

**MADISON COUNTY**  
**State of Ohio**  
**ZONING**  
**RESOLUTION**

**ADOPTED BY THE**

# MADISON COUNTY COMMISSIONERS

*Month, day, year*

**MADISON COUNTY, OHIO  
ZONING RESOLUTION**

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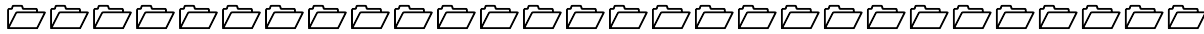


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# MADISON COUNTY ZONING RESOLUTION

The permitted and conditional uses for each district are shown in the following tabulation. The interpretation of uses given in categorical terms shall be defined in Article IV. Uses not specifically listed or interpreted to be included categorically under this Article IV shall not be permitted except by Amendment to the Resolution.

## PERMITTED AND CONDITIONAL USES



### (A-1) AGRICULTURAL DISTRICT

#### PERMITTED USES

#### CONDITIONAL USES REQUIRING

#### BOARD OF ZONING APPEALS APPROVAL

Accessory Buildings and Accessory Uses Including Private Garages	Single-Family Residence	
Projects Designed For Watershed Water Or Soil	1 Apartment For Full Time Domestic Or Farm Labor	Protection,
Home Occupations		
Conservation Or For Flood Control	Private Landing Fields	
Agriculture	Farm Markets	
Roadside Sale Of Agricultural Products	Boarding Kennels, Riding Stables & Animal Shelters	
Storage, Sorting, Preliminary Processing Or Sale Of Agricultural Products	Private Schools Or Colleges Kindergarten Or Child Care Facilities	
Temporary Structures	Churches	
	Playgrounds, Playfields, Picnic Areas, Summer Camps	
	Cemeteries	
	Borrow Pits	
	Public Uses	
	Bed & Breakfast	

### (A-1) DEVELOPMENT STANDARDS

Lot Area - 20 acres or more	Lot Frontage - 60''
Building Dimensions - 1100 Sq. Ft.	Side Yard Setbacks - 30''
Lot Coverage - 25%	Rear Yard Setbacks:
	Residence - 40''
	Accessory Buildings - 15'

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

**(R-1) SUBURBAN RESIDENTIAL DISTRICT**

**PERMITTED USES**

Single-Family Residence  
Accessory Buildings  
Projects Designed For Watershed  
Protection, Water Or Soil  
Conservation Or Flood Control  
Agriculture  
Storage, Sorting, Preliminary Processing  
Or Sale Of Agricultural Products  
Temporary Structures

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

Home Occupations  
Public Or Private Schools Or Colleges  
Kindergarten Or Child Care Facilities  
Churches  
Playgrounds, Playfields, Picnic Areas  
Summer Camps  
Cemeteries  
Farm Markets  
Public Uses  
Model Homes  
Bed And Breakfast

**(R-1) DEVELOPMENT STANDARDS**

Lot Area - 65,340 Sq. Ft.  
Lot Frontage:  
Less Than 5 Acres - 200'  
5 Acres But Less Than  
10 Acres - 270'  
Over 10 Acres - 330'  
Building Setbacks:  
County Or Township Rd. - 50'  
State Highways - 100'  
Side Yard Setbacks: - 30'

Building Dimensions - 1100 Sq. Ft.  
Lot Depth:  
1 1/2 Acres But Less Than  
5 Acres - 3:1 Ratio  
Over 5 Acres - 4:1 Ratio  
Rear Yard Setbacks:  
Residence - 40'  
Accessory Building - 15'  
Lot coverage - 25'

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

**(R-2) LOW DENSITY RESIDENTIAL DISTRICT**

**PERMITTED USES**

Single-Family Residence  
 Accessory Buildings  
 Projects Designed For  
     Watershed Protection, Water Or  
     Soil Conservation or Flood Control  
 Temporary Structures  
 Roadside Sales Of Agricultural Products

**CONDITIONAL USES  
 REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

Home Occupations  
 Child Care Facilities  
 Churches  
 Playgrounds, Playfields, Picnic Areas  
     Summer Camps  
 Group Homes  
 Bed And Breakfast  
 Model Homes

**(R-2) DEVELOPMENT STANDARDS**

Public Sewer And Water Required  
 Lot Frontage:  
     Less Than 1 Acre - 100'  
 Building Setbacks:  
     County Or Township Rd. - 50'  
     State Highways - 100'  
 Side Yard Setbacks: 20'

Lot Area - 20,000 Sq. Ft.  
 Lot Coverage - 25%  
 Rear Yard Setbacks:  
     Residence - 40'  
     Accessory Buildings - 15'  
 Building Dimensions:  
     Single Family Residence:  
         1100 Sq. Ft.

SEE THE MADISON COUNTY ZONING RESOLUTION  
 FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

**(R-3) MULTI-TYPE RESIDENTIAL DISTRICT**

**PERMITTED USES**

**NONE**

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

- Single Or Multi-Family Residence
- Temporary Structures
- Accessory Buildings
- Projects Designed For Watershed  
Protection, Water Or Soil  
Conservation or Flood Control
- Agriculture
- Home Occupations
- Group Homes
- Model Homes
- Private Schools Or Colleges
- Kindergarten Or Child Care Facilities
- Churches
- Roadside Sale And Storage Of  
Agricultural Products
- Storage, Sorting, Preliminary  
Processing Or Sale Of Agricultural Products
- Bed And Breakfast

**(R-3) DEVELOPMENT STANDARDS**

Public Sewer And Water Required:

Lot Frontage:

Less Than 2 Acres - 200'

2 Acres But Less Than

3 Acres - 250'

3 Acres But Less Than

10 Acres - 300'

Over Ten Acres - 330'

Building Setbacks:

County Or Township Rd. - 50'

State Highways - 100'

Side Yard Setbacks: 25'

Lot Area: 20,000 Sq. Ft. Per Dwelling Unit

Building Dimensions:

Single-Family Residence - 1100 Sq. Ft.

