Billboards, as regulated in Article 7.
- g. Clubs, Lodges, Civic, or Fraternal Organizations.
- h. Contract Construction Services, Including Offices, and Outdoor Storage Within Screened Areas.
- i. Lumber and Building Materials Sales.
- j. The creation or making of goods for sale at retail on premises which have a high value-to-bulk ratio and not involving extensive mechanization.
- k. Motels or Hotels.
- l. Off-Street Parking Lots.
- m. Outdoor commercial Recreation Facilities.
- n. Restaurants, Drive-In.
- o. Retail Nursery.
- p. Veterinary Services with Kennels, or Outside Keeping of Animals.
- q. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures

410 5 Minimum Dimensional Requirements:

As shown in Section 414.

SECTION 411 LI LIGHT INDUSTRIAL DISTRICT

411.1 Intent and Purpose: The purpose of the Light Industrial District is to provide space for those industrial uses which operate in a clean and quiet manner and generate only light to moderate amounts of traffic. This district is not intended for the use of industries which deal with hazardous elements or emit noise, glare, dust, odor, smoke, or possess other offensive characteristics detrimental to surrounding land uses such as large traffic generators. The intent is to create and protect efficient light industrial areas by insuring careful design, placement, and grouping of industries which will promote the protection of any adjacent residential or business activities. Land to be placed in this district is intended to have level topography, public utilities, and major transportation facilities readily available.

411.2 Permitted Principal Uses: Manufacturing or industrial uses including, but not limited to, the following uses provided that by the nature of the materials, equipment, or processes utilized, such use is not objectionable by reason of odor, radiation, noise, vibration, cinders, gas, fumes, dust, smoke, refuse matter, or wastewater generation. Public water supply and a public sanitary sewer system shall be available to the site, or the owner shall present proof that proposed on-site water and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

- a. Fabrication, processing, packaging and/or assembly of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood, and yarn.
- b. Fabrication, processing, packaging and/or manufacture of food products and condiments, excluding slaughter houses and rendering and refining of fats oils, fish, vinegar, yeast and sauerkraut.
- c. Manufacturing, assembling or repairing of electrical and electronic products components, and equipment.
- d. Machine shops and tool and die shops.
- e. Lumber yards including incidentals millwork, coal, brick, and stone.
- f. Recycling center collection points, provided materials are kept in an enclosed building.
- g. Warehouses and warehouse distribution centers.
- h. Research and engineering laboratories.
- i. Cold storage and frozen food lockers.
- j. Publishing and printing.
- k. Automobile repair and painting but no commercial wrecking, dismantling or salvage yard.

- l. Auto service station.
- m. Parcel post delivery stations.
- n. Radio and television stations.
- o. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include but are not limited to: wastewater pumping, and storage facilities; sanitary landfills as regulated in Section 523; fire stations; police stations; parks; and public maintenance facilities.
- p. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

411.3 Accessory Uses:

- a. Off-street parking and loading spaces regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Temporary buildings as regulated in Section 525.
- d. Storage of materials within an enclosed building normally utilized in connection with a permitted use.
- e. Accessory landing areas as regulated in Section 532.

411.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section: 1002:

- a. Mineral extraction operations as regulated in Section 524.
- b. Manufacturing or industrial enterprises operations, or processes similar to any permitted principal use provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor or vibration is no greater or more detrimental to the neighborhood than the above specified uses, that no extra fire hazard is created, and that the proposed use is determined by the Board of Zoning Appeals to be of the same general character as the above uses.
- c. Billboards as regulated in Article 7.
- d. Private sanitary landfills in accordance with Section 523.
- e. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

411.5 Minimum Dimensional Requirements:

As shown in Section 414.

- 412.1 Intent and Purpose: The purpose of the Heavy Industrial District is to create and protect areas for industries which require large sites and should be isolated from other land uses by virtue of their external effects such as heavy traffic generation, open storage materials, and possible emission of noise, glare, dust, odor, smoke, or other offensive characteristics. This district is intended to insure proper design, placement, and grouping of all types of industries of this nature within the Township so as not to create a nuisance to other surrounding land uses. Land to be placed in this district is intended to have level topography, sufficient public utilities, and major transportation facilities readily available.
- 412.2 Permitted Principal Uses: Manufacturing or industrial uses including but not limited to the following uses. Public water supply and a public sanitary sewer system shall be available to the site or the owner shall present proof that proposed on-site water and/or sewage disposal facilities have been approved by Greene County Health Department and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.
- a. Any principal use permitted in the LI Light Industrial district.
 - b. Automotive, tractor, trailer, farm implement assembly or manufacture.
 - c. Boiler shops, machine shops, structural steel fabricating shops, or metal working shops.
 - d. Manufacturing of cement products, including ready mix concrete batching plants.
 - e. Contractor sales, storage and equipment yards.
 - f. Flour or grain mills.
 - g. Manufacture of glass products, pottery, figurines or similar products using previously pulverized clay.
 - h. Truck terminals provided that truck entrances and exits are on to streets where pavement width is at least thirty (30) feet.
 - i. Mobile home and recreational vehicle storage.
 - j. Manufacture and storage of building materials.
 - k. Sanitary landfills as regulated in Section 523.
 - l. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include but are not limited to: water treatment, pumping, and storage facilities; wastewater treatment and pumping facilities; sanitary landfills in accordance with Section 523; fire stations; police stations; parks; and public maintenance facilities.
 - m. Essential services.
 - n. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires no structures.

412.3 Accessory Uses:

- a. Indoor or outdoor storage of materials normally utilized in connection with a permitted use.
- b. Off-street parking and loading spaces as regulated in Article 6.
- c. Signs as regulated in Article 7.
- d. Temporary buildings or uses as regulated in Section 525.
- e. Accessory landing areas as regulated in Section 532.

412.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Mineral extraction operations as regulated in Section 524.
- b. Storage facilities for fuels, coal, chemicals, or other flammable or toxic materials.
- c. Manufacture of asphalt and asphalt products.
- d. Manufacture and storage of fertilizer and compost.
- e. Solid waste reduction and/or recycling facilities.
- f. Junk yards as regulated in Section 522.
- g. Manufacturing or industrial enterprises, operations, or processes similar to any permitted principal use provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor, or vibration shall not be greater or more detrimental to the neighborhood than the above specified uses and that no extra fire hazards be created.
- h. Billboards as regulated in Article 7.
- i. Agritourism as regulated in Section 536 if the property has been in CAUV for a minimum of three years and the agritourism activity requires structures.

412.5 Minimum Dimensional Requirements:

As shown in Section 414.

SECTION 413 FP FLOOD PLAIN DISTRICT

413.1 Intent and Purpose: The purpose of the Flood Plain District is to prevent the loss of property and life, to prevent the creation of health and safety hazards, to prevent the disruption of commerce and governmental services, to prevent the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to prevent the impairment of the tax base by:

- a. Regulating uses, activities, and developments which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities and frequencies;
- b. Restricting or prohibiting certain uses, activities, and developments from locating within areas subject to flooding;
- c. Requiring all those uses, activities, and developments that occur in flood-prone areas to be protected and/ or flood proofed against flooding and flood damage; and
- d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based upon the Flood Insurance Study for the Unincorporated Areas of Greene County, Ohio prepared by the Federal Emergency Management Agency. The Flood Insurance Study, with accompanying maps and any revisions thereto, is adopted by reference and declared to be a part of this Resolution. Where detailed studies of the Floodway and Floodway Fringe have not been made available within the Flood Insurance Study, the following sources of data may be used to determine the necessary elevations for the purposes of this Resolution:

- a. Corps of Engineers-Flood Plain Information Reports.
- b. U.S. Geological Survey-Flood Prone Quadrangles.
- c. U.S.D.A., Soil Conservation Service-Flood Hazard Analyses Studies and County Soil Surveys (Alluvial Soils).
- d. Ohio Department of Natural Resources-Flood Hazard Reports and Flood Profile Charts.
- e. Known highwater marks from past floods.
- f. Other sources acceptable to the Board of Zoning Appeals.

This Resolution does not imply that areas outside of the Flood Plain district as designated on the Official Zoning District Map or land uses permitted within such district will be free from flooding damages. This Resolution shall not create liability on the part of Township or any official or employee thereof for any flood damages that result from reliance on this Resolution.

413.2 Permitted Principal Uses: The following open space uses shall be permitted provided that they do not require the open storage of

materials and equipment, or any fill material or permanent structures which project above the existing ground elevation, except as provided for under Conditional Uses in this section.

- a. Agriculture, not including the spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the ground.
- b. Forests and wildlife preserves.
- c. Private and public outdoor recreational activities, including such uses as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat and canoe launching ramps, swimming areas, parks hunting areas, fishing areas, hiking trails, horseback riding trails and open amphitheatres.
- d. Residential open space uses such as lawns, gardens, woodlands, and play areas.
- e. Plant material nurseries.
- f. Public uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks; playgrounds; water treatment, pumping, and storage facilities; and wastewater treatment and pumping facilities.
- g. Open parking and loading areas as regulated in Article 6.
- h. Airport approach zones and landing strips as regulated in Section 532.
- i. Essential services.
- j. Temporary, transient, and portable activities such as religious services, bazaars, carnivals, or circuses provided the requirements of Section 525 are met.

413.3 Permitted Accessory Uses:

- a. Accessory off-street parking and loading spaces as regulated in Article 6.
- b. Accessory signs as regulated in Article 7, provided that they do not impair the efficiency or the capacity of the flood plain to store and discharge flood waters.
- c. Accessory fences as regulated in Section 510 provided that they do not impair the efficiency or the capacity of the flood plain to store and discharge flood waters.
- d. Other uses customarily incidental to the above permitted principal uses, provided that they do not require structures, fill, or the storage of materials and equipment.

413.4 Conditional Uses: The following uses may be permitted provided they meet the requirements set forth both in this Section and Article 10, Section 1002, of this Resolution.

- a. Structures accessory to permitted agricultural uses.
- b. Structures accessory to permitted private and public outdoor recreational activities.
- c. Structures required in the provision of essential services.
- d. Mineral extraction operations as regulated in Section 524.

- e. Fill material required to elevate permitted structures above the 100-year regional flood elevation as regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act (PL 92-500, 86 Stat. 816.)
- f. The alteration or extension of any non-residential structure presently located outside of the Flood Plain District into the Flood Plain District.
- g. Horse Care and Riding Operations as regulated in Section 520.
- h. Private Recreation Facilities as regulated in Section 514.
- i. Billboards as regulated in Article 7.

413.5 Prohibited Uses: The following uses shall be expressly prohibited from locating within the Flood Plain District.

- a. Structures for human habitation.
- b. The location of structures or fill material which will raise the elevation of the 100-year flood level more than one (1) foot at any point calculated by the engineering principle "equal reduction of conveyance."

413.6 Minimum Dimensional Requirements:

As shown in Section 414.

413.7 Required Conditions:

- a. All applications for a conditional Use Permit within the Flood Plain District shall be accompanied by a report and recommendation bearing the seal of a professional surveyor registered in the State of Ohio certifying the elevation of the 100-year regional flood on the property, the location and elevation of existing and proposed fill and/or structures not elevated above the 100-year regional flood elevation.
- b. Upon consideration of the application for a Conditional Use Permit, the Board of Zoning Appeals may attach conditions to such uses as it deems necessary to further the purposes of this Section. Such conditions may include but not be limited to the following:
 - 1. Requirements for the elevation of structures of a minimum of eighteen (18) inches above the one-hundred year flood elevation;
 - 2. Modification of waste disposal and water supply facilities to the satisfaction of the Greene County Health Department and/or the Greene County Sanitary Engineer;
 - 3. Limitations on periods of use and operations;
 - 4. Imposition of operational controls, sureties, and deed restrictions;
 - 5. Requirements for construction of channel modifications, dikes, levees, and other protective measures; and/or

6. Flood proofing measures such as the following may be required and shall be designed consistent with the regional flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Board of Zoning Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regional flood protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required:

- a. Anchorage to resist flotation and lateral movement;
- b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
- c. Reinforcement of walls to resist water pressures;
- d. Use of paints, membranes, or mortars to reduce seepage of water through walls;
- e. Addition of mass or weight to structures to resist flotation;
- f. Installation of pumps to lower water levels in structures;
- g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters;
- h. Pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
- i. Construction to resist rupture or collapse caused by water pressure or floating debris;
- j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back up of sewage and storm waters into the buildings or structures.

Gravity drainage of basements may be eliminated by mechanical devices;

- k. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regional flood; and/or
- l. 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 in a manner which will assure that the facilities are situated at elevations above the height associated with the regional flood protection elevation or are adequately floodproofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.

c. In passing upon such applications, the Board of Zoning Appeals shall consider the following relevant factors:

1. The danger of life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to Perspectives: A Future Land Use Plan for Greene County, Ohio.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
12. Other factors which are relevant to the purposes of this Resolution.

SECTION 414 MINIMUM DIMENSIONAL REQUIREMENTS: Minimum dimensional requirements for each district shall apply as shown in the following table.