Apartments Or Multi-Family Structures:

1 Bdrm. Unit - 800 Sq. Ft.

2 Bdrm. Unit - 900 Sq. Ft.

3 Bdrm. Unit - 1000 Sq. Ft.

Rear Yard Setbacks:

Residence - 50'

Accessory Buildings - 15'

Maximum Lot Coverage:

Structure & Paving - 50%

Structures - 25%

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

**(PRD) PLANNED RESIDENTIAL DISTRICT**

**PERMITTED USES**

Single Or Multi-Family Residence  
Non-Residential Uses Of A Religious,  
Cultural, Or Recreational Nature  
Temporary Structures  
Public Uses

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

Home Occupation  
Group Homes  
Model Homes

**(PRD) DEVELOPMENT STANDARDS**

Intensity Of Use: 3 Dwelling Units Per Gross Acre  
Maximum Density: Single-Family - 8 Dwelling Units Per Acre  
Single-Story Apartments - 10 Dwelling Units Per Acre  
Multi-Story Apartments - 16 Dwelling Units Per Acre  
Setbacks: Developed With Plan  
Building Dimensions:  
Single-Story Dwelling Ground Floor Living Area - 1100 Sq. Ft.  
Two-Story Dwelling Ground Floor Living Area - 800 Sq. Ft. With 1200 Total Sq. Ft.  
Tri-Level Dwelling - 1250 Sq. Ft.  
Manufactured/Mobile Homes - 840 Sq. Ft.  
Apartments Or Multi-Family Structures:  
One (1) Bedroom Unit - 800 Sq. Ft.  
Two (2) Bedroom Unit - 900 Sq. Ft.  
Three Or More Bedroom Units - 1100 Sq. Ft.

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

**(NCD) NEIGHBORHOOD COMMERCIAL**

**PERMITTED USES**

Retail Stores  
Office Facilities For Personal Services  
Credit Agencies Or Loan Offices  
Veterinary Offices  
Temporary Structures  
Public Uses

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

Apartments  
Outside Display Of Products  
Kindergarten Or Child Care Facilities  
Outdoor Storage Of Goods  
Drive-In Or Drive-Through Facilities

**(NCD) DEVELOPMENT STANDARDS**

Building Size - No More Than 5,000 Sq. Ft.

Lot Size - No Minimum Size

Lot Width - No Minimum Lot Width

Building Setbacks:

- County Or Township Rds. - 50'
- State Highways - 100'
- Side Yard Setbacks: 25'
- Rear Yard Setbacks: 30'

Maximum Lot Coverage - No Requirements

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

**(C-2) GENERAL COMMERCIAL**

**PERMITTED USES**

**NONE**

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

- Commercial & Office Establishments
- Private Community Facilities
- Commercial Establishments
- Hospitals, Medical Facilities, Nursing Homes, & Convalescent Homes
- Medical, Dental, & Optical Laboratories
- Kindergarten Or Child Care Facilities
- Public Or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsmen's Clubs, Fishing Lakes, Or Similar Uses
- Other Commercial Ventures
- Wholesale Business-Storage & Warehousing
- Apartments Or Residences
- Temporary Structures

**(C-2) DEVELOPMENT STANDARDS**

Lot Size - 1 Net Acre

Lot Width - 150'

Building Setbacks:

Maximum Lot Coverage:

County Or Township Rd. - 50'

Structure & Paving - 50%

State Highways - 100'

Structures - 25%

Side Yard Setbacks: 50'

Rear Yard Setbacks: 50'

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES



**(PCD) PLANNED COMMERCIAL AND OFFICE DISTRICT**

**PERMITTED USES**

Commercial And Office Establishments  
 Community Facilities  
 Motels, Service Stations, Restaurants, &  
 Travel Trailer Parks  
 Hospitals, Medical Facilities, Nursing Homes,  
 And Convalescent Homes  
 Medical, Dental, And Optical Laboratories  
 Kindergarten Or Child Care Facilities  
 Public Or Private Golf Courses, Country Clubs,  
 Hunt Clubs, Sportsmen's Clubs, Fishing Lakes,  
 Or Similar Uses  
 Wholesale Business-Storage And Warehousing  
 Apartments Or Residences  
 Temporary Structures  
 Public Uses

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

Adult Entertainment

**(PCD) DEVELOPMENT STANDARDS**

Setbacks - Developed With Plan  
 Building Dimensions - Developed With Plan  
 Site Development - All Natural Drainage Courses, Vegetation, And Contours In Excess of Six  
 (6) Percent Shall Be Maintained

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES.

**(M-1) LIGHT INDUSTRIAL DISTRICT**

**PERMITTED USES**

Wholesale Business  
Enclosed Warehouse Or Storage Activities  
Manufacturing Industries  
Service Or Repair Activities  
Business Offices  
Enclosed Research Facilities  
Temporary Structures  
Public Uses

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

Circuses, Carnivals, Or Similar Enterprises  
Outdoor Storage, Display, Or Sale Of Enclosed  
Raw Materials, Supplies, Etc.  
Commercial Uses

**(M-1) DEVELOPMENT STANDARDS**

Lot Size - No Minimum Size

Lot Frontage - 150'

Building Setbacks:

Maximum Lot Coverage -

County Road Or Township Rd. - 50'

No Requirement

State Highways - 100'

Side Yard Setbacks: 50'

Rear Yard Setbacks: 50'

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

**(M-2) HEAVY INDUSTRIAL DISTRICT**

**PERMITTED USES**

**NONE**

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

Manufacturing, Processing, Warehousing,  
& Industrial Service Activities  
Temporary Structures  
Sanitary Landfills  
Junkyards, Salvage Yards, & Recycling  
Facilities  
Industrial Or Commercial Uses

**(M-2) DEVELOPMENT STANDARDS**

Lot Size - 5 Acres

Lot Width - 300'

Building Setbacks:

Side Yard Setbacks: 50'

City Or Township Rd. - 50'

State Highways - 100'

Rear Yard Setbacks: 50'

Maximum Lot Coverage:

Structure & Paving - 50%

Structures - 25%

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

**(PID) PLANNED INDUSTRIAL DISTRICT**

**PERMITTED USES**

Manufacturing, Processing, Warehousing, &  
Industrial Service Activities  
Commercial Establishments  
Temporary Structures  
Freight Or Trucking Terminals  
Public Uses

**CONDITIONAL USES  
REQUIRING**

**BOARD OF ZONING APPEALS APPROVAL**

Sanitary Landfills  
Concrete Or Asphalt Plants  
Petroleum Product Storage  
Quarries, And Removal, Processing,  
And Sale Of Natural  
Resources  
Junk Or Salvage Yards  
Industrial Or Commercial Uses

**(PID) DEVELOPMENT STANDARDS**

Setbacks - Developed With Plan

Side Yard Setbacks: 50'

Building Dimensions - Developed With Plan

Rear Yard Setbacks: 50'

SEE THE MADISON COUNTY ZONING RESOLUTION  
FOR SPECIFIC REGULATIONS REGARDING THE ABOVE USAGES

## **ARTICLE I - TITLE**

Section 1.01 - This resolution shall be known and may be cited and referred to as the Madison County Zoning Resolution.

## **ARTICLE II - PURPOSE**

Section 2.01 - This resolution is enacted for the purpose of promoting public health, safety, morals, comfort, harmony and general welfare; to conserve and protect the natural resources and scenic and historical areas; to encourage the orderly growth and development of the County; to maintain the rural character and aesthetics of the County; to provide for adequate light, air and open space; to secure the most appropriate use of land; to facilitate adequate but economical provision for public improvements, all in accordance with existing County plans or plans which may be later adopted and as permitted by the provisions of Chapter 303, Ohio Revised Code.

## **ARTICLE III - INTERPRETATIONS OF STANDARDS**

Section 3.01 - In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. The Zoning Commission and the Board of County Commissioners will, when appropriate, refer to all plans, master plans, studies and treatises affecting the county area and may require inclusion of recommendations in plans or proposals as submitted for approval.

## **ARTICLE IV - DEFINITIONS**

### Section 4.01 - DEFINITIONS:

**Accessory Use (or Structure):** Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

**Agriculture:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

The operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Automotive Repair:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**Basement:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

**Boarding Kennel:** Any lot or premise where four (4) or more domesticated animals over four months of age are housed, boarded, groomed, trained and which may offer medical treatment.

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building, Accessory:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building Line: (See Setback Line)**

**Building, Principal:** A building in which is conducted the main or principal use of the lot in which said building is situated.

**Child Day-Care:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home.

**Comprehensive Development Plan:** A plan, or any portion thereof, adopted by the county showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a Conditional Use Permit and approval of the Board of Zoning Appeals.

**Conditional Use Permit:** A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**Condominium:** A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

**Corner Lot: (See Lot Types)**

**Cul-de-Sac (See Thoroughfare)**

**Dead-end Street: (See Thoroughfare)**

**Density:** A unit of measurement expressing the number of dwelling units per acres of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Density Bonus:** An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of park areas, as provided for in the zoning regulations.

**Development:** Any man-made change to improve or unimprove real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filing, grading, excavation, mining, dredging, or drilling operations or storage of equipment or materials.

**District:** A part, zone, or geographic area within the county within which certain zoning or development regulations apply.

**Dwelling:** Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**Dwelling Unit:** Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

**Dwelling, Single Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Rooming House (Boarding House, Lodging House, Dormitory):** A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

**Easements:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by each public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas.

**Flood Plain:** The area adjoining a watercourse which may be inundated during a flood.

**Flood, Regional:** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

**Floodway:** That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**Floodway Fringe:** That portion of the flood plain outside the floodway.

**Flood, One-hundred Year:** The flood having a one percent chance of being equaled or exceeded in any given year. On the average the flood occurs once in 100 years, although it may occur in any given year.

**Garages, Private:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. No more than two commercial vehicles per dwelling unit is parked or stored;
2. The commercial vehicle permitted does not exceed two tons capacity.

**Garage, Public:** A principal or accessory building other than a private garage used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**Group Residential Facility:** A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services.

**Home Occupation:** Home Occupation means an accessory use which is an activity, profession, occupation, service craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the

premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood,

**Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Lot:** For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

**Lot Coverage:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street or road. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

**Lot, Minimum Area of:** The area of a lot is computed excluding all right-of-ways.

**Lot Measurements:** A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot of parcel described by metes and bounds, the description of which has been so recorded.

**Lot Types:** Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.



**Major Thoroughfare Plan:** The portion of comprehensive plan adopted by the Planning Commission or County indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Manufacturing, Extractive:** Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**Mobile Home Park:** Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**Nonconformities:** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

**Open Spaces:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**Performance Bond or Surety Bond:** An agreement by a subdivider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

**Planned Unit Development:** An area of land in which a variety of housing types and subordinates commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a public or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Uses:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

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

**Setback Line:** A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building, or structure may be located.

**Sewers, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

**Sewer, On-Site:** A septic tank or similar installation on an individual lot which utilizes an anerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of County Health Department.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

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

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic usually on a continuous route.
3. **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.
4. **Cul-de-Sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **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 one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called **Frontage Street**)

**Use:** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

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

**Vicinity Map:** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**Walkway:** A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Yard:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height installations and requirements limiting obstruction of visibility.

1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

3. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Zero Lot Line Development:** An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

**Zoning Inspector:** The Zoning Inspector is the person designated by the Board of County Commissioners to administer and enforce zoning regulations and related Resolutions.

**Zoning Permit:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Unless otherwise defined herein, all words used in this Zoning Resolution shall be given the precise meaning or significance as that which is normally attributed to such work or as the same is defined in Webster's Dictionary.

## **ARTICLE V - DISTRICTS AND BOUNDARIES**

**Section 5.01 - ZONING DISTRICTS:** For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Madison County, Ohio under County Zoning, may be divided into one or more such districts:

A-1	Agricultural District
R-1	Suburban Residential District
R-2	Low Density Residential District
R-3	Multi-Type Residential District
PRD	Planned Residential District
NCD	Neighborhood Commercial District
C-2	General Commercial District
PCD	Planned Commercial and Office District
M-1	Light Industrial District
M-2	Heavy Industrial District
PID	Planned Industrial District

The regulations shall be uniform for each class or kind of building or other structure or use throughout each district or zone, but the regulations in one district or zone shall differ from those in other districts or zones, as hereinafter set forth.