ZONING DISTRICT	PERMITTED PRINCIPAL USES	MINIMUM LOT AREA PER FAMILY OR PER PRINCIPAL STRUCTURE			MINIMUM LOT FRONTAGE	MINIMUM CORNER LOT FRONTAGE	MINIMUM YARD REQUIREMENTS				MAXIMUM LOT COVERAGE	
		ON-SITE WATER & SEWER	ON-SITE WATER & SEWER	CENTRAL WATER & SEWER			FRONT (b)	ONE	TOTAL	REAR BOTH		MAXIMUM HEIGHT
A-2	Article 4 Section 403.2	2 Acres	2 Acres	2 Acres	300 ft.	300 ft.	50 ft.	20 ft.	50 ft.	50 ft.	35 ft.	10%
E-1	Article 4 Section 404.2	1 Acre	1 Acre	1 Acre	150 ft.	150 ft.	50 ft.	20 ft.	50 ft.	50 ft.	35 ft.	10%
RS-2	Article 4 Section 405.2	1 Acre	1 Acre	20,000 Sq. Ft.	100 ft.	125 ft.	40 ft.	10 ft.	25 ft.	50 ft.	35 ft.	20%
RT-3	Single-Family Dwellings	1 Acre	1 Acre	15,000 Sq. Ft.	90 ft.	125 ft.	40 ft.	10 ft.	25 ft.	50 ft.	35 ft.	
	Two-Family Dwellings	Not Permitted	Not Permitted	12,000 Sq. Ft.	125 ft.	125 ft.	40 ft.	15 ft.	30 ft.	50 ft.	35 ft.	20%
	All Other Permitted Uses in Article 4 Section 406.2	1 Acre	1 Acre	1 Acre	150 ft.	150 ft.	40 ft.	15 ft.	30 ft.	50 ft.	35 ft.	
RM-8	Two-Family Dwellings	Not Permitted	Not Permitted	6,000 Sq. Ft.	100 ft.	125 ft.	35 ft.	10 ft.	25 ft.	30 ft.	35 ft.	
	Multiple Family Dwellings	Not Permitted	Not Permitted	5,000 Sq. Ft.	130 ft.	130 ft.	35 ft.	20 ft.	40 ft.	30 ft.	35 ft.	30%
	All Other	Not	Not	1 Acre	150 ft.	150 ft.	35 ft.	20 ft.	40 ft.	30 ft.	35 ft.	

	Permitted Uses in Article 4 Section 407.2	Permitted	Permitted									
R-MH	AS REGULATED IN ARTICLE 4, SECTION 410											
RC	Single-Family Dwellings	1 Acre	1 Acre	20,000 Sq. Ft.	150 ft.	150 ft.	40 ft.	10 ft.	25 ft.	50 ft.	35 ft.	25%
	All Other Permitted Uses In Article 4 Section 409.2	1 Acre	1 Acre	1 Acre	150 ft.	150 ft.	40 ft.	15 ft.	25 ft.	50 ft.	35 ft.	35%
TB	Article 4 Section 410.2	2 Acres	2 Acres	1 Acres	200 ft.	200 ft.	50 ft.	15 ft. (c)	30 ft. (c)	50 ft.	35 ft.	30% Buildings 75% Total
LI	Article 4 Section 411.2	2 Acres	2 Acres	2 Acres	200 ft.	200 ft.	40 ft.	15 ft. (d)	30 ft. (d)	50 ft. (e)	35 ft.	30% Buildings 75% Total
HI	Article 4 Section 412.2	5 Acres	5 Acres	5 Acres	300 ft.	300 ft.	70 ft.	30 ft. (d)	60 ft. (d)	100 ft. (e)	35 ft.	40% Buildings 85% Total
FP	Article 4 Section 413.2	3 Acres	3 Acres	3 Acres	200 ft.	200 ft.	50 ft.	20 ft.	50 ft.	50 ft.	35 ft.	Subject to Approval by the Board of Zoning

- (a) Lot size shown is the required minimum. Final lot size shall be subject to approval by the Greene County Health Department or the Ohio Environmental Protection Agency, whichever is applicable.
- (b) A minimum setback of seventy (70) feet shall be required along major thoroughfares or where off-street parking is provided within the front yard.
- (c) Side Yards abutting residential districts shall be a minimum of fifty (50) feet. However, Where same natural barrier such as a railroad, or limited access highway intervenes the Board of Zoning Appeals may reduce this requirement.
- (d) Side yards and rear yards abutting residential districts shall be a minimum of two-hundred (200) feet for the LI Districts and two-hundred (200) feet for the HI District.
- (e) The rear yard shall not be less than two-hundred (200) feet when abutting a residential district. However, where same natural barrier such as a railroad stream, or limited access highway intervenes, the Board of Appeals may reduce this minimum requirement.
- (f) When a block is substantially developed (over 50% of the lots having frontage thereon) and the average front yard setback is less than the setback required by these regulations then new construction may be permitted at the average setback of the block.

Article 5

Supplementary District Regulations

- SECTION 501 GENERAL PROVISIONS: The following supplementary regulations are applicable to all Zoning Districts within New Jasper Township unless otherwise modified by the requirements of a specific Zoning District.
- SECTION 502 PUBLIC STREET FRONTAGE REQUIRED: No new lot shall be created nor shall any building be erected upon a lot which does not possess the required minimum frontage upon a public street established for the district in which such lot is located.
- SECTION 503 PRINCIPAL BUILDINGS PER LOT: No more than one principal building or structure may be constructed upon any one lot for the purposes of this Resolution. The construction of more than one principal building or structure upon any one lot shall require the approval of a variance from the Board of Zoning Appeals.
- SECTION 504 REDUCTION OF AREA OR SPACE: No lot, yard, court, parking area, or other space shall be reduced in area or dimension, thus making said area or dimension less than the minimum required by this Resolution and, if said area or dimension is already less than the minimum required by this Resolution, it shall not be further reduced.

SECTION 505 ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS: All architectural projections shall be in accordance with the following provisions:

505.1 Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar architectural features may project into any required yard a maximum of twenty-four inches.

505.2 Unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet. Open structures such as roofed porches, canopies, balconies, decks, platforms, and carports shall be considered parts of the building to which attached and shall not project into any required yard.

505.3 No structure may project into a required side yard except in the case of a single non-conforming lot of record which is of insufficient width to meet the side yard requirements of this Resolution. The Board of Zoning Appeals may grant a minimum specified variance to permit the construction of a one-family residence in such a case.

SECTION 506 EXCEPTIONS TO HEIGHT REGULATIONS: The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 507 ACCESSORY BUILDING: All accessory buildings shall be in conformity with the following provisions:

507.1 No garage or other accessory building shall be erected within a required side yard or front yard within any Agricultural District or any Residential District.

507.2 When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, the accessory buildings may be erected not less than ten (10) feet from the side or rear lot lines nor less than ten (10) feet from the main building.

507.3 When located less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.

507.4 No detached accessory building in any Residential District shall exceed fifteen (15) feet in height.

507.5 For lake front properties at Shawnee Hills, accessory buildings may be constructed in the front yard if the accessory building meets the following conditions:

1. Maximum size of 24 x 24 feet

2. Located a maximum of 40 feet from the front of the house
3. Located at a minimum of 10 feet from side property lines including overhangs
4. Does not encroach into the required 40' front yard setback
5. Maximum height of 15 feet
6. Front façade of accessory building should match front of house in building material and color.

A lake front property is a property which has one street at its front and the shore of Shawnee Lake at its rear.

SECTION 508 CONVERSION OF DWELLINGS TO MORE UNITS: A structure may not be converted to accommodate an increased number of dwelling units unless the following requirements are met:

- 508.1 The district is properly zoned for an increase in dwelling units.
- 508.2 The yard dimensions still meet the yard dimensions required by the Resolution for new comparable structures in such district.
- 508.3 The lot area shall be adequate to accommodate the required off-street parking for the converted unit as provided within Article 6.
- 508.4 The lot area per family equals the lots area requirements for new structures in such district.
- 508.5 The floor area per dwelling unit is not reduced to less than that which is required for new construction in such district.
- 508.6 The conversion is in compliance with all other applicable Federal, State, and local codes.

SECTION 509 SETBACK REQUIREMENTS FOR CORNER LOTS OR THROUGH LOTS: On a corner lot or through lot, the principal building and all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

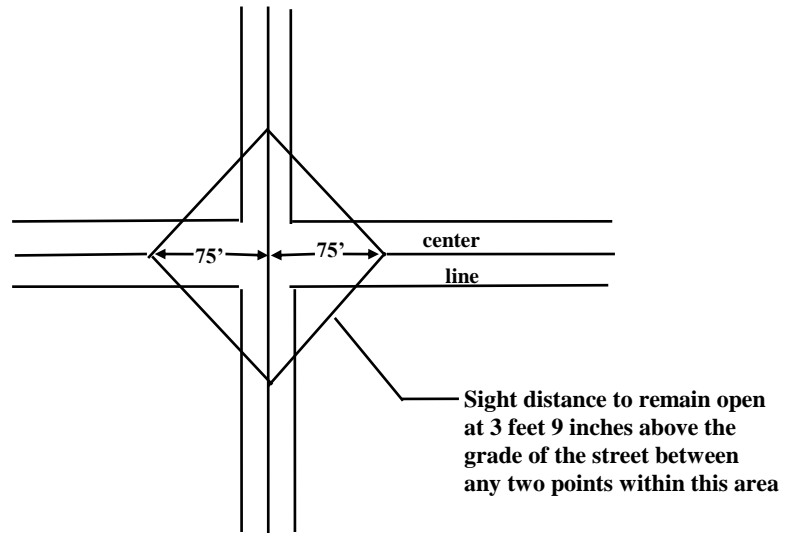
SECTION 510 FENCES, WALLS, AND VEGETATION: The location and height of all fences, walls and vegetation shall be in accordance with the following provisions:

- 510.1 Partition Fences and Livestock Fences in Agricultural Districts: Partition fences and livestock fences may be permitted within any required yard within any Agricultural District and within any required side or rear yard in any other district, provided that adequate sight distance is maintained at all intersections and driveway entrances. All

such partition fences and livestock fences shall be constructed and maintained in accordance with Chapter 971 of the Ohio Revised Code.

510.2 Fences, Walls, and Vegetation in Front Yards: No fence, wall or hedge shall be permitted within any required front yard above the height of two and one-half (2 1/2) feet.

510.3 VISIBILITY AT INTERSECTIONS: No structure, fill or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting centerlines of any two or more streets. In determining if any sight impediment exists, the zoning inspector shall measure the sight distance between the centerlines of such streets at a height of three feet, nine inches (3'9") above the actual grades of the streets. (See Illustration)



510.4 Fences, Walls, and Vegetation in Side and Rear Yards: No fence wall shall be permitted within any side or rear yard which exceeds six (6) feet in height. Dense evergreen plantings, deciduous trees, shrubs, or hedges, or other vegetation may exceed six (6) feet in height within any side or rear yard.

510.5 Screening: Fences, walls, or vegetation used for required screening as outlined in Article 5, Section 515, may exceed six (6) feet in height upon approval by the Zoning Inspector or Board of Zoning Appeals.

510.6 Security Fences: Security Fences for uses within non-residential districts may exceed six (6) feet in height.

510.7 Barbed Wire and Electric Fences: Barbed wire and electric fences shall be prohibited within any residential district; barbed wire and electrified sections of fences when used for security purposes within any non-residential district, shall be a minimum of eight (8) feet above the ground.

510.8 Fences Prohibited Within Right-of-Way: Fences and walls shall not be permitted within any right-of-way.

SECTION 511 REQUIRED TRASH AREAS: All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall have such areas enclosed on at least three sides by a solid wall or fence adequate in height to screen the containers, if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

SECTION 512 OUTDOOR STORAGE AND WASTE DISPOSAL: All outdoor storage and waste disposal shall be in accordance with the following provisions:

512.1 Highly flammable or explosive liquids, solids, or gases shall not be stored in bulk above ground except within an HI Heavy Industrial District or as otherwise approved by the appropriate fire officials. The storage areas of such materials shall be completely enclosed by a solid wall or fence adequate to ensure the safety of surrounding land uses. Fuel products stored for use on bona-fide farms are excluded from this provision.

512.2 The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency.

512.3 All outdoor storage areas shall be adequately screened from view from any residential district by an appropriate wall, fence, or vegetative planting in accordance with Section 515.

512.4 Materials or wastes which might cause fumes, dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

512.5 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or natural causes or forces.

SECTION 513

PRIVATE ACCESSORY SWIMMING POOLS: Private accessory swimming pools may be permitted in any district, provided the following provisions are met:

- 513.1 The pool is intended solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.
- 513.2 It may not be located closer than ten (10) feet to any property line and may not encroach upon any required front yard, side yard, or any required on-site wastewater leaching areas or replacement areas designated by the Greene County Health Department.
- 513.3 The swimming pool shall be walled or fenced in order to prevent uncontrolled access by children from any street or adjacent property. Any such fence shall not be less than five (5) feet in height and maintained in good condition with a gate and lock.
- 513.4 Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or any public street.

SECTION 514

PRIVATE RECREATION FACILITIES: All private recreation facilities shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals.

- 514.1 Community swimming pools may be permitted provided the following conditions are met.
 - a. The pool and accessory structures, including the areas used by the bathers and the required parking areas, shall not be located closer than fifty (50) feet to any residential district and must be screened in accordance with Section 515.
 - b. The swimming pool and all of the areas used by bathers shall be walled or fenced in order to prevent uncontrolled access by children from the streets or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
 - c. Loudspeakers, juke boxes, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance and/or disturb the peace of persons on any other properties within any district.
 - d. Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or a public street.
- 514.2 Recreational vehicle parks and campgrounds may be permitted as a conditional use within any designated district in accordance with the following minimum provisions:

- a. The minimum total area of the park or campground shall be five (5) acres. The maximum density of the park or campground shall be established by the Board of Zoning Appeals, but in no case shall the overall density exceed twelve (12) campsites per acre. In determining the overall density limit, the capability of the land to accommodate adequate campsites with a minimum of 1,500 square feet of nearly level and well drained area shall be considered.
- b. The thoroughfare upon which the park or campground is located shall be of adequate width and base to accommodate the type of traffic generated by such park or campground, as determined by the Board of Zoning Appeals. No entrance or exit from the park or campground shall require movement of traffic through a residential district.
- c. Each campsite within the park or campground shall be provided with a minimum of one adequately sized parking space for the type of vehicle intended to use the site. In order to guarantee stability, the parking pad shall be composed of concrete, gravel, or other approved material.
- d. All recreational vehicle sites, other camping sites, and all off-street parking spaces shall be located a minimum of twenty feet from any side or rear property line, and the minimum front yard setback from any public street. The minimum side or rear setbacks shall be fifty feet when adjacent to any residential district.
- e. The Board of Zoning Appeals may require fencing, walls, landscaping, earth mounds, or other suitable efforts in accordance with Section 515 where it is determined that buffering or screening is necessary to minimize land use conflicts and/ or protect the public safety.
- f. Management structures, recreational facilities, toilets, showers, dumping stations, or other similar uses shall be located within the park or campground in such a manner that they will not attract customers other than occupants of the park or campground.
- g. The park or campground shall provide water supply and wastewater disposal facilities which meet the needs of the intended clientele, either independent recreational vehicles or dependent campers and primitive campsites. At a minimum, a service building with showers and toilets shall be required where not provided separately. All water supply, wastewater disposal, and refuse disposal facilities shall be located and designed subject the approval of the Greene County Health Department.
- h. No recreational vehicle shall be used as a permanent place of residence or business within the park or campground. Continuous occupancy for longer than any ninety (90) day period within any twelve (12) month period shall be deemed permanent occupancy.
- i. All traffic into and out of the park or campground shall be through entrances and exits designed for safe and convenient movement of traffic. No entrance or exit shall require an acute angle turn for vehicles moving into or out of the park. The radii of curbs and pavements at intersections shall facilitate easy turning

movements. No material impediment to visibility shall be created or maintained which violates the requirements of Section 510.3.