**Section 5.02 - DISTRICT BOUNDARIES:** The boundaries of each district into which the County is divided are indicated upon the zoning maps of Madison County, which are hereby made a part of this Resolution. The said map of Madison County, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Resolution as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those County maps entitled "Zoning Map, Madison County, Ohio", is properly attested and is on file in the office of the County Zoning Inspector, Madison County, Ohio.

The boundaries of the Flood Plain shall delineate the areas of special flood hazard which have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the unincorporated areas of Madison County". This study, with accompanying Flood Boundary and Floodway and/or Flood Insurance Rate Maps dated February 6, 1991 and any revisions thereto is hereby adopted by reference and declared to be a part of this Resolution. The Flood Insurance Study is on file at the Madison County Zoning Office.

**Section 5.03 - NEW TERRITORY:** All territory which may hereafter become a part of Madison County, Ohio, by any method and all territory in an Agricultural district (A-1) on the effective date of this Resolution, March 25, 2002, shall be classed automatically as lying in and being in an Agricultural District (A-1) until such classification shall have been changed to this Zoning Resolution and Map as provided by law.

**Section 5.04 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- a) Where district boundaries are indicated approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such as center lines, street lines, or

highway right-of-way lines shall be construed to be such boundaries.

- b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed parallel thereto and at such distance as indicated on the zoning map. If no such distance is given, the dimension shall be determined by the use of the scale shown on said zoning map.
- d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad lines.
- e) Where the boundary of a district follows a stream or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- f) Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning or annexation of any territory, said metes and bounds description shall have control over all of the foregoing.
- g) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

Section 5.05 - ZONING MAP: The official zoning map shall be maintained by the Zoning Inspector and the same shall be accessible to the public at all reasonable times.

## **ARTICLE VI - APPLICATION OF RESOLUTION**

**Section 6.01 - CONFORMANCE REQUIRED:** Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this Resolution for the district in which the structure or land is located. All buildings shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

**Section 6.02 - AGRICULTURE:** Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure.

Agricultural activities may be prohibited or regulated in some zoning districts. The following statement is from Section 303.21 of the Ohio Revised Code:

The County Zoning Resolution, or an amendment to such Resolution, may in any platted subdivision approved under Section 303.05, 303.09, or 303.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 303.131 (303.13.1) of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

- 1.) Agriculture on lots of one (1) acre or less:
- 2.) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: setback; building lines; height; and size.
- 3.) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code. After thirty-five (35%) percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Ohio Revised Code.

**Section 6.03 - PUBLIC UTILITIES AND RAILROADS:** Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term "operation of its business" shall not be deemed to include general offices or other uses not related directly to provision of utility services.

**Section 6.04 - SALE OF ALCOHOLIC BEVERAGES:** Nothing contained in this Resolution shall confer powers on the Zoning Commission, Board of Commissioners, or Board of Zoning Appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, or restaurant is permitted.

**Section 6.05 - BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION:** Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The Zoning Inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed. The foundation shall have been started within six (6) months from the effective date of this Resolution.

The ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution or applicable textual amendments hereto.

Section 6.06 - ISSUED ZONING CERTIFICATES: Any new proposed construction for which a zoning certificate is issued shall have been started within six (6) months of issuance of said permit, and the ground story framework, including structural parts of a second floor, shall have been completed with one (1) year after the issuance of the zoning certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the County and with the original request for the certificate. In no case shall the timetable for phased construction be more than two (2) years.

In the case of phased construction, if the above schedule is not met, any prior right as a conforming use is lost and zoning certificates for new construction invalidated.

**ARTICLE VII - AGRICULTURAL DISTRICT (A-1)**

**Section 7.01 - PURPOSE:** The Agricultural District is intended to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and protect them from uncontrolled encroachment by urban types of development.

**Section 7.02 - APPLICATION:** All unincorporated lands in townships under Madison County Zoning which are not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots in subdivisions which are located within the unincorporated limits of townships under Madison County zoning and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Madison County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be constructed to prohibit the use thereof for residential purpose.

**Section 7.03 - PERMITTED USES:** Within the Agricultural District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Accessory buildings and accessory uses including private garages.
- b) Projects specifically designed for watershed protection, conservation of water or soils, or for flood control.
- c) Agriculture, beekeeping, dairying, floriculture, grazing and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks and stables.
- d) Roadside sales of agricultural products shall be permitted in this district provided however that at least fifty (50%) percent of the gross income from the market is derived from the sale of products which are produced on lands in this county or adjacent counties farmed by the proprietor of said sales stand and adequate area exists adjacent thereto for parking. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.
- e) Facilities for the storage, sorting, preliminary processing, or sale of agriculture products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting, or sales is carried on incident to other farming operations by the owner/proprietor.
- f) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The use of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

**Section 7.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditional Uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant



shall be permanent and shall run with the land, the sale, or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner (s) or his agent shall be required to reapply for a continuation and/or modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with the conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Single-Family Residence (Limited to one (1) dwelling per parcel, tract, or lot).
- b) One (1) apartment for full time domestic help employed on the premises or full time farm labor.
- c) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one (1) sign, not larger than four (4) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
  - 3) Residents only, may be employed on said premises.
  - 4) Services may be rendered on the premises or elsewhere.
  - 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side yard or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces).
  - 6) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Madison County Department of Health and do not create a burden on adjoining property.
  - 8) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

- 9) 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 and not more than twenty (20%) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty (50%) percent of the floor space of any garage or accessory building.
- 10) All activities, materials and equipment associated with the business shall be totally maintained within a building.
- d) Private landing fields for aircraft for personal use by the owner of the property provided that no commercial activities take place on said premises.
- e) Permanent structures or improvements used for farm market, subject to the following conditions:
  - 1) The market shall meet the parking requirements of Article XXI of this Resolution.
  - 2) The market shall meet all requirements of the sign regulations of Article XXII of this Resolution.
  - 3) The market shall meet all general requirements of Neighborhood Commercial District.
- f) Boarding Kennels, Riding Stables and Animal Shelters subject to the following conditions:
  - 1) No building or structure used for the purpose of a boarding kennel, riding stable or animal shelter shall be located closer than two-hundred (200) feet from the lot line of any residence, church, school or any institution of human care.
  - 2) Full compliance with Madison County Health Department shall be satisfied.
  - 3) Suitable fencing and/or screening shall be provided as approved by the Madison County Board of Zoning Appeals.
  - 4) Such use can be safely conducted in a manner designed not to cause any interference with the right of quiet enjoyment by the residents of adjoining properties.
- g) Private Schools or Colleges, provided that the institution occupies a minimum of twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- h) Kindergarten or Child Care Facilities, provided that the facility shall be architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards and farm fields or woodlots.
- i) Churches or other places of worship.
- j) Playgrounds, Playfields, Picnic Areas, and Summer Camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.
- k) Cemeteries, providing the same occupies a tract of not less than five (5) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 21.09 of this Resolution. No internment may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line, unless a mature natural screen has been established along said property line at least six (6) feet in height, in which case,

burials may be permitted not closer than ten (10) feet to said property line. No mausoleum, crematory, office facility, maintenance building, or storage area shall be constructed except as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening, and other improvements shall be furnished as required.

- l) Borrow Pits, provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of County Commissioners and/or the County Engineer to ensure compliance with the restrictions and conditions imposed to insure regrading, reseeding and general restoration of the area including haul roads. All applications or plans submitted incident thereto shall be reviewed by the Madison County Engineer, and his comments shall be included in the record regarding the matter. An extension of the time limit may be approved by the Board of Zoning Appeals.
- m) Public Uses, such as government owned or operated public parks, schools, and administrative, cultural and service facilities, but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.
- n) Bed and Breakfast home provided that:
  - 1) A maximum of eight (8) guests may be housed.
  - 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties.
  - 3) Parking: All bed and breakfast homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be eight (8). The driveway of the bed and breakfast home may be utilized for not more than two (2) parking places.
  - 4) Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by the public.
- o) An owner of a parcel of real estate zoned A-1 and containing 20.001 acres or more, identified as a recorded lot of record as of May 1, 2002, may apply for a conditional use for two (2) dwelling houses without requiring the rezoning procedure as required in this Resolution. Such Conditional Use shall comply with the standards as set forth in Article VIII of this regulation and any other condition imposed by the Board of Zoning Appeals. Said Conditional Use shall further comply with drainage requirements and sanitary regulations required by the various agencies of this County.

The Conditional Use Permit shall be applied for under the procedures as contained in Article XXVIII, Section 28.07 of this Resolution. The application shall first be submitted to the Madison County Subdivision Review Board, which will make recommendations concerning said Application. The Review Board shall then forward its recommendations to the Madison County Board of Appeals.

Zoning

After the granting of two (2) such Conditional Use Permits for said parcel, any additional subdivision shall require a zoning amendment as set forth in Article XXVII of this Resolution.

It is the intent of this County to consider granting two (2) dwelling house Conditional Use Permits for each parcel of real estate over 20.001 acres as recorded lot of record of May 1, 2002. Any further residential uses shall require a zoning amendment and comply with the subdivision regulations

of this County.

Section 7.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- d) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the neighborhood or general public.
- e) Except as specifically permitted by Section 7.03 (f) no manufactured/mobile home which does not meet the requirements of the Ohio Basic Building Code shall be placed or occupied in this district.

Section 7.06 - DEVELOPMENT STANDARDS: All lands and uses within the Agricultural District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area - No parcel of land in this district shall be used for residential purposes which has an area of less than twenty (20) acres. All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.
- b) Lot Frontage - Lots or parcels within this zoning district shall have a minimum of sixty (60) feet of contiguous frontage on a road approved by the Madison County Engineer.
- c) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- d) Building Dimensions (Living Area Requirements) - Each single-family dwelling hereafter erected in this district shall have a living area of not less than eleven hundred (1100) square feet. All such living areas shall be exclusive of basements, porches, and garages.
- e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09
- f) Side Yard Set Back - No building or structure shall be located closer than thirty (30) feet to any side lot line.
- g) Rear Yard Requirement - No principal dwelling shall be located closer than forty (40) feet to the rear line of any lot, and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures be constructed which cover more than twenty-five (25%) percent of the lot area.
- i) Parking - Off-street parking shall be provided, at the time of construction of the main

structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.

- j) Signs - Shall be controlled by the provisions of Article XXII of this Resolution.
- k) HUD Units - Shall be controlled by the provisions of Article XXI, Section 21.10 of this Resolution.

### **Article VIII - SUBURBAN RESIDENTIAL DISTRICT (R-1)**

**Section 8.01 - PURPOSE:** There is created hereby within Madison County, a Suburban Residential District to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density, single-family residences and other essentially non-urban types of residential and agricultural activities, so that the basically rural character of these areas may be preserved and maintained.

**Section 8.02 - APPLICATION:** All unincorporated lands in Madison County under County Zoning, and not otherwise zoned, shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots or town lots which are located within the limits of Madison County Zoning Area and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Madison County, Ohio at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purposes.

**Section 8.03 - PERMITTED USES:** Within the Suburban Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single-family dwellings. (Limited to one (1) single-family dwelling per parcel, tract or lot.)
- b) Accessory buildings and accessory uses including private garages.
- c) Projects specifically designed for watershed protection, conservation of soil, or water or for flood control.
- d) Agricultural purposes, beekeeping, dairying, floriculture, grazing, and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails, and stables, subject to the following restrictions:
  - 1) Roadside sales of agricultural products shall be permitted in this district, provided however, that at least fifty (50%) percent of the gross income from the market is derived from sale of products which are produced on lands farmed by the proprietor of said sales stand, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.
  - 2) Facilities for the storage, sorting, preliminary processing, or sale of agricultural products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
- e) Temporary structures such as manufactured/mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10)

days after expiration of said permit.