- 514.3 Other private recreation facilities shall be in accordance with the following:
- a. Loudspeakers, juke boxes, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance within any district.
 - b. Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or a public street.
 - c. Firing lines used by gun clubs shall be located a minimum of five hundred (500) feet from the nearest property line. All target areas shall be protected by natural or artificial embankments approved by the Board of Zoning Appeals.
 - d. All water activities shall be adequately protected by fences, walls, or other suitable barriers in order to prevent uncontrolled access by unauthorized persons.

SECTION 515

SCREENING: No buildings or structures shall be erected, altered, or enlarged nor shall land for any non-residential use on a lot that adjoins or faces any Residential District be used, nor shall any multiple family use be established adjoining any single family development, until a plan for screening has been submitted, approved by the Zoning Inspector, or the Board of Zoning Appeals in case of Conditional Uses, except in accordance with the following provisions:

- 515.1 Screening shall be provided for one or more of the following purposes:
- a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. As an acoustic screen to aid in absorbing or deflecting noise.
 - c. For the containment of debris and litter.
- 515.2 Screening may be one of the following or a combination of two or more, as determined by the Zoning Inspector.
- a. A solid masonry wall.
 - b. A solidly constructed decorative fence.
 - c. Louvered fence.
 - d. Dense evergreen plantings.
 - e. Landscaped mounding.
- 515.3 Whenever any non-residential use abuts a residential district, a visual screening wall, fence, planting and/or a landscaped mound shall be reected or placed beside such mutual boundary lines, except where the Zoning Inspector has determined that a traffic hazard will be created.

515.4 Height of screening shall be in accordance with the following:

- a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one half (5 1/2) feet high in order to accomplish the desired screening effect, except in required front yards when maximum height shall be not greater than two and one half (2 1/2) feet. Exception to the height of screening in the front yard may be provided for by the Board of Zoning Appeals.
- b. A dense evergreen planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5 1/2) feet or greater or solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.

515.5 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings.

515.6 Whenever required screening is adjacent to parking areas or driveways such screening shall be protected by bumper blocks, post, or curbing to avoid damage by vehicles. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs.

SECTION 516

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

516.1 Photo pick-ups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of five (5) storage spaces for each such stopping point.

516.2 Commercial establishments which require a transaction time in excess of three (3) minutes such as banks, savings and loan offices, or other similar money windows shall provide no less than seven (7) storage spaces per window.

- 516.3 Self-serve automobile washing facilities shall provide no less than five (5) storage spaces per stall. All other automobile washing facilities shall provide a minimum of ten (10) storage spaces per entrance.
- 516.4 Automobile service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line, nor within fifteen (15) feet of a reserved sight distance area as required in Article 5, Section 510.

SECTION 517

PARKING AND STORAGE OF MOBILE HOMES AND VEHICLES OTHER THAN PASSENGER CARS: The parking and/or storage of mobile homes, recreational vehicles, or other vehicles other than passenger cars upon any lot shall be in accordance with the following provisions:

- 517.1 Mobile Homes: Mobile homes shall not be stored or parked outside of any mobile home park unless the storage of mobile homes is a permitted or a conditional use within such a district. No living quarters shall be maintained or any business conducted within any mobile home located outside of any Mobile Home Park District.
- 517.2 Recreational Vehicles: The outdoor storage or parking of any recreational vehicle shall not be permitted within any front yard within any district in which residential dwellings are permitted. No dwelling unit shall be maintained and no business shall be conducted within any recreational vehicle while such vehicle is parked outside of any approved camping area. The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall any recreational vehicle be permanently attached to the ground.
- 517.3 Construction Equipment Within Residential Districts: Outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the site, shall not be permitted within any residential district.
- 517.4 Construction Equipment Within Agriculture Districts: The outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment may be permitted as a conditional use within any Agricultural District. In considering such requests, the Board of Zoning Appeals shall consider the size of the lot, location, topography, screening, road condition, and surrounding land uses, and may limit the number of equipment pieces and where they are stored.
- 517.5 Other Vehicles: The storage or parking of any vehicle having a gross vehicle weight rating greater than 10,000 pounds or an overall vehicle

length greater than 21 feet shall not be permitted within any Residential District, excluding vehicles making temporary service or delivery calls.

SECTION 518

COMMUNITY BASED RESIDENTIAL SOCIAL SERVICE FACILITIES:

Residential facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment shall be permitted only in accordance with the following provisions:

- 518.1 Foster Homes may be permitted within any district in which residential dwellings are permitted, provided such homes possess a valid, appropriate license.
- 518.2 Family Care Homes may be permitted within an adequately sized unattached residential dwelling, provided that:
 - a. The home shall possess a valid license from the appropriate state agency.
 - b. The home shall be required to meet the district regulations applicable to single family residences within the district in which such home is located.
 - c. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
 - d. The Zoning permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.
- 518.3 Group Care Homes may be permitted within an adequately sized unattached residential dwelling within designated residential districts subject to the Board of Zoning Appeals. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions which it feels may be necessary to insure compatibility with the neighborhood, using the following criteria as a minimum:
 - a. No group care home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all licensing requirements of the state of Ohio.
 - b. The home shall not be located closer than 20,000 feet to another Family Care Home, Group Care Home, Home for Adjustment or Institution. Variances of more than ten percent (10%) of this requirement may not be considered.
 - c. The home shall be reasonably accessible, by reasons of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
 - d. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant.
 - e. The operator or agency applying for a conditional use permit to operate such a facility shall provide the Board of Zoning Appeals with a plan which documents the need for the home in relation to

the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio, and the sponsoring agency for the operation of the desired facility.

- f. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
- g. The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- h. The conditional use permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.4 Homes for Adjustment may be conditionally permitted within an adequately sized unattached residential structure subject to the approval of the Board of Zoning Appeals. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions which it feels may be necessary to insure compatibility with the neighborhood, using the following criteria as a minimum:

- a. No Home for Adjustment may be permitted unless the court or agency supervising such a facility satisfies the Board of Appeals that the home complies with all licensing requirements of the State of Ohio.
- b. The home shall not be located closer than 20,000 feet to another Family Care Home, Group Care Home, Home for Adjustment, or Institution. Variances of more than ten percent (10%) of this requirement may not be considered.
- c. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
- d. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant.
- e. The operator or agency applying for a conditional use permit to operate such a facility shall provide the Board of Zoning Appeals with a plan which documents the need for the home in relation to the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community-based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio and the desired facility.
- f. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.

- g. The proposed use of the site as a home for adjustment shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- h. The conditional use permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.5 Institutions may be conditionally permitted in an unattached structure within any designated district, subject to approval by the Board of Zoning Appeals.

SECTION 519

AGRIBUSINESS OPERATIONS: No conditional use permit shall be issued for any agribusiness operation unless the following conditions have been satisfied:

- 519.1 The agribusiness establishment shall be incidental and necessary to the conduct of agriculture within the agricultural district and shall not be a business which is not dependent upon the surrounding agricultural community.
- 519.2 The minimum distance permitted between the agribusiness establishment and any existing dwelling unit or existing residential district shall be established by the Board of Zoning Appeals based upon the character of the agribusiness.
- 519.3 The agribusiness establishment shall have approval from the Ohio Environmental Protection Agency for any on-site water supply and/or wastewater disposal system.
- 519.4 The agribusiness shall not emit noise, odor, dust, or chemical residues which result in the creation of a nuisance or trespass to surrounding properties.
- 519.5 The agribusiness shall be located upon a thoroughfare which the Board of Zoning Appeals determines is adequate to accommodate any traffic which is generated by the agribusiness establishment.

SECTION 520

HORSE CARE AND RIDING OPERATIONS: Private or commercial horse care and riding operations may be permitted as a conditional use within any designated district subject to the following conditions, at a minimum:

- 520.1 The Board of Zoning Appeals may place a limit on the number of stock after consultation with the Greene County Extension Agent and the Greene County Health Department. The limit shall be based upon the ratio of total acreage to the grazing requirements of horses, the method of feeding, and upon the method and frequency of waste disposal. The location of all structures shall be subject to approval by the Board of Zoning Appeals.

- 520.2 The owner or operator shall construct and maintain adequate fencing to contain the stock within the premises.
- 520.3 The owner or operator shall utilize every reasonable means to minimize the number of insects, rodents or other vermin which may naturally be propagated as a result of operating the facility.
- 520.4 Animal wastes shall be handled in such a manner as to eliminate or minimize the detection of offensive odors by surrounding property owners.
- 520.5 The areas around buildings and in horse grooming and exercise areas shall be graded so that water does not stand in pools. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
- 520.6 In order to avoid unreasonable disturbance of the neighborhood, all shows, exhibitions, or other similar special events shall be required to obtain advanced approval from the Zoning Inspector. The owner shall furnish the Zoning Inspector with information on hours of operation, traffic control, off-street parking, hygiene, noise control, and other similar characteristics of the event before any Temporary Zoning Permit is used.

SECTION 521 JUNK: The accumulation of trash, junk vehicles, vehicle parts, rags, or any other debris in any district shall be a nuisance per se and shall be prohibited outside of an approved junk yard. The purpose of this section is to promote the health, safety and welfare of New Jasper Township by eliminating environments for breeding of vermin, rodents, insects, and infestations.

SECTION 522 JUNK YARDS: Junk yards may be permitted as a Conditional Use within specified districts upon the submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. No junk yard shall be located, operated, or maintained within New Jasper Township unless it is located within the proper district and the following conditions have been guaranteed by the applicant:

- 522.1 The operator of the junk yard shall possess a license from the Greene County Auditor.
- 522.2 The junk yard operation shall possess a plan for the control of insects, rodents, and other disease vectors.
- 522.3 The area of the site used for the storage of junk shall be completely enclosed by a fence or other suitable means to prevent any uncontrolled access by unauthorized persons.

- 522.4 The site shall contain mounding, screening, or natural vegetation adequate to obscure the view of junk from any public street or surrounding property as determined by the Board of Zoning Appeals.
- 522.5 Any fence required for screening purposes shall be in accordance with the following requirements:
- a. It shall be neatly constructed of opaque material.
 - b. It shall not be less than six (6) feet in height.
 - c. It shall be maintained in a condition so as to insure its opaqueness.
 - d. It shall contain no advertising.
- 522.6 All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed, and so that they will not constitute a place or places in which mice or other vermin may be harbored, reared, or propagated.
- 522.7 Because of the tendency for junk yards to promote the breeding of mosquitoes and vermin and the potential volatile nature of certain materials, no operation shall be permitted closer than five hundred (500) feet from any established residential or rural center district.

SECTION 523

SANITARY LANDFILLS: Sanitary landfills may be permitted as a Conditional Use within specified districts upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. The following conditions shall be guaranteed by the applicant:

- 523.1 All zoning permit applications for sanitary landfills within New Jasper Township shall be accompanied by the following information, at a minimum:
- a. Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and Perspectives: A Future Land Use Plan for Greene County, Ohio;
 - b. Topographic maps, drawn at a scale no greater than one (1) inch equal to two hundred (200) feet with five (5) foot contour intervals, showing the existing and the proposed final physiographic layout of the site;
 - c. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thicknesses, and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply;

- d. A transportation plan for the site illustrating any proposed external routes or access to the landfill site and any proposed internal circulation routes within the landfill site;
- e. Proposed methods of control for insects, rodents and other disease vectors;
- f. Proposed methods of controlling odor, dust, and/or blowing debris such as paper;
- g. Proposed methods for screening;
- h. Proposed hours of operation;
- i. The location and size of proposed shelters for landfill personnel and equipment; and
- j. A proposed plan for future use of the site.

523.2 All proposed sanitary landfill operations shall be required to secure a "Permit to Install" from the Ohio Environmental Protection Agency prior to the issuance of a Conditional Use Permit.

523.3 The site shall contain mounding or screening adequate to obscure the view of the land filling operation from any public street, existing dwelling unit, or any residentially zoned property.

523.4 The site shall be limited to areas where surface or underground water pollution will not occur.

523.5 The site shall not be accessible from any established residential area.

523.6 The site shall be so located as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

523.7 An attendant shall be on duty during the time the sanitary landfill site is open to supervise the unloading of refuse.

523.8 Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed regularly.

523.9 There shall be no open storage or burning of refuse or garbage.

523.10 Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine landfill operations promptly in a systematic manner.

523.11 Domestic animals shall be excluded from the site.

523.12 A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

523.13 The landfill operator(s) and owner(s) of the property on which the proposed landfill is to be located shall assume joint and several liability for all damages to adjoining and neighboring properties and shall post bond sufficient to repair such damage including

contamination of groundwater. Test wells shall be drilled at strategic locations, as determined by the appropriate Environmental Protection Agency or Agencies, around the proposed landfill site prior to opening the landfill and water shall be extracted from these wells and tested to determine its condition and record any contaminants present prior to commencement of operations. Water shall be extracted from these wells and tested at least monthly thereafter. Should any contaminants be found in the groundwater other than or in excess of those contaminants found prior to commencement of landfill operations, the landfill operator(s) and property owner(s) shall commence groundwater cleanup within thirty (30) days after discovery of the contaminants or cease landfill operations immediately and forfeit bond. Forfeiture of bond shall not serve to release landfill operator(s) and/or property owner(s) of their liability for cleanup of groundwater. The amount of the bond shall be determined by the zoning board of appeals, based on cleanup costs of similar sites, before Conditional Use Permit is approved.