Section 8.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and/or modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Home Occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one (1) sign, not larger than four (4) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
  - 3) Residents only shall be employed on said premises.
  - 4) Services may be rendered on the premises or elsewhere.
  - 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The home occupation shall have the required number of off-street parking spaces as required for the residential use, plus the number of required spaces for the most similar commercial use.
  - 6) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create a fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Madison County Department of Health and do not create a burden on adjoining property.
  - 8) No activity shall be conducted or permitted which creates a nuisance to neighboring property.

- 9) 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 and not more than twenty (20) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty (50) percent of the floor space of any garage or accessory building.
- 10) All activities, materials and equipment associated with the business shall be totally maintained within a building.
- b) Public or Private Schools or Colleges, provided that the institution occupies a minimum of twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- c) Kindergarten or Child Care Facilities, provided the facility occupies a minimum of three (3) acres. The building shall be architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.
- d) Churches or other places of worship, provided they occupy a lot on not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.
- e) Playgrounds, Playfields, Picnic Areas, and Summer Camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.
- f) Cemeteries, providing the same occupies a tract of not less than five (5) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 21.09 of the Resolution. No internment may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless mature natural screen has been established along said property line at least six (6) feet in height in which case burials may be permitted not closer than ten (10) feet to said property line. No mausoleum, crematory, office facility, maintenance building, or storage area shall be constructed except as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening, and other improvements shall be furnished as required.
- g) Permanent structures or improvements used for farm market, subject to the following conditions:
  - 1) The market shall meet the parking requirements of Article XXI of this Resolution.
  - 2) The market shall meet all requirements of the sign regulations of Article XXII of this Resolution.
  - 3) The market shall meet all general requirements of the Neighborhood Commercial District.
- h) Public Uses, such as government owned or operated public parks, schools, and administrative, cultural and service facilities, but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.
- i) Model Homes, the same being defined as residential-type structures used as sales offices by builders/developer and to display the builder/developer's product. The same may be



furnished within, since its purpose is to display to prospective buyer the builder/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:

- 1) Hours of operation: All model homes shall close prior to 9:00 P.M.
  - 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
  - 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking places.
  - 4) Screening and trash receptacles: Landscape drawing shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  - 5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90%) percent of the lots.
- j) Bed and Breakfast home provided that:
- 1) A maximum of eight (8) guests may be housed.
  - 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties.
  - 3) Parking: All bed and breakfast homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be eight (8). The driveway of the bed and breakfast home may be utilized for not more than two (2) parking places.
  - 4) Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by the public.

#### Section 8.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed, or unused motor vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) days is prohibited. Said vehicles stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, camper of any type may be occupied by guest of the resident owner for more than fourteen (14) days and only one (1) motor home or camper is permitted at any time.
- d) No trash, debris, unused property, or discarded materials, shall be permitted to accumulate on any lot or portion thereof which creates eyesore, hazard, or nuisance to the neighborhood or general public.
- e) Except as specifically permitted by Section 8.03 (e) no manufactured/mobile home which does

not meet the requirements of the Ohio Basic Building Code shall be placed or occupied in this district.

Section 8.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute a change to the Zoning Resolution as it applies to the lands included in the approved plan. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Madison County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless an application for time extension is timely submitted and approved. Lands zoned Suburban Residential (R-1) and vacant at the time of the adoption of this amended resolution shall be exempted from reversion, but shall meet all other requirements of the Suburban Residential District.
- b) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of this district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 8.06 (a) as previously set forth.

Section 8.07 - DEVELOPMENT STANDARDS: All lands and uses within the Suburban Residential District shall be developed in strict compliance with standards hereinafter established:

- a) Lot Area - All lots or parcels of land in this district shall have an area of not less than one and one-half (1.5) net acres (65,340 square feet), excluding all right of ways.
- b) Lot Frontage - Lots or parcels within this zoning district shall have the following minimum contiguous frontage on a road or street approved by the Madison County Engineer:

Less than five (5) acres	-	200 feet
Five (5) acres but less than ten (10) acres	-	270 feet
Over Ten (10) acres	-	330 feet

Irregularly shaped lots (e.g. pie shaped) located on a curve or cul-de-sac, having less than the required minimum frontages on the right-of-way line of the adjoining approved road or street must have width fifty (50) feet forward of the line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and width of sixty (60) feet shall not be decreased at any point forward of the front building line of the principal residence located on the premises.

- c) Lot Depth - Lots or tracts within this district shall have the following maximum depth to frontage ratio:

One and one-half (1 ½ ) acres but less than five (5) acres	-	3:1 ratio
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Over five (5) acres

- 4:1 ratio

- d) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- e) Building Dimensions (Living Area Requirements) - Each single-family dwelling hereafter erected in this district shall have a living area of not less than eleven hundred (1100) square feet. All such living areas shall be exclusive of basements, porches, and garages.
- f) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09
- g) Side Yard Set Back - No building or structures shall be located closer than thirty (30) feet to any side lot line.
- h) Rear Yard Requirements - No principal dwelling shall be located closer than forty (40) feet to the rear line of any lot, and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- i) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures be constructed which cover more than twenty-five (25%) percent of the lot area.
- j) Parking - Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Articles XXI of this Resolution.
- k) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.
- l) Lighting Standards - All exterior lighting fixtures will be shaded whenever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
- m) HUD Units - Shall be controlled by the provisions of Article XXI, Section 21.10 of this Resolution.

**ARTICLE IX - LOW DENSITY RESIDENTIAL DISTRICT (R-2)**

**Section 9.01 - PURPOSE:** There is created in unincorporated areas in townships under Madison County Zoning, a Low Density Residential District which shall provide areas for single- family suburban type residential development at low density on land which is generally vacant at the time of development. These areas shall provide space for new residential development of a suburban character on lands which are served with central sewer and water.

**Section 9.02 - APPLICATION:** All unincorporated lands within townships under Madison County Zoning which are to be used for single-family lots of less than one (1) acre, but at least twenty thousand (20,000) square feet in area, shall be controlled by the provisions of this article of the Zoning Resolution unless the owner thereof elects to apply the provisions of Article XI of this Resolution.

All lots or town lots which are located within the limits of the Madison County Zoning Resolution and which were duly recorded upon the plat thereof in the Plat Records of the Recorder's Office, Madison County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purposes.

**Section 9.03 - PERMITTED USES:** Within the Low Density Residential District (R-2) the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Single-family dwellings (Limited to one (1) single-family dwelling per parcel, tract, or lot).
- b) Accessory buildings and accessory uses including private garages.
- c) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- d) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during periods while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use. The permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on the finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply as deemed necessary. The fees for such permit and renewal thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.
- e) Roadside sales of agricultural products shall be permitted in this district provided that at least fifty (50%) percent of the gross income from the market is derived from sale of products which are produced on lands in this County or adjacent Counties farmed by the proprietor of said sales stand and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.

**Section 9.04 - CONDITIONAL USES:** Within the R-2 Zoning District the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted

shall void the Conditional Use Permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with the conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Home occupation conducted by the resident of a permitted dwelling subject to the following restrictions:
  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one (1) sign, not larger than four (4) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
  - 3) Residents of the permitted dwelling only may be employed on said premises.
  - 4) Services may be rendered on the premises or elsewhere.
  - 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side, rear yard, or driveway but shall not be located any closer to the street than the required setback line. The home occupation shall have the required number of off-street parking spaces as required for the residential use, plus the number of required spaces for the most similar commercial use as determined by the Board of Appeals.
  - 6) No equipment, process or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create a fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than which would normally be found in a dwelling containing no home occupation.
  - 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Madison County Department of Health and do not create a burden on adjoining property.
  - 8) No activity shall be conducted or permitted which creates a nuisance to neighboring property.
  - 9) 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 and not more than twenty (20%) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty (50%) percent of the floor space of any garage or accessory building.
  - 10) All activities, materials and equipment associated with the business shall be totally maintained within a building.
- b) Child Care Facilities, provided they occupy the residence of the operator or an accessory

building which is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.

- c) Churches or other places of worship, provided they occupy a lot of not less than two (2) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.
- d) Playgrounds, Playfields, Picnic Area and Summer Camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.
- e) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.

No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.

- f) Common wall or zero lot line housing, provided that the minimum lot area per unit is maintained.
- g) Permanent structures or improvements used for farm market, subject to the following conditions:
  - 1) The market shall meet the parking requirements of Article XXI of this Resolution.
  - 2) The market shall meet all requirements of the sign regulations of Article XXII of this Resolution.
  - 3) The market shall meet all general requirements of Neighborhood Commercial District.
- h) Bed and Breakfast home provided that:
  - 1) A maximum of eight (8) guests may be housed.
  - 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties.
  - 3) Parking: All bed and breakfast homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be eight (8). The driveway of the bed and breakfast home may be utilized for not more than two (2) parking places.
  - 4) Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by the public.
- i) Model Homes, the same being defined as residential-type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyer the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:

- 1) Hours of operation: All model homes shall close prior to 9:00 P.M.
- 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
- 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking places.
- 4) Screening and trash receptacles: Landscape drawing shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
- 5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90%) percent of the lots.

Section 9.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles including trailers detached from semi-tractors, for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for a period exceeding twenty-four (24) hours. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling, even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No trash, debris, unused property or discarded materials which creates an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.
- e) No motor home, mobile home, or camper of any type may be occupied by a guest of the resident owner or by the resident for more than fourteen (14) days. No more than one (1) motor home, trailer, or camper may be occupied for such a period on any lot, parcel, or farm.
- f) Except as specifically permitted in Section 9.03 (d) herein no mobile home shall be placed or occupied in this district.

Section 9.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute a change to the Zoning Resolution as it applies to the lands included in the approved plan. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Madison County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years,

the approval shall be voided and the land shall automatically revert to the previous District unless an application for time extension is timely submitted and approved. Lands zoned Low Density Residential District (R-2) and vacant at the time of the adoption of this amended resolution shall be exempted from reversion, but shall meet all other requirements of the Low Density Residential District.

- b) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of this district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 9.06 (a) as previously set forth.

**Section 9.07 - DEVELOPMENT STANDARDS:** All land and uses within the Low Density Residential District (R-2) shall be developed in strict compliance with the standards established:

- a) Lot Area - Residential lots which are served with an approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than twenty thousand (20,000) square feet per dwelling unit. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article VIII of this Zoning Resolution.
- b) Lot Frontage - All lots or parcels developed within this district having an area of less than one (1) acre shall have a minimum lot frontage of one hundred (100) feet on an adjoining approved street or road. All other lots or parcels shall have the minimum lot width prescribed in Section 8.07 of this Resolution and all measurements of such width shall be in conformity with that article.
- c) Building Height Limits - No buildings in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes and flag poles and elevator shafts, as permitted, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- d) Building Setback - No building or use shall be located closer to the center line of the adjacent public or private road than permitted in Section 21.09.
- e) Side Yard Setback - Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing under Section 9.04 (g), no building or structure shall be located closer than twenty (20) feet to any side lot line.
- f) Rear Yard Requirement - No principal dwelling shall be located closer than forty (40) feet to the rear lot line of any lot, and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- g) Building Dimensions (Living Area Requirements) - Each single-family dwelling hereafter erected in this district shall have a living area of not less than eleven hundred (1100) square feet. All such living areas shall be exclusive of basements, porches, and garages.
- h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures be constructed which cover more than twenty-five (25%) percent of the lot area.



- i) Signs - Except as provided under the provisions of this Article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent" or "Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.
- j) HUD Units - Shall be controlled by the provisions of Article XXI, Section 21.10 of this Resolution.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the board of Zoning Appeals, erect one (1) sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

**ARTICLE X - MULTI-TYPE RESIDENTIAL DISTRICT (R-3)**

Section 10.01 - PURPOSE: The County, recognizing that with increased residential areas which take into account contemporary housing types, hereby provides for the Multi-Type Residential District intending hereby to promote a variety of housing types, while still preserving and enhancing the health, safety and general welfare of the inhabitants of Madison County.

Section 10.02 - APPLICATION: The provisions of this article of the Zoning Resolution shall apply to all lands under County Zoning, zoned Multi-Type Residential.

Section 10.03 - PERMITTED USES: Within the Multi-Type Residential District (R-3), no permitted uses exist, all uses are conditional.

Section 10.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and/or modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Residential structures of any type, either single-family or multi-family, including but not limited to detached, semi-detached, attached, modular, manufactured/mobile, cluster, patio, common wall or any reasonable variation on the same theme.
- b) Temporary structures such as mobile office and temporary buildings of a con-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.
- c) Accessory buildings and accessory uses including private garages.
- d) Projects specifically designed for watershed protection, conservation of soil, or water or for flood control.
- e) Agricultural purposes, beekeeping, dairying, floriculture, grazing, and raising of livestock orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails, and stables, subject to the following restrictions:
  - 1) Roadside sales of agricultural products shall be permitted in this district, provided however, that at least fifty (50%) percent of the gross income from the market is derived from sale of products which are produced on lands farmed by the proprietor of said sales stand, and adequate area exists adjacent thereto for parking so as not to interfere with

traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.

- 2) Facilities for the storage, sorting, preliminary processing, or sale of agricultural products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
- f) Home occupation conducted by the resident of a permitted dwelling subject to the following restrictions:
- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one (1) sign, not larger than four (4) square feet and four (4) feet in height from the top of the sign to the grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign must be a minimum of twelve (12) feet from the nearest right of way line. The sign shall not be animated or lighted.
  - 3) Only residents of the permitted dwelling shall be employed on said premises.
  - 4) Services may be rendered on the premises or elsewhere.
  - 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side, rear yard, or driveway, but shall not be located any closer to the street than the required setback line, but in no case in front of the dwelling. The home occupation shall have the required number of off-street parking spaces as required for the residential use, plus the number of required spaces for the most similar commercial use, as determined by the Board of Zoning Appeals.
  - 6) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Madison County Department of Health and the EPA. Nor shall they create a burden on adjoining property.
  - 8) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
  - 9) The home occupation shall be clearly incidental to the use of the property as a residence.
  - 10) All activities, materials and equipment associated with the business shall be totally maintained within a building.

- 11) 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 and not more than twenty (20%) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty (50%) percent of the floor space of any garage or accessory building.
- g) Group homes or residential care facilities in which not more than six (6) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:
- No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
- h) Model Homes, the same being defined as residential-type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:
- 1) Hours of operation: All model homes shall close prior to 9:00 P.M.
  - 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
  - 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.
  - 4) Screening and trash receptacles: Landscape drawing shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  - 5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90%) percent of the lots therein.
- i) Private Schools or Colleges, provided that the institution occupies a minimum of twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- j) Kindergarten or Child Care Facilities, provided the facility occupies a minimum of three (3) acres. The building shall be architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.
- k) Churches or other places of worship, provided they occupy a lot on not less than one (1) acre plus one (1) acre for each one hundred (100) permanent seats over one hundred (100) in the main assembly area.

- l) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.
- m) Bed and Breakfast home provided that:
  - 1) A maximum of eight (8) quests may be housed.
  - 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties.
  - 3) Parking: All bed and breakfast homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be eight (8). The driveway of the bed and breakfast home may be utilized for not more than two (2) parking places.
  - 4) Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by the public.

Section 10.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable or unlicensed motor vehicles, for a period exceeding fourteen (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes nor equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days. No more than one (1) motor home, trailer, or camper may be occupied for such a period on any lot, parcel, or farm.
- e) No trash, debris, unused property, or discarded materials which creates an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

Section 10.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for a conditional use in this district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots and lands under County Zoning, may request a Conditional Use Permit in the Multi-Type Residential District tracts in accordance with the provisions of this Resolution.

The applicant shall engage in informal consultations with the Board of Zoning Appeals and the Subdivision Review Board prior to formal submission of a development plan, understanding that no statement by officials of the County shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Board of Zoning Appeals with the application, which plan shall include in text and map form the following:

- 1) The proposed size and location of the Multi-Type Residential District.
  - 2) The general development character of the tract including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - 7) Location of schools, parks and other facility sites, if any.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give county officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.
- c) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute a change to the Zoning Resolution as it applies to the lands included in the approved plan. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Madison County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless an application for time extension is timely submitted and approved. Lands zoned Multi-Type Residential District (R-3) and vacant at the time of the adoption of this amended resolution shall be exempted from reversion, but shall meet all other requirements of the Multi-Type Residential District.
- d) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment or the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of this district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 10.06 (c) as previously set forth.

Section 10.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required

in the Multi-Type Residential District.

a) Lot Area - Residential lots which are served with approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than twenty-thousand (20,000) square feet per dwelling unit. All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.

b) Lot Frontage - Lots or parcels within this zoning district shall have the following minimum contiguous frontage on a road or street approved by the Madison County Engineer:

Less than two (2) acres	-	200 feet
Two (2) acres but less than three (3) acres	-	250 feet
Three (3) acres but less than ten (10) acres	-	300 feet
Over ten (10) acres	-	330 feet

Irregularly shaped lots (e.g. pie shaped) located on a curve or cul-de-sac, having less than the required minimum frontages on the right-of-way line of the adjoining approved road or street must have width fifty (50) feet forward of the front building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and width of sixty (60) feet shall not be decreased at any point forward of the front building line of the principal residence located on the premises.

c) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

d) Building Dimensions - (Floor Space Requirements) - Each single-family dwelling hereafter erected in this district shall have a living area of not less than eleven hundred (1100) square feet. All such living areas shall be exclusive of basements, porches or garages.

All apartments or other multi-family structures constructed within this district shall contain the following minimum living area, to-wit:

One (1) bedroom unit	-	800 square feet
Two (2) bedroom unit	-	900 square feet
Three or more bedroom units	-	1000 square feet

e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09.

f) Side Yard Set Back - Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing, no building or structures shall be located closer than twenty-five (25) feet to any side lot line.

g) Rear Yard Requirements - No principal dwelling shall be located closer than fifty (50) feet to the rear line of any lot, and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

- h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than fifty (50%) percent of the lot area. Structures shall cover no more than twenty-five (25%) percent of the lot or parcel area.
- i) Parking - Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Articles XXI of this Resolution.
- j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.
- k) Landscaping - All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall meet the requirements