- 523.14 Other conditions which the Board of Zoning Appeals deems necessary to insure that the sanitary landfill operation will not be detrimental to surrounding properties or to the environment.

MINERAL EXTRACTION OPERATIONS: The purpose of this Section is to insure that the mineral resources of New Jasper Township are properly managed, and that all land used for mineral extraction be properly located, screened, and reclaimed so as not to create a hazard or nuisance which may adversely affect the health, safety, or general welfare of the community, either immediately or in the future. Quarries, sand and gravel operations, or other mineral extraction operations may be permitted as a Conditional Use within specified districts upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. The following conditions shall be guaranteed by the applicant:

- 524.1 All conditional use applications for mineral extraction operations within New Jasper Township shall be accompanied by the following information, at a minimum:
- a. Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and Perspectives: A Future Land Use Plan For Greene County, Ohio;
 - b. A map at a scale or at least one (1) inch equals one hundred (100) feet showing existing contours at intervals of five (5) feet or less, any existing building structures, and any public utilities or easements on the property;
 - c. Name and address of the applicant, including all partners and officers of the corporation;
 - d. Name and address of the owner of the surface rights of the property;
 - e. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavating;
 - f. A list of the types of resources or minerals to be extracted;
 - g. The proposed method of removal of such resources and whether or not blasting or other use of explosives will be required;
 - h. A study of the anticipated depth of excavations and the probable effect to the existing water table conducted by a qualified professional engineer registered in the State of Ohio. If the water table is to be affected, the operator shall provide proof, before permission for excavation is given, that the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply;
 - i. The location of any processing plant to be used, and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation;
 - j. A general description of the equipment to be used for excavating, processing, and/or transporting excavated mineral resources;

- k. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site;
 - l. A plan for the rehabilitation and reclamation of the excavated area as specified in this Section; and
 - m. Any other information the Board of Zoning Appeals may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.
- 524.2 All proposed mineral extraction operations shall be required to secure a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources prior to the issuance of a Conditional Use Permit.
- 524.3 Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.
- 524.4 The location of any storage or processing activities upon the site shall be subject to approval by the Board of Zoning Appeals because of possible detrimental external effects such as air or water contamination. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially zoned property.
- 524.5 Mineral extraction to a depth not exceeding six (6) feet may be conducted up to one-hundred (100) feet of any residential district, provided the operation is conducted over a temporary period not to exceed twelve (12) months and the operation of equipment is limited to the extraction process. All other mineral operations shall not be conducted closer than five hundred (500) feet from an existing residential district.
- 524.6 Temporary operational roads shall not be located closer than two hundred (200) feet from any Residential District or any existing dwelling.
- 524.7 Buildings and structures designed and constructed exclusively for mineral extraction, storage, or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at expiration of the Conditional Use Permit.
- 524.8 The operator shall maintain complete records on a daily basis of all blasting operations including records of the time, the date, the location, and complete description of weather conditions relating to each such blast. Such records shall be available to the Zoning Inspector upon request. At the request of the Board of Zoning

Appeals, the operator shall fully cooperate in any investigation by the Board of Zoning Appeals of the conditions of the operation. In the event that it is established as a matter of fact that there has been a failure to adequately comply with the provisions of this Section, said operator shall take immediate steps to provide full compliance herewith.

- 524.9 In order to insure adequate lateral support for public roads in the vicinity of mineral extraction operations:
- a. All sand and gravel excavations shall be located at least 100 feet and backfilled to at least 150 feet from a street right-of-way line.
 - b. All quarrying or blasting shall be located at least 100 feet from the right-of-way line of any existing or platted street, road, highway or railway.
 - c. Such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway where officially approved by the authority charged with maintenance of such platted street, road, or highway.
- 524.10 All excavations of gravel or sand shall either be (1) made to a depth not less than five (5) feet below a water-producing level, or (2) graded and/or backfilled with non-noxious and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or backfilled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.
- 524.11 The underwater banks of all excavations which are not backfilled shall be sloped at a grade of not less than 3 feet horizontal to 1 foot vertical a minimum of six (6) feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible.
- 524.12 Whenever the floor of a quarry is greater than (5) feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to prevent persons from trespassing upon the property and shall be subject to approval by the Board of Zoning Appeals. Such mound shall be located not less than twenty-five (25) feet from any street right-of-way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.
- 524.13 When any quarrying has been completed, such excavated area shall either be left as a permanent spring-fed lake, or the bottom floor

thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion. Said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover.

524.14 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the Board of Zoning Appeals to conduct a mineral extraction operation as herein provided shall furnish a reclamation plan and a performance bond running to the Clerk of New Jasper Township, Greene County, Ohio. The amount of the performance bond shall be based upon an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by Resolution of the Township Trustees, depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant, in restoring, reclaiming and rehabilitation such land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals meet the requirements of this section.

524.15 The reclamation plan for the extracted area shall contain, at a minimum, the following information:

- a. A map at a scale of one (1) inch equals one hundred (100) feet showing the existing contours at intervals of five (5) feet or less, any existing buildings or structures, and any public utilities or easements on the property.
- b. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations, but which in no event need be more than 18 inches.
- c. The angle of slope of all earthen banks, which shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation,
- d. The angle of slope of all banks consisting of rock and the required cover.
- e. The location of fences or effective plantings in those locations where the Board of Zoning Appeals determines that such angles of slope are not physically or economically feasible to reduce.
- f. The number of trees and shrubs, and the type ground cover to be provided. The type and number per acre of trees, shrubs ground cover, or legume to plant shall be determined in consultation with the Greene County Agricultural Extension Agent.
- g. The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities and other improvements as determined in consultation with the

Regional Planning and Coordinating Commission, the County Engineer, the Sanitary Engineer, and the Zoning Commission.

- h. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.
- i. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater interval than five (5) feet.

SECTION 525

TEMPORARY USES: The following regulations are necessary to govern the operation of certain uses which are non-permanent in nature. Application for a Temporary Zoning Permit shall be made to the Zoning Inspector, containing a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

- 525.1 Carnivals, Circuses, Tent Meetings, Bazaars, Festivals, Art Shows, or Other Similar Public Events may be permitted within any non-residential district and upon church, school or other similar sites within any residential district. No permit shall be issued unless the written consent of fifty-one percent (5 %) of the owners of all residentially used property within four-hundred (400) feet of the temporary use site is first filed with the Zoning Inspector at least forty-eight (48) hours prior to commencement of the event. Such uses shall only be permitted on lots where adequate off-street parking can be provided and shall not be permitted for a period longer than fifteen (15) days.
- 525.2 Christmas Tree Sales may be permitted within any non-residential district for a period not exceeding thirty-five (35) days.
- 525.3 Real Estate Sales Offices may be permitted within any district for any new subdivision which has been approved by the Regional Planning and Coordinating Commission under the Subdivision Regulations for Greene County. Such office shall contain no living accommodations. The permit shall be valid for one (1) year, but may be granted two (2) six-month extensions if conditions warrant such renewal. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Zoning Permit, whichever occurs sooner.
- 525.4 Temporary offices for contractors and equipment sheds incidental to a construction project may be permitted within any district. The permit shall not be valid for more than one (1) year but may be renewed for six-month extensions if construction is substantially underway. Such

uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Permit whichever occurs sooner.

- 525.5 The seasonal sale of agricultural produce grown on the premises may be permitted within any district upon the issuance of a Temporary Zoning Permit. Structures utilized for such sales shall be removed upon expiration of the permit, which shall be issued for a five month period. All structures must be set back from the roadway pavement a minimum of thirty-five (35) feet and the site shall contain adequate off-street parking area so as not to create a traffic hazard.
- 525.6 Garage sales may be permitted within any district in which dwellings are permitted. A Temporary Zoning Permit for such activities shall only be issued three times for any particular lot within any twelve (12) month period and shall not exceed a period of seven (7) consecutive days. Accessory parking shall be provided upon the lot in such a manner as to not create a traffic hazard.
- 525.7 The temporary placement of a mobile home upon a lot which already contains a residential structure may be permitted where the Board of Zoning Appeals finds that special circumstances or conditions such as fires, windstorms, or other similar events which are fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Zoning Permit under 525.7 must produce a written statement for the Greene County Health Department approving the water supply and wastewater disposal system of the temporary mobile home location. Such permit may be initially issued for nine (9) months, renewable for up to three (3) months time for all permits, not exceeding a total of twelve (12) months.

- 525.8 Temporary sales may be permitted within parking lots within any business district. A temporary Zoning Permit for such sales shall only be issued once within any four (4) month period and shall not exceed a period of seven (7) consecutive days unless otherwise approved by the Board of Zoning Appeals. A temporary use permit shall not be issued if it is determined by the Zoning Inspector that encroachment of more than twenty-five percent (25%) of the required storage or parking areas will take place.

SECTION 526

CEMETERIES: The following standards shall apply to the development and construction of cemeteries within New Jasper Township.

- 526.1 The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the

vicinity of such site. In addition, such site shall have direct access to a thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of facility proposed.

526.2 Any new cemetery shall be located on a site containing not less than twenty (20) acres.

526.3 All buildings, including but not limited to mausoleums and maintenance buildings, shall respect the required yards setback of the district in which it is located.

526.4 All graves or burial lots shall be set back not less than twenty-five (25) feet from any street right-of-way line.

526.5 All required yards shall be landscaped and maintained in good order in accordance with state and local regulations. A plan for perpetual care of the grounds shall be required.

SECTION 527

EXISTING FARM DWELLINGS ON NON-CONFORMING LOTS: In order to permit the transfer of existing dwellings which are no longer useful to a farming operation and to conserve prime farm soils for their best use, lots which do not conform to the minimum lot area and frontage requirements of the A-2 Agricultural District may be permitted within such district provided the following conditions are met:

527.1 The lot is being created for the transfer of a farm dwelling which was issued a building permit and/or constructed prior to the effective date of this amendment.

527.2 The lot size and configuration has been approved by the Greene County Health Department for the location of on-site water supply and wastewater disposal systems.

527.3 The minimum lot area and lot width shall conform to the requirements for the E-1 Residential Estate District.

SECTION 528

TENANT FARM DWELLING: A Conditional Use Permit may be issued for the erection of one (1) tenant farm dwelling upon any lot which already contains a principal farm dwelling and meets the acreage and width requirements of the A-2 Agricultural District. The granting of such Conditional Use Permit shall be for the purpose of providing housing for a tenant farmer and his family who are engaged in assisting the owner in the practice of agriculture. Such conditional use shall not be granted unless the following conditions have been satisfied:

528.1 The lot meets the minimum acreage and width requirements of the A-2 Agricultural District.

528.2 A principal farm dwelling already occupies the lot under consideration.

- 528.3 The occupant of the proposed tenant farm dwelling is a bona-fide tenant farmer of family member who assists the owner in the practice of agriculture and the maintenance of the farm.
- 528.4 The proposed tenant farm dwelling site has been approved by the Greene County Health Department for on-site water supply and wastewater disposal and will not encroach upon any such approved areas for the principal farm dwelling.
- 528.5 The proposed tenant farm dwelling shall be so located upon the lot as to meet the minimum lot area, frontage, and setback requirements for the A-2 Agricultural District in the event that the house is transferred at a later date. If the proposed tenant farm dwelling is to be located on a lot which cannot meet such requirements for two dwellings, then further division of the lot shall be prohibited until the lot is placed within a residential district.
- 528.6 The proposed tenant farm dwelling and the principal farm dwelling shall be located on the lot in such a manner that one dwelling shall not obscure the front facade of the other dwelling when viewed at a perpendicular angle to the centerline of the road.

SECTION 529 HOME OCCUPATIONS: All home occupations shall be in accordance with the following provisions:

- 529.1 No person or persons shall operate a home occupation or be employed thereunder other than a resident of the premises;
- 529.2 All home occupations shall be conducted entirely within the dwellings unit, and the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- 529.3 Not more than twenty-five percent (25%) of the gross floor area of any dwelling unit shall be used for a home occupation;
- 529.4 Home occupations shall not be permitted in any accessory building within any district except the A-2 Agricultural District. Where permitted within the A-2 Agricultural District, the home occupation shall not be located within an accessory building exceeding 600 square feet in floor area;
- 529.5 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the building in which the home occupation is located;
- 529.6 There shall be no sale on the premises of commodities not produced as the result of the home occupation;

529.7 No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; and

Equipment or processes shall not be used in such home occupation which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in voltage off the premises.

SECTION 530

MINIMUM FLOOR AREA PER DWELLING UNIT: The minimum residential floor area per dwelling unit within New Jasper Township shall be in accordance with the following table. These requirements shall be applicable to all districts.

	Single-Family and Two-Family Dwellings	Multiple Family Dwellings
0 Bedroom	1,000 sq. ft.	600 sq. ft.
1 Bedroom	1,000 sq. ft.	750 sq. ft.
2 Bedroom	1,100 sq. ft.	900 sq. ft.
3 Bedroom	1,250 sq. ft.	1,050 sq. ft.
4 Bedroom	1,400 sq. ft.	1,200 sq. ft.
5 Bedroom	1,550 sq. ft.	1,350 sq. ft. plus 150 sq. ft. for each additional bedroom over 5
6+ Bedrooms	1,700 sq. ft. plus 150 sq. ft. for each additional bedroom over 6	

SECTION 531

CHURCHES WITHIN RESIDENTIAL DISTRICTS: Churches and their accessory uses shall be permitted within residential districts only under the following requirements;

- 531.1 The minimum lot area shall be two (2) acres and the minimum lot width shall be two hundred (200) feet. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
- 531.2 The church building shall be set back from any adjacent residential property line a distance equal to or greater than the height of the structure exclusive of the steeple or spire.
- 531.3 The church lot shall be accessible to a major thoroughfare in a manner that does not require the passage of traffic through local residential streets.
- 531.4 Accessory living quarters may be provided on the church lot as a Conditional Use. The location, density, and the additional lot area required for such uses shall be subject to approval by Board of Zoning Appeals.

531.5 Adequate screening shall be provided along all property lines bordering residential lots. Such screening shall be subject to approval by the Board of Zoning Appeals,

SECTION 532

AIRPORTS AND LANDING STRIPS: All airports and landing strips shall be in accordance with the following requirements:

532.1 In order to maintain the safety of the occupants of surrounding properties, all private helicopter landing areas shall be located a minimum of five hundred (500) feet from any adjacent property or shall be screened by a wall, solid fence, mound, or evergreen planting a minimum of six (6) feet in height. In order to maintain the safety of the occupants of surrounding properties. All such sites shall be approved by the Ohio Department of Transportation, Division of Aviation.

532.2 All private landing strips shall be approved by the Ohio Department of Transportation, Division of Aviation and shall be situated so as to not create a nuisance or hazard to residential dwellings or other structures within the vicinity.

532.3 Commercial airports may be permitted as Conditional Uses within specified districts subject to the following conditions:

- a. The applicant shall present sufficient evidence to the Board of Zoning Appeals that the design and location of the airport satisfies all of the applicable requirements of the Federal Aviation Administration and the Ohio Department of Transportation, Division of Aviation.
- b. The applicant shall provide proof to the Board of Zoning Appeals that all appropriate air rights and/or easements have been secured from surrounding property owners.
- c. The location of buildings, hangars, or other structures shall meet or exceed the minimum setback requirements of the district in which the airport is located.
- d. The location and capacity of all off-street parking and loading areas and the location of vehicular access to public streets shall be subject to approval by the Board of Zoning Appeals.
- e. All airports shall have water supply and wastewater disposal facilities approved by the Ohio EPA.
- f. Appropriate visual and noise screening of the hanger and terminal areas from existing surrounding development shall be provided. Such screening shall be subject to approval by the Board of Zoning Appeals.

SECTION 533 ADULT ENTERTAINMENT FACILITIES

An adult entertainment facility is a conditional use within the LI Light Industrial District. A conditional use permit shall not be authorized unless the following conditions and the provisions of Section 1002, at a minimum, shall be complied with:

- 533.1 Minimum Setback from Residential District: No adult entertainment facility shall be established within two thousand (2,000) feet of any private residence (residential district.)
- 533.2 Minimum Setback from Library and Schools: No adult entertainment facility shall be established within a radius of two thousand (2,000) feet from any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library or teaching facility is attended by persons under eighteen (18) years of age.
- 533.3 Minimum Setback from Park or Recreation Facility: No adult entertainment facility shall be established within a radius of two thousand (2,000) feet from any park or recreational facility attended by persons under eighteen (18) years of age.
- 533.4 Minimum Setback from Churches: No adult entertainment facility shall be established within a radius of two thousand (2,000) feet from any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
- 533.5 Minimum Setback from Other Adult Entertainment Facilities: No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
- 533.6 Prohibited Public Display: No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, or public thoroughfare.
- 533.7 Public View to be Prevented: All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- 533.8 External Audio and Visual Impact: No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

ARTICLE 534 WIRELESS TELECOMMUNICATIONS FACILITIES

534.01 PURPOSE AND INTENT OF WIRELESS TELECOMMUNICATION REGULATIONS

The purpose of this Article is to regulate the placement, construction, and modification of wireless telecommunication facilities and their support structures in order to protect the public health, safety and morals, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications industry in the Miami Valley Region. Specifically, the purposes of this Article are:

1. To direct the location of various types wireless telecommunication facilities into appropriate areas of New Jasper Township;
2. Protect residential areas and land uses from potential adverse impacts of wireless telecommunication facilities;
3. Minimize adverse visual impacts of wireless telecommunication facilities through careful design, siting, landscaping and innovative camouflaging techniques;
4. Promote and encourage shared use/co-location wireless telecommunication antenna(s)/platform(s) as a primary option rather than construction of additional single-use wireless telecommunication towers;
5. Avoid potential damage to adjacent properties caused by wireless telecommunication facilities by ensuring such structures are soundly designed, constructed, modified, are appropriately maintained, and are fully removed when the use ceases;
6. To the greatest extent feasible, ensure that wireless telecommunication facilities are compatible with surrounding land uses; and
7. To the greatest extent feasible, ensure that wireless telecommunication facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

534.01.1 This Article shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon as specified in this Resolution, after the request has been duly filed with the New Jasper Township Zoning Inspector. Any decision to deny a request to place, construct, or modify wireless telecommunication facilities shall be in writing and supported by substantial evidence contained in a written record. This Article shall not regulate the placement, construction,

and modification of wireless telecommunication facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

534.02 DEFINITIONS

For the purposes of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their customary meaning as defined in Webster's New World Dictionary.

Applicant Any person that applies for a permit pursuant to this Article.

Application The process by which an applicant submits a request and indicates a desire to be granted a zoning certificate under the provisions of this Article. An application includes all written and graphic documentation, verbal statements and representations, in whatever form or forum, made by an applicant to New Jasper Township concerning such a request.

Co-location The use of a wireless telecommunication tower by more than one wireless telecommunications provider.

Engineer Any engineer licensed by the State of Ohio.

FAA The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.

FCC The Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Personal Wireless Services (PWS) Including cellular telephone, personal communication services (PCS) other mobile radio services, and any other FCC - licensed wireless common carriers.

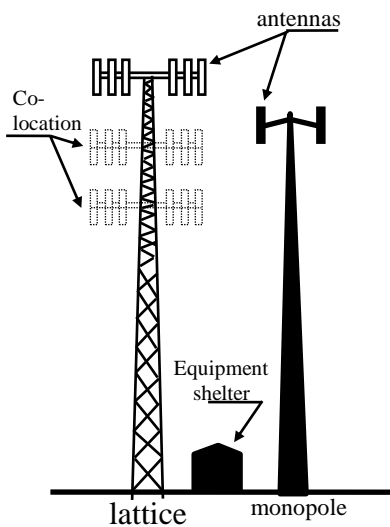
Township The township of New Jasper.

Wireless Telecommunication Antenna Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets/platforms.

Wireless Telecommunication Equipment Shelter The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunication Facility A facility consisting of the equipment, tower, antenna, and structure involved in receiving wireless telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines. However, the term wireless telecommunication facilities shall not include:

- A. Any satellite earth station antenna two (2) meters in diameter or less and personal television antennas.
- B. Antennas used by amateur radio operators.



Wireless Telecommunication Tower Including but not limited to self-supporting lattice, guyed, or monopole which elevate the wireless telecommunication antenna and may include accessory transmission and receiving equipment. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

Lattice Tower framework or structure of crossed metal strips typically resting on three or more members constructed vertically to which antennas are affixed.

Monopole A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

534.03

LOCATION OF WIRELESS TELECOMMUNICATION FACILITIES

534.03.1 PROHIBITED

Subject to Article 534.06, wireless telecommunication facilities in locations not specifically listed in this Article shall not be permitted, nor shall any zoning certificate be issued therefore.

534.03.2 PERMITTED USES IN DISTRICTS ZONED FOR RESIDENTIAL USE, E-1, RS-2, RT-3, RM-8, RMH, A-2

The erection, construction or replacement of a wireless telecommunication antenna(s) on a lawfully existing wireless telecommunication tower and with the necessary wireless telecommunication equipment shelter may be a permitted use as a co-location only on an existing wireless telecommunication tower.

534.03.3 ACCESSORY USES, E-1, RS-2, RT-3, RM-8, RMH, A-2

1. An antenna for a wireless telecommunication facility may be attached to an existing residential building four (4) or more stories in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:
 - A. Maximum Height. The antenna shall not extend more than ten (10) feet above the roof of the existing building or top of the existing structure, subject to Article 534.03.4C.
 - B. Separate Wireless Telecommunication Equipment Shelter. If the applicant proposes to locate the wireless telecommunications equipment in a separate wireless telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and shall be located below existing grade.
 - C. Vehicular Access. Vehicular access to the equipment shelter shall be via the existing circulation system and subject to Article 534.04.16.
2. Failure to meet the above conditions the applicant can apply for a conditional use.

534.03.4 CONDITIONAL USES, E-1, RS-2, RT-3, RM-8, RMH, A-2

A wireless telecommunication facility is permitted as a conditional use upon a parcel in districts zoned for residential uses, subject to the following conditions.

- A. The minimum parcel size shall comply with the parcel requirements of the district.
- B. The minimum setback from the nearest lot line to the base of the wireless telecommunication tower shall be a 1:1 ratio in height from the nearest lot line and any structure. The equipment shelter shall comply with minimum setback requirements for the established Zoning District.

- C. The maximum height shall be less than two hundred (200) feet from the existing grade to the highest point of the wireless telecommunication facility.
- D. There is no feasible co-locatable tower site available for the applicants antenna(s) and related facilities within the geographic area to be served as provided by a radio frequency (R.F.) Engineer and subject to Article 534.04.8.
- E. As a condition of issuing a conditional zoning certificate to construct and operate a wireless telecommunication facility in the Township, the owner/operator is required to allow and agree to such co-location until said tower has reached full antenna capacity. In no event shall fewer than two (2) additional antenna platforms of equal loading capacity to the owner's/operator's antenna platform be provided for two (2) additional wireless telecommunication providers. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of Article 534.03.E. for co-location as well as all other applicable requirements, regulations and standards set forth in Article 534 and the parcel owner understands the taxing implications that the wireless telecommunication facility may have on the parcel.
- F. The New Jasper Township Board of Zoning Appeals may require a bond for tower removal and site restoration.

534.04 GENERAL REGULATIONS

The regulations and conditions set forth in this Article shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication facility and all appurtenances thereto. Except as otherwise provided in this Article, all wireless telecommunication facilities shall comply with the following standards:

1. All towers shall be of a monopole design, as opposed to a lattice design. Lattice towers existing on the effective date of this provision, however, may be rebuilt as lattice towers of the same height and volume for the purpose of increasing the structural loading capacity of the tower in order to provide for co-location of additional antennas.
2. Only one (1) wireless telecommunication tower shall be located on a parcel, unless otherwise approved by the New Jasper Township Board of Zoning Appeals.

3. No telecommunication facility shall be located within a designated one hundred (100) year flood plain as depicted on the maps published by the Federal Emergency Management Agency.
4. No telecommunication facility shall be located within a “wetland” as defined by federal law.
5. A telecommunication facility shall not be mounted on a building or structure listed on a federal, state, or local historic register.
6. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include:
 - A. detailed site plan showing size of parcel and distance of proposed wireless telecommunication facility from lot lines and other structures;
 - B. detailed description and construction plans of the wireless telecommunication tower, antenna(s), equipment building, and appurtenances;
 - C. the tower's structural loading capacity to support at least three (3) antenna platforms of equal loading capacity;
 - D. shall verify that radio frequency (electromagnetic) emissions are in compliance with the regulations established by the Federal Communications Commission (FCC); and
 - E. a photograph of the proposed site prior to construction.
7. For applications for wireless telecommunication towers and related facilities, as opposed to applications for co-location of antennas and related equipment building(s), the applicant shall demonstrate that the proposed site is the most appropriate location for a telecommunication tower, equipment building, and appurtenances. The applicant shall submit a study by a qualified and R.F. engineer comparing all potential host sites for the proposed facility to the subject site. The study shall include a description of such sites and a discussion of the ability or inability of the alternative sites to host a wireless telecommunication facility. Reasons for excluding an alternative site from consideration may include, but are not limited to, the following:
 - A. Written documentation of the property owner's refusal to locate a telecommunication facility on the site;
 - B. Topographic limitations on the site;
 - C. Adjacent impediments that would obstruct transmission;

- D. The physical constraints on the site that would preclude construction; and
 - E. Other technical limitations including a violation of federal, state, or county regulations.
8. The shared use (i.e. co-location) of pre-existing wireless telecommunication towers is preferred to the construction of new towers. For applications for wireless telecommunication towers and related facilities, as opposed to applications for co-location of antennas and related equipment building(s). The applicant shall submit a report by a qualified R.F. engineer inventorying existing wireless telecommunication facility sites within a two (2)-mile radius of the proposed site outlining the reasons each existing site may or may not be used as an alternative for co-location. The applicant shall demonstrate that co-location is not feasible for the following reasons:
- A. Written documentation of the owner's refusal to allow co-location on the existing tower;
 - B. The proposed antenna/platform would exceed the structural capacity of existing towers, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna/platform at a reasonable cost;
 - C. The proposed antenna/platform would cause interference impacting the usability of other existing equipment at the tower or building as documented by a qualified R.F. engineer and the interference cannot be prevented at reasonable cost;
 - D. Existing or approved towers and buildings cannot accommodate the planned antenna/platform at a height necessary to function reasonably as documented by a qualified R.F. engineer;
 - E. The applicant shall demonstrate that to facilitate co-location on an identified potential wireless telecommunication tower site that they have offered to allow the owner/operator of the other wireless telecommunication tower to co-locate antenna(s) on another wireless telecommunication tower owned by the applicant within the area, if such a wireless telecommunication tower exists and that space is unavailable on the wireless telecommunication tower for co-location on reasonably reciprocal terms and the offer was not accepted.
 - F. Co-location would violate federal, state, or county regulations.

9. The applicant shall submit a plan documenting how the telecommunication facility will be maintained on the site in an ongoing manner and this document shall be a condition of approval.
10. An antenna or the tower top shall be illuminated with a red light unless other requirements are mandated by the Federal Aviation Administration (FAA).
11. A fence approved in design by the New Jasper Township Board of Zoning Appeals and not less than six (6) feet in height shall fully enclose the base of the wireless telecommunication facility including anchors for guy wires. Gates shall be locked at all times when the facility is unattended by an agent of the wireless telecommunication provider.
12. A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the wireless telecommunication facilities and the public rights-of-way and any adjacent properties with a direct view of the facilities, other than the tower itself. The fifteen (15)-foot landscaped buffer shall be of hardy evergreen shrubbery not less than six (6) feet in height and of a density to obstruct the view. The landscaping shall be continuously maintained and promptly restored, if necessary.
13. No advertising sign(s) shall be permitted anywhere on a wireless telecommunication tower, equipment building, and appurtenances or on the site.
14. A permanent sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on the site as well as the emergency telephone number of the owner/operator, base elevation, Long./Lat., tower height, tip elevation, of each platform. The owner/operator shall also provide the New Jasper fire department, and the New Jasper police/sheriff with information on who to contact, in the event of an emergency.
15. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period and to supply emergency power to the facility only during a power outage.
16. The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along the circulation driveways of the existing use on the parcel, if any. Where use of an existing driveway is not feasible, the driveway to the site shall be a minimum of fourteen (14) feet in width and shall be setback a minimum of twenty (20) feet from the nearest side or rear lot

line. This driveway shall meet the load limitations and standards of the Greene County Highway Department.

17. A wireless telecommunication tower shall be painted a color to minimize its visibility, approved by the New Jasper Township Board of Zoning Appeals unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
18. If at any time all the uses of the wireless telecommunication facility are discontinued for one (1) year, said facility shall be deemed abandoned. The Zoning Inspector shall notify the applicant in writing and advise that the facility must be reactivated within twenty (20) days or it must be dismantled, removed from the site and the site restored within sixty (60) days to a condition reasonably similar to the condition at the time of the issuance of the zoning certificate. This shall be done at the cost of the owner/operator.
19. The owner/operator of the wireless telecommunication facility shall, by January 7th of every year from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current Federal Communications Commission (FCC) regulations, with the appropriate fee(s) as to the continuing operation of every facility which is subject to Article 534.
20. After issuance of a zoning certificate to construct a wireless telecommunication facility, the applicant shall commence construction within one hundred eighty (180) days and shall complete construction within one (1) year or the zoning certificate shall expire.
21. The maximum cumulative total size of all equipment buildings accessory to a wireless telecommunication tower or antenna on a parcel shall be six hundred (600) square feet and its maximum height shall be fifteen (15) feet from building grade, if not feasible to be placed below grade. All wireless telecommunication equipment shelters shall be configured to appear as one (1) building, on any one (1) parcel.
22. There shall be no tower erected between a public road and the principal building on a parcel which is nearest to the public right-of-way.
23. A wireless telecommunication tower, antenna, equipment shelter, and appurtenances shall comply with all of the regulations for the

zoning district in which it is located, except as may otherwise be specified in Article 534 of this Resolution.

24. The applicant shall demonstrate to the Township that it is licensed by the Federal Communications Commission (FCC)

534.05

FEES.

1. **Application Fee.** The fees for application for zoning certificates as required by this Article shall be as specified by the New Jasper Township Board of Trustees.
2. **Reimbursement of Expenses.** The applicant for a wireless communication facility shall be responsible for all expenses incurred by the Township for any technical and/or engineering services deemed necessary by the New Jasper Township Zoning Inspector, the New Jasper Township Board of Zoning Appeals, or the New Jasper Township Board of Trustees to perform the reviews and/or inspections set forth in this Article which are not covered by the application fee established by the New Jasper Township Board of Trustees.

534.06 PUBLIC UTILITY EXEMPTION

1. In the event a wireless telecommunications facility is to be owned or principally used by a public utility engaged in the provision of wireless telecommunication services, the regulations of this Article do not apply when the proposed location of the wireless telecommunication facility is in an area of the Township which is not zoned for residential use(s). The applicant of the proposed wireless telecommunication facility must file a written application with the New Jasper Township Zoning Inspector supported in writing by substantial evidence that the wireless telecommunication facility will be owned or principally used by a public utility engaged in the provision of wireless telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for purposes of this exemption:
 - A. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
 - B. Whether the applicant provides its good or service to the public indiscriminately and reasonably;

- C. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
- D. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;
- E. Whether the good or service is vital;
- F. Whether there is a lack of competition in the local marketplace for the good or service;
- G. Whether there is regulation by a government authority and the extent of that regulation; and

- H. Whether the applicant possesses the power of eminent domain.

- 2. This Article does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of land by any public utility, for the operation of its business. However, subject to Ohio Revised Code (R.C.) 519.211(B) and Article 534.06 of this Resolution, the provisions of this Article shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication facilities.
- 3. If the New Jasper Township Zoning Inspector determines to deny the applicant such "public utility" status, he/she shall do so in writing, and state the reasons therefore. Any determination by the New Jasper Township Zoning Inspector that the applicant is not a public utility engaged in the provision of wireless telecommunications services may be appealed to the New Jasper Township Board of Zoning Appeals within twenty (20) days pursuant to the procedures set forth in Article 1003.1 of this Zoning Resolution. The decision of the New Jasper Township Board of Zoning Appeals shall be the final determination on the request, unless overturned by the Court of Common Pleas.
- 4. In the event a wireless telecommunication facility is proposed to be located the Township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of wireless telecommunication services, the public utility shall be exempt from the requirements of this Zoning

Resolution and a certificate of exemption will be issued if it meets all of the criteria in A, B, and C below, as follows:

- A. All of the requirements of Article 534.06. 1 through 3 are met;
- B. The public utility provides each of the following by certified mail:
 - 1. Written notice to each owner of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the wireless telecommunication facility is proposed to be constructed and to any owner and resident whose residential dwelling is within one hundred feet of a proposed wireless telecommunication tower, stating all of the following in clear and concise language:
 - (a) The public utility's intent to construct the wireless telecommunication facility; and
 - (b) A description of the property sufficient to identify the proposed location; and
 - (c) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner/occupant may give written notice to the New Jasper Township Board of Township Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the wireless telecommunication facility. If the notice to a property owner is returned unclaimed or refused, the applicant shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and
 - 2. Written notice to the New Jasper Township Board of Trustees of the information specified in Article 534.06.4.B.1; and provide verification that property owner have been notified, and
- C. If the New Jasper Township Board of Trustees receives notice from a property owner under Article 534.06.4.B.1. (c) within the time specified in that Article, or if a Trustee makes an objection to the proposed location of the wireless telecommunications facility within fifteen (15) days after the date of mailing of the notice sent under Article 534.06.4.B.2., the Board of Trustees shall request that the

Clerk of the Township send the person proposing to construct the wireless telecommunications facility written notice that the wireless telecommunications facility is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Zoning Resolution shall apply to the wireless telecommunications facility without exception. If the New Jasper Township Board of Trustees, however, receives no notice under Article 534.06.4.B within the time prescribed by that Article or no Trustee has an objection as provided under this Article 534.06.4.C. within the time prescribed by this Article, the applicant will be exempt from the regulations of this Zoning Resolution.

SMALL WIND TURBINES: A system consisting of a wind turbine, a tower, which has a rated capacity of not more than 100 kilowatts and which is intended to primarily reduce on-site consumption of utility power. All wind turbines shall be required to obtain a zoning permit and be in compliance with the following provisions:

- 535.1 **Setback:** The base of the tower shall be set back from all property lines, public right of ways and public utility lines a distance equal to the total extended height (the tower height plus the length of one blade plus twenty feet).
- 535.2 **Tower Height:** So long as the total extended height meets sound and set back requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations.
- 535.3 **Sound:** Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.
- 535.4 **Requirement for Engineered Drawings:** Zoning permit applications for small wind energy shall be accompanied by standard drawings of the wind turbine structure.
- 535.5 **Compliance with FAA Regulations:** No wind turbine shall be constructed, altered or maintained so as to project above any of the imaginary airspace surfaces described by the FAA guidance on airspace protection.
- 535.6 **Utility notification:** No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off-grid systems shall be exempt from this requirement.
- 535.7 **Abandonment:** If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner fails to restore their system to operating condition within the six month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to a nuisance as stated in the zoning resolution.
- 535.8 **Signage:** All signs other than the manufacturers or installers identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- 535.9 **Lighting:** No illumination of the turbine or tower shall be allowed unless required by the FAA.
- 535.10 **Access:** Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets or metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.

Section 536 Agritourism

In the interest of the public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied:

536.1 The agritourism provider shall provide evidence the farm on which the agritourism operation is proposed is ten (10) acres or more in area. If such farm is less than ten (10) acres and more than five (5) acres in size, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

536.2 The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.

536.3 The agritourism provider shall submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property.

536.4 The size and setback for any structure used primarily for agritourism activities shall be determined by the Board of Zoning Appeals per township regulations.

536.5 The agritourism operator shall provide off-street parking as determined by the Zoning Inspector in accordance with off-street parking regulations in Article 6.

536.6 The agritourism operator shall provide ingress and egress in a manner necessary to protect public safety as determined by the New Jasper Township Fire Department.

536.7 The following definitions apply to this section:

a. **AGRITOURISM:** An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity

b. **AGRITOURISM PROVIDER:** A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

c. **FARM:** Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

d. **AGRICULTURAL PRODUCTION:** Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land

or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

e. **CONSERVATION PRACTICES:** Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

Article 6

Off-Street Parking & Loading Regulations

SECTION 601 OFF-STREET PARKING AND LOADING REQUIRED: No building or structure shall be erected, substantially altered, changed in use, or any land used or changed In use unless adequately maintained off-street parking spaces,

either in garages or open parking areas, and off-street loading spaces have been provided in accordance with the provisions of this Article. The provisions of this Article shall not apply to any building, structure, or land use existing before the effective date of this Resolution or any amendment thereto unless such building, structure, or use is altered or changed. However, the number of off-street parking or loading spaces shall not be reduced to an amount less than required for a new land use as specified in this Article.

SECTION 602 **REQUIRED PARKING AND LOADING PLAN:** A parking and loading plan shall not be required for single-family or two-family residential uses. All other land uses shall submit a parking and loading plan to the Zoning Inspector as a part of the application for a Zoning Permit. The parking and loading plan shall show boundaries of the property, parking spaces, loading areas, circulation patterns, drainage plans, construction plans for any boundary walls or fences, a screening plan, and the location of adjacent houses or buildings.

SECTION 603 **OFF-STREET PARKING DESIGN STANDARDS:** All parking facilities, including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following specifications.

603.1 **Parking Space Dimensions:** All parking spaces shall be in accordance with the following design requirement:

The diagram illustrates four parking configurations: 45°, 60°, 90°, and PARALLEL. Each configuration shows a side view of a parking space with dimensions A, B, and C. Dimension A is the width of the parking space, B is the length, and C is the width of the driveway aisle. The 45° and 60° diagrams show two spaces with a shared aisle. The 90° diagram shows a single space with a full aisle. The PARALLEL diagram shows a single space with a full aisle and a dimension A at the front.

	45°	60°	90°	PARALLEL
A Width of Parking Space	14'	11'5"	10'	9'
B Length of Parking Space	21'6"	22'	20'	23'
C Width of Driveway Aisle	13'	17'6"	25'	12'

- 603.2 Access: All parking spaces, except those required for single family or two family uses not fronting upon an arterial or collector street, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or private interior drive shall be traveling in a forward motion.
- 603.3 Paving: All required parking spaces other than for single family dwellings, together with driveways, and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder.
- 603.4 Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water on to adjacent properties or walkways and damage to public streets.
- 603.5 Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- 603.6 Screening: Screening shall be required as provided in Article 5, Section 515.
- 603.7 Access to Required Trash Areas: Trash and/or garbage collection areas for commercial, industrial, and multi-family residential uses that provide such services, shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such areas for collection of trash and/or garbage shall be required.
- 603.8 Other Uses Within Required Parking Areas: No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any off-street parking area. Display or sales of any merchandise within any parking area shall be permitted only by the Zoning Inspector in accordance with Article 5, Section 525.
- 603.9 Landscaping: All parts of open off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be continuously maintained.
- 603.10 Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or

motorist approaching the access or driveway from a public or private street.

- 603.11 Marking: All parking spaces shall be marked with paint lines, curb stones, or in any other manner approved by the Board of Zoning Appeals and maintained in clearly visible condition.
- 603.12 Maintenance: The owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
- 603.13 Lighting: Any parking area which is intended to be used during non-day hours shall be properly illuminated as to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
- 603.14 Separation From Right-of-Way: All parking facilities located within required front or side yards shall be separated from sidewalks and streets in public right-of-ways by a strip of land which shall be at least five (5) feet in width and which shall be reserved as open space and planted in grass.
- 603.15 Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- 603.16 Joint Use of Facilities: Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that such an arrangement is provided within the deeds or other written legal documents approved by the Board of Zoning Appeals.
- 603.17 Collective Parking Areas: Two or more non-residential uses may collectively provide the required off-street parking area, provided the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.

SECTION 604 PARKING SPACE REQUIREMENTS: For the purposes of this Resolution the following parking space requirements shall apply. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals:

RESIDENTIAL

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Single family or two family	Two for each unit which may

Apartment hotels, apartments, or multi-family dwellings	include the driveway Two for each unit
Mobile homes	Two for each unit
Boarding Houses, rooming houses, dormitories and fraternity houses which have sleeping rooms	Two for each sleeping room or two for each permanent occupant, whichever is greater

COMMERCIAL AND INSTITUTIONAL

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Animal hospitals and kennels	One for each 400 square feet of floor area and one for each two employees
Automobile repair station	One for each 800 square feet of floor area and one for each employee
Automobile salesrooms, wholesale stores, machinery or other large item sales, and similar uses	One for each 400 square feet of floor area and one for each employee
Automobile service stations	Two for each service stall and two for each service bay
Automobile Washing Facilities	One for each employee
Banks, financial institutions, post offices, and similar uses	One for each 200 square feet of floor area and one for each employee
Barber and Beauty Shops	Three for each barber or beauty operator
Carry-out restaurants	One for each 200 square feet of floor area and one for each two employees, with a minimum total of eight (8) spaces
Churches and other places of religious assembly	One for each 300 square feet of floor area

COMMERCIAL AND INSTITUTIONAL (CONTD)

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Drive-In restaurants	One for each 125 square feet of floor area and one per each two employees
Funeral parlors, mortuaries and	One for each 50 square feet of floor area

similar uses	in slumber rooms, parlors, or service rooms
Hospitals	One for each two beds, and one for each staff doctor, and one for each two employees
Hotels, motels	One per each sleeping room, one for each employee, and one for each 100 square feet used for restaurant, cocktail lounge, and similar purpose
Laundromats	One for each washing or dry cleaning machine
Libraries, museums, and art galleries	One for each 400 square feet of floor area
Medical and dental offices and clinics	Three for every examination or treatment room and one for each employee
Offices, public or professional administration, or service building	One for each 300 square feet of floor area
Restaurants, taverns, night clubs, and similar uses	One for each three persons capacity, and one for each three employees
Retail stores	One for each 250 square feet of floor area
Sanitariums, homes for the aged, nursing homes, children's' homes, and similar uses	One for each two beds

INDUSTRIAL

TYPE OF USE

PARKING SPACES REQUIRED

Manufacturing, storage uses, warehouse and wholesale uses, parcel delivery, freight terminals, and similar uses

Two for every three employees on the largest shift for which the building is designed and one for each motor vehicle used in the business and maintained on the premises

SCHOOLS

TYPE OF USE

PARKING SPACES REQUIRED

Business, technical, and trade schools

One for each two students and one for each teacher

Colleges and universities

One for each four students

Elementary and junior high schools

Two for each classroom and one for every eight seats in auditoriums or assembly halls

High Schools	One for each two persons capacity of the largest assembly area including: One for every ten students, one for every teacher, and one for every other employee or administrator
Kindergartens, child care centers, nursery schools and similar uses	One for each 400 square feet of floor area and one for each employee, but not less than six for the building

RECREATIONAL

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Bowling alleys	Six for each alley or lane plus one additional space for each 100 square feet used for restaurant, cocktail lounge, or similar use
Dance halls, skating rinks	One for each two persons capacity
Swimming pools	One for each two member families or one for each five persons capacity, whichever is greater
Auditoriums, sport arenas, theaters, and similar uses	One for each four person capacity
Golf courses open to the general public	Five for each hole, one for each employee, and one space for each 100 square feet of area used for restaurant, cocktail lounge, or similar purpose
Miniature golf courses	Two for each hole and one for each employee

RECREATIONAL (CONTD)

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Private clubs and lodges	One for each three persons capacity
Tennis facilities, racquetball facilities or similar uses	Two for each three playing areas and one for each employee

SECTION 605 **OFF-STREET LOADING DESIGN STANDARDS:** A permanently maintained area for standing, loading, and unloading services shall be provided for on the same lot with every building, structure, or part thereof erected and occupied for commercial, institutional, and/or distribution of

materials or merchandise by vehicles. These off-street loading areas shall be required in order to avoid undue interference with public use of streets and alleys. All loading facilities shall be in accordance with the following specifications:

- 605.1 Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet.
- 605.2 Projection Into Yards: Off-street loading spaces may occupy any part of a required rear or side yard, but shall not project into any front yard.
- 605.3 Access: All required, off-street loading spaces shall have access to public street or alley in such a manner that any vehicle leaving or entering the premises shall be traveling . in a forward motion. This requirement may be waived upon approval by the Board of Appeals.
- 605.4 Paving: All required loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface.
- 605.5 Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water on to adjacent properties or walkways and damage to public streets.
- 605.6 Screening: Screening shall be required as provided in Article 5, Section 515.
- 605.7 Lighting: Any loading area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.
- 605.8 Distance From Residential Districts: No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) from any lot zoned for any residential use unless located completely within an enclosed building.

SECTION 606

OFF-STREET LOADING SPACE REQUIREMENTS: The minimum number of off-street loading spaces shall be provided in accordance with this section unless otherwise approved by the Board of Zoning Appeals. An area adequate for maneuvering, ingress, and egress shall be provided in addition to the following required loading spaces:

<u>TYPE OF USE</u>	<u>REQUIRED LOADING SPACES</u>
Retail operations, including restaurant	1 loading berth for every 40,000 square

and dining facilities within hotels and office buildings, with a total usable floor area of 20,000 square feet or more devoted to such purposes

feet of floor area or fraction thereof;
1 loading space for every 20,000 square feet of floor area or fraction thereof

Retail operations, and all first floor non-residential uses, with a gross floor area of less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet

1 loading space

Office buildings and hotels with total usable floor area of 100,000 square feet or more devoted to such purposes

1 loading berth for every 100,000 square feet of floor area or fraction thereof

Industrial and wholesale operations with a gross floor area of 10,000 square feet or over as follows:

Minimum number of loading berths required

- 10,000 to 39,999 square feet..... 1
- 40,000 to 99,999 square feet..... 2
- 100,000 to 159,999 square feet..... 3
- 150,000 to 239,999 square feet..... 4
- 240,000 to 319,999 square feet..... 5
- 320,000 to 399,999 square feet..... 6
- Each 90,000 square feet above
399,999 square feet..... 1

Article 7

Signs

- SECTION 701 INTENT AND PURPOSE: The intent of this Article is to provide a comprehensive system of sign regulation for New Jasper Township that recognizes the necessity and desirability of communication by outdoor signs while promoting an order to signage which eliminates visual clutter and confusion within the physical environment. The purpose of this article is to protect the safety and general welfare of the public within New Jasper Township by encouraging compatibility between the design and functional nature of the sign and its location within the physical environment, thus reducing the propensity for traffic accidents and personal hazards caused by distractions, sight obstructions, and unsafe structures.
- SECTION 702 ZONING PERMIT REQUIRED: The erection or location of any sign within New Jasper Township shall require a permit unless otherwise specified within this article. Signs erected for the purpose of traffic control, civil defense, or other similar public function, signs which cannot be viewed or are not intended to be viewed from any street or other property, and signs required by any law, ordinance or governmental regulation shall be exempt from the provisions of this article.
- SECTION 703 GENERAL LOCATION AND SAFETY REQUIREMENTS: All signs erected or located within New Jasper Township shall be in conformance with the following requirements:

- 703.1 Signs shall not prevent free ingress to or free egress from any door, window, or fire escape.
- 703.2 Signs shall not obstruct free and clear visibility at any intersection in accordance with Article 5, Section 510.
- 703.3 Signs shall not be located or designed so as to interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal, or device.
- 703.4 Signs shall not make use of colors, rotating lights, the words "STOP," "LOOK," "DANGER," or other similar words, devices, or symbols which may mislead or confuse traffic.
- 703.5 Signs shall not be erected within nor project into any public right-of-way unless otherwise specified, and shall not be posted in any manner that is destructive to public property.
- 703.6 Signs shall not be erected or located upon any property or building without the consent of the owner(s) or an authorized representative.
- 703.7 Any illuminated sign which is clearly visible from any residential district shall not be illuminated between the hours of 11 P.M. and 7 A.M. unless it is accessory to a business or commercial use open for business during such hours and located upon the same lot.
- 703.8 Streamers, spinners, banners, strings of lights, and other similar devices which do not serve the function of a sign shall not be permitted.

- 703.09 All lighting, indirect or internal, shall consist of constant illumination which is uniform in intensity except for time and temperature displays. All lighting shall be properly directed so as to not create a nuisance to surrounding properties because of glare.
- 703.10 Changeable copy shall not be permitted on any sign unless specifically permitted in this article.
- 703.11 The bottom of all freestanding signs shall maintain a minimum clearance of eight (8) feet above any pedestrian area and twelve (12) feet above any parking or loading area.
- 703.12 Wall signs shall not extend above the junction of any roof and wall.
- 703.13 Projecting signs shall not project into any right-of-way and not more than thirty-six (36) inches over any setback line.

SECTION 704

REAL ESTATE SIGNS: Signs identifying a property for sale, for rent, or for lease may be placed on-site until ten (10) days after the property has been closed, sold, rented, or leased. Real estate signs shall not exceed six (6) square feet in area per side within any residential district and shall not exceed twenty (20) square feet within any other district. All such signs shall be set back from the street right-of-way a minimum of ten (10) feet or the equivalent to the number of square feet of sign area, whichever is greater. No zoning permit shall be required for any real estate sign six (6) square feet or less in area.

- SECTION 705 SUBDIVISION SALE SIGNS: Signs providing information on the sale of lots within an approved and recorded subdivision may be placed upon the property until such time as seventy-five percent (75%) of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner the name of the developer, and information regarding the price, terms, and the location and phone number of the sales office. All such signs shall be set back a minimum of ten (10) feet or the total number of square feet of sign area, whichever is greater. The maximum sign area shall be twenty (20) square feet.
- SECTION 706 POLITICAL SIGNS: Signs involving any issue or candidate for public elective office may be temporarily erected for a period not to exceed sixty (60) days before or seven (7) days after an election. Political signs shall be permitted as free standing signs in all districts, and shall not be attached to any structures providing essential services or located in any manner destructive to public property. The maximum sign area shall be six (6) square feet within any residential district or public right-of-way and twenty (20) square feet upon private property in any other district. No zoning permit shall be required for political signs.
- SECTION 707 CONSTRUCTION SIGNS: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for one year, whichever is shorter. Any extension past the one year time shall be subject to approval by the Board of Zoning Appeals. Construction signs shall contain only the name of the construction project, the construction firm(s), the engineer, the architect, and/or the subcontractors involved in the project. Only one (1) construction sign shall be permitted per street frontage. Maximum sign area permitted shall be three (3) square feet for each dwelling unit for residential structures up to a maximum of twenty (20) square feet for all principal structures. All signs shall be set back from the street right-of-way a minimum number of feet equal to the square feet of sign area of the sign.
- SECTION 708 AGRICULTURAL PRODUCT SIGNS: Signs identifying the sale of agricultural products such as vegetables, eggs, straw, hay, and seeds grown or produced upon the premises may be temporarily erected upon any lot during the season in which they are available. The maximum sign area permitted for an agricultural product sign shall be six (6) square feet. All signs shall be set back from the street right-of-way a minimum of ten (10) feet.
- SECTION 709 SPECIAL EVENT SIGNS: Information signs advertising a grand opening, a seasonal event, a special sale, or any other similar special event may be temporarily located upon the premises on which the event is to take place for a period not to exceed seven (7) days within any thirteen (13) week period. The maximum sign area permitted for special event signs shall be six (6) square feet in any residential district and twelve (12) square feet in any other district. All signs shall be set back from the street right-of-way a minimum of ten (10) feet.

SECTION 710

BILLBOARDS: Billboards may be erected on free-standing structures only in Agricultural or Industrial Districts and on any side or rear building wall in Agriculture, Business, and Industrial Districts. All billboards shall be subject to the following provisions.

- 710.1 The billboards can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction;
- 710.2 Billboards on the same street facing the same traffic flow shall not be placed closer together than 1,000 feet;
- 710.3 No billboard structure shall be located closer than 1,000 feet to another billboard structure facing traffic flowing in the same direction in the vicinity of an intersection;
- 710.4 The maximum permitted area of a billboard shall not exceed two-hundred fifty (250) square feet of total area at the required setback as designated in Section 710.7. Larger signs may be permitted provided that for each additional square foot the required setback shall be increased by three (3) feet;
- 710.5 Structures for billboards shall be of vertical (cantilever) construction and where the back of the sign is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance;
- 710.6 All lighting used in the illumination of billboards shall be adequately shielded or shaded, and properly directed so as to not be objectionable to adjacent and surrounding properties;
- 710.7 All billboards shall be set back from right-of-way lines a minimum distance of one hundred (100) feet along all state highways designated as such on the Official Zoning District Map, and the required front yard setback along all other streets; and
- 710.8 No billboard shall be located closer than one hundred (100) feet to any residential district.

SECTION 711

IDENTIFICATION SIGNS: Signs which identify any residential subdivision, any multiple-family development, and/or any non-residential use may be erected upon the same property as such use in accordance with the following provisions:

- 711.1 Identification signs shall pertain only to the use or uses conducted upon the same property and shall not contain any advertising of products or changeable copy.
- 711.2 Identification signs shall be considered permanent installations and shall be either freestanding or attached to the structure which houses the use or uses identified on the sign.
- 711.3 Recorded residential subdivisions or multiple-family developments may be permitted freestanding identification signs as a Conditional Use subject to the following:
 - a. Such signs shall be limited to one (1) or two (2) entrances along major thoroughfares and shall not obstruct the visibility at any intersection as regulated in Article 5, Section 510.

- b. Such signs shall contain only the name of the subdivision or multiple-family development which they identify, shall not exceed six (6) feet in height, and shall be landscaped.
 - c. The applicant shall submit a plan for the perpetual maintenance of such signs, identifying the responsibilities of the applicant, the public, the landowner, or other parties. Such plan shall be subject to approval by the Board of Zoning Appeals.
 - d. The Board of Zoning Appeals may limit the size of such signs so as to insure the scale of such signs is compatible with the residential character of the area.
- 711.4 Identification signs for non-residential uses within any residential district shall be attached and shall not project more than fifteen (15) inches from the structure. Such signs shall be non-illuminated and shall not exceed five percent (5%) of the total area of the building elevation upon which the sign is placed.
- 711.5 Identification signs for non-residential uses within any business or industrial district shall be in accordance with the following:
- a. Each principal structure shall be entitled to two identification signs in the following combinations: one freestanding sign and one wall sign; one projecting sign and one wall sign; or two wall signs. Two freestanding signs, two projection signs, or both a projecting and a freestanding sign shall not be permitted upon the same property unless otherwise specified in this Article.
 - b. The maximum sign area for a freestanding sign or a projecting sign shall be twenty-five (25) square feet.
 - c. The maximum sign area for a wall sign shall be one (1) square foot per linear foot of building frontage up to a maximum of one-hundred (100) square feet.
 - d. Freestanding signs shall not exceed sixteen (16) feet in height and shall be set back a minimum of ten (10) feet from any street right-of-way line.
- 711.6 Identification signs for non-residential uses within any agricultural or flood plain district shall be in accordance with the provisions of Section 711.5 except that each principal structure shall be entitled to only one (1) identification, sign.

SECTION 712

REMOVAL OF SIGNS BY THE ZONING INSPECTOR: The Zoning Inspector shall cause to be removed: any sign that endangers the public safety by reason of its location and placement; an abandoned sign that no longer applies to the property on which it is situated; a dangerous or materially, electrically or structurally defective sign; or a sign for which no required permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this Section.

- a. All notices mailed by the Zoning Inspector shall be sent by certified mail. Any time period shall be deemed to commence on the date of the receipt of the certified mail.
- b. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll if known, or with reasonable care should be known, and shall be mailed to or delivered to the occupant of the property.
- c. Any person having an interest in the sign or the property may appeal the determination of the Zoning Inspector ordering removal or compliance by filing a written notice of appeal with the Board of Zoning Appeals within 30 days after the date of mailing the notice, or 30 days after receipt of the notice if the notice was not mailed.

Article 8

Nonconformities

SECTION 801 INTENT: Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, structures, or uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited or more restricted under the terms of this Resolution or amendment thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their continuance. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 802 NON-CONFORMING LOTS OF RECORD: All non-conforming lots of record shall be in accordance with the following provisions:

802.1 Single Non-Conforming Lots of Record: In any district in which single-family dwellings are permitted, a single-family dwelling may be erected on any single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

802.2 Non-Conforming Lots of Record in Combination: If two or more lots, or a combination of lots and portions of lots with continuous frontage in single ownership, are of record at the time of amendment of this Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Resolution. All such lots shall be required to be replatted or resurveyed, as required, to meet the current area and frontage requirements for the required use before a zoning permit may be issued. No portion of said parcel shall be used or sold in a manner

which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

SECTION 803

NON-CONFORMING USES OF LAND: Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- 803.1 No such non-conforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
- 803.2 Any non-conforming use maybe extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of amendment of this resolution, but no use shall be extended to occupy any land outside such building.
- 803.3 No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations;
- 803.4 If any such non-conforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- 803.5 Additional structures not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

SECTION 804

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

- 804.1 No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non conformity;
- 804.2 Should such non-conforming structure be destroyed by any means, for two hundred percent (200%) or more of its most current assessed value as recorded in the Office of the Greene County Auditor, it shall not be reconstructed except in conformity with the provisions of this Resolution;

- 804.3 Should such non-conforming structure be destroyed, by any means, for less than two hundred percent (200%) of its most current assessed value as recorded in the Office of the Greene County Auditor, the destroyed portion may be reconstructed provided that the bulk, height, and area requirements shall not be in excess of those which existed prior to said damage;
- 804.4 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;
- 804.5 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;
- 804.6 On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became non-conforming shall not be increased. 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;
- 804.7 When a non-conforming use of a structure, or structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, except when government action impedes access to the premises, the structure or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located and all other applicable provisions of this Resolution.

Article 9

Administrative Bodies And Their Duties

SECTION 901 TOWNSHIP ZONING INSPECTOR: The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate him as the enforcing officer of this Resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting to him any new construction, reconstruction, land use changes, or suspected violation.

901.1 Duties: The Township Zoning Inspector shall be responsible for the following duties;

- a. The Zoning Inspector shall review all applications within the Township for Zoning Permits as outlined in Section 1001 within the Township to insure they conform to all applicable provisions of this Resolution are met, then a Zoning Permit shall be issued and a record of all such permits maintained;

- b. The Zoning Inspector may periodically conduct on-site inspections to insure the actual construction will conform to the Zoning Permit;
- c. The Zoning Inspector, upon finding that any of the provisions of this Resolution are being violated, shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation;
- d. The Zoning Inspector may order discontinuance of illegal uses of land, building, or structures;
- e. The Zoning Inspector may order removal of illegal buildings or structures or illegal additions or structural alterations;
- f. The Zoning Inspector shall review all applicable subdivision plats and lot splits which are submitted to the Regional Planning and Coordinating Commission of Greene County in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.

SECTION 902

TOWNSHIP ZONING COMMISSION: The Township Trustees shall establish a Township Zoning Commission, consisting of five citizens of the Township to be appointed by the Township Trustees. None of the members shall concurrently serve as a member of the Board of Zoning Appeals.

The terms of the members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

902.1 Meetings: The Zoning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. The Chairman or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.

902.2 Actions: The Zoning Commission shall act by resolution or motion. The concurring vote of three (3) members of the Zoning Commission shall be necessary to pass any motion to recommend the approval, disapproval, or modification of any proposed amendment to this Resolution. The results of such resolution or motion shall be forwarded to the Township Trustees for their action, except as may otherwise be provided herein.

902.3 Duties: The Township Zoning Commission shall be responsible for the following duties:

- a. The Township Zoning Commission shall initiate or review all proposed amendments to this Resolution and make recommendations to the Township Trustees in accordance with Section 1004.

SECTION 903

BOARD OF ZONING APPEALS: The Township Trustees shall appoint five (5) residents of the Township to the Board of Zoning Appeals. The terms of all members shall be so arranged that the term of one member shall expire every year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals may be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by resolution of the Township Trustees and shall be for the unexpired term.

903.1 Meetings: The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

903.2 Actions: In exercising its duties, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the power of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the

Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution.

903.3 Duties: For the purpose of this Resolution, the Board of Zoning Appeals has the following specific responsibilities:

- a. To hear and decide appeals in accordance with Article 10, Section 1003 where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector;
- b. Where the applicant has provided sufficient evidence to warrant the granting of a variance, to authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. The consideration of such variances shall be in accordance with Article 10, Section 1003;
- c. To grant Conditional Use Permits as specified in Article 10, Section 1002, and such additional safeguards as will uphold the intent of the Resolution;
- d. To determine if uses not specifically mentioned in this Resolution are similar to uses permitted within a district in accordance with Section 401;
- e. To determine the exact location of any district boundary in accordance with Article 3, Section 303 if there is uncertainty as to the exact location involved.

SECTION 904

TOWNSHIP TRUSTEES: It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Article 10, Section 1003.

904.1 Duties: The Township Trustees shall be responsible for the following duties:

- a. To appoint a Zoning Inspector, members of the Township Zoning Commission, and members of the Board of Zoning Appeals;

- b. To establish a schedule of fees for issuing zoning permits, appeals, variances, conditional use permits, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general process of applications;
- c. To consider and adopt, reject or modify all proposed amendments to this Resolution as provided in Article 10, Section 1004.

Article 10

Administrative Procedures

SECTION 1001 ZONING PERMIT REQUIRED: No person shall change any use of land, locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within New Jasper Township without first obtaining a Zoning Permit. No Zoning Permit shall be issued unless the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use. A Zoning Permit shall be required for all dwellings, all principal structures and uses, all accessory structures unless otherwise specified, all specified accessory uses, and all temporary uses. A Zoning Permit shall not be required for the use of land for agricultural purposes, for buildings or structures exclusively used for agricultural purposes, or for structures, not including buildings, required in the provision of essential services.

1001.1 ACCOMPANYING INFORMATION: A written application and site plan for a Zoning Permit shall be submitted to the Zoning Inspector of New Jasper Township on forms provided by the Zoning Inspector. The following information shall be required:

- a. Name, address, and phone number of applicant;
- b. Date;
- c. The name of the subdivision and the lot number or other information necessary to establish the location of the lot;
- d. The actual dimensions of the lot based on actual survey, including square footage and/or acreage, the yard and other open space dimensions thereof, and the location and size of any existing structures thereon;
- e. The location on the lot and size of any proposed structure and/or the proposed alteration of any existing structure, indication dimensions, including building height;
- f. The number of proposed dwelling units, and the total residential floor area and the number of bedrooms to be included in each dwelling unit;
- g. A permit from the Greene County Health Department or Ohio Environmental Protection Agency for on-site wastewater disposal, where applicable, illustrating the location of primary and secondary leaching field locations;
- h. The proposed parking plan and number and location of proposed off-street parking or loading spaces;
- i. A plan for screening when applicable;
- j. A statement by the applicant attesting to the truth and exactness of all information supplied on the application;

- k. A statement that the permit shall expire and shall be revoked if work has not been started and substantially pursued within one (1) year of its issue date;
- l. Such other information as may be necessary to determine conformance with this Resolution; and
- m. A fee as established by the Township Trustees.

1001.2 Processing of Permit: Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the application is approved, the Zoning Inspector shall issue a Zoning Permit. One copy of the application shall be returned to the applicant by the Zoning Inspector after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the application similarly marked shall be retained by the Zoning Inspector and filed. After the Zoning Inspector issues a Zoning Permit he shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

In the event an application involves land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification of local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall require a third application for a Zoning Permit and send it to the Director of the Ohio Department of Transportation by registered mail for review. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Permit.

SECTION 1002 CONDITIONAL USE PERMITS: Conditional uses shall be permitted only upon issuance of a Conditional Use Permit by the Board of Zoning Appeals by at least one owner of the property. At a minimum, the application shall contain the following information:

1002.1 Application: An application for a Conditional Use Permit by at least one owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information.

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. The lot, name, and number or legal description of the property;
- d. Description of existing zoning district;
- e. Description of the proposed Conditional Use;
- f. A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, fire hydrants, utilities, rights-of-way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;
- g. A plan for screening when applicable;
- h. A narrative statement discussing the merits of the proposal;
- i. Such other information as may be required by the Board of Zoning Appeals; and
- j. A fee as established by the Township Trustees.

1002.2 Conditional Use Standards: Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- a. The use is so designed, located and proposed to be operated so that the public health safety, welfare and convenience will be protected;
- b. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located;
- d. The use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
- e. The use 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 use shall be able to provide any such services adequately;
- f. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Adequate landscaping and screening are provided, as required under Article 5, Section 515;
- h. Adequate off-street parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic abutting streets:

- i. The use conforms with all applicable regulations governing the district in which it is located, except as may otherwise be determined for planned unit development;
- j. The use is compatible with the standards, objectives, and policies of Perspectives: A Future Land Use Plan for Greene County Ohio;
- k. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and
- l. Any other supplementary requirements as prescribed by the Board of Zoning Appeals.

1002.3 Processing of Conditional Uses: The Board of Zoning Appeals shall hold a public hearing within twenty (20) days from the receipt of the application. Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Conditional Use. Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties interest. The notice shall contain the same information as required of notices published in newspapers. Within thirty (30) days after the hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is disapproved by the Board of Zoning Appeals the applicant may seek relief through the Court of Common Pleas.

1002.4 Expiration of Conditional Use Permits: A conditional use permit shall be deemed to authorize only one particular conditional use. The Conditional Use Permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months, or construction is not begun within the amount of time indicated on the Conditional Use Permit.

SECTION 1003 APPEALS AND VARIANCES: It is the purpose of this section to establish procedures and requirements for the hearing of Appeals and variances. As is specified in Article 9, Section 903, The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

1003.1 Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board

of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

- 1003.2 Stay of Proceedings: An appeal stays all proceeding in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be staved other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.
- 1003.3 Variance: The Board of Zoning Appeals may authorize, upon appeal in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest or the intent of this Resolution, but only where strict interpretation would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.
- 1003.4 Application: A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a variance, and a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing, at a minimum, the following information:
- a. Name, address, and telephone number of applicant;
 - b. Legal description of the property;
 - c. Description of nature of variance requested;
 - d. A narrative statement demonstrating that the requested variance conforms to the following standards:
 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.
 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.
 3. That special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this

Resolution to other lands, structures, or buildings in the same district. That an economic hardship, requesting a more intensive use of the property than would normally be permitted, is not the only nor the primary factor for requesting the variance; and

e. A fee as established by the Township Trustees.

1003.5 Granting of Variances: The burden of proof for granting a variance, shall rest with applicant. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Article 10, Section 1005 of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

1003.6 Processing Appeals and Variances: The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Before holding the required public hearing, notice of such hearing shall be given in one or more newspapers of general circulation within the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Before holding the required public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers.

SECTION 1004 AMENDMENTS AND DISTRICT CHANGES: Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of property.

1004.1 Initiation of Amendments: Amendments to this Resolution may be initiated in one of the following ways:

a. By adoption of a motion by the Zoning Commission;

- b. By adoption of a resolution by the Board of Township Trustees; or
- c. By the filing of an application by at least one (1) owner or his designee of property within the area proposed to be changed or affected by said amendment.

1004.2 Application for Amendments: The application for amendment shall contain at a minimum the following information in triplicate:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. Legal description of the property;
- d. Present use;
- e. Present zoning district;
- f. Proposed use;
- g. Proposed zoning district;
- h. A vicinity map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require;
- i. Proposed amendment to the text;
- j: A list of all property owners within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case;
- k. A statement on how the proposed amendment relates to Perspectives: A Future Land Use Plan for Greene County, Ohio; and
- l. A fee as established by the Township Trustees.

All applicants submitting requests for change in district boundaries on the Official Zoning District Map shall be required to post a sign upon the property in question within five (5) days after the submission of an application. Such sign shall be clearly visible from the street, or in the case of two or more streets, that street with the greater average traffic flow.

Such sign shall state "THIS PROPERTY IS BEING CONSIDERED FOR REZONING". "PUBLIC HEARING SCHEDULED FOR (month, date, and time)" and shall also denote the present and proposed zoning district classification for the site. No zoning permit shall be required. However, the location and size of such sign shall be subject to approval by the Zoning Inspector.

1004.3 Procedure for Amendments: Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner, or his designee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Regional Planning and Coordinating Commission of Greene County. The Regional Planning and Coordinating Commission shall

recommend the approval, denial, or modification to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the Planning Commission or the Zoning Commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be considered at the public hearing of the Zoning Commission.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law, however, for one-hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the zoning. If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, Board of Township Trustees shall proceed as required by law.

The Zoning Commission shall schedule a public hearing after the adoption of their motion, a transmittal of a resolution from the Board of Township Trustees, or the filing of an application for Zoning amendment. Said hearing shall not be less than twenty (20) no more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the Township at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees of further determination.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, is listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

Within thirty (30) days after the required public hearing, the Zoning Commission shall forward with reasons for such recommendation to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

Notice of the required public hearing shall be given by the Board of Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least fifteen (15) days before the date of the required hearing may be mailed by the Clerk of the Board of Township Trustees, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within five hundred (500) feet of, contiguous, to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Board of Trustees.

Within twenty (20) days after the required public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt same modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission the unanimous vote of the Board of Township Trustees is required.

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition,

signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, rejection the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the primary or general election.

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

SECTION 1005 VIOLATIONS AND PENALTIES: Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution, including those established by the Board of Zoning Appeals for Conditional Uses, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a uniform Misdemeanor Citation, for continuing zoning violation.

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating full the causes and basis thereof shall be filed with the Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereof as provided in this section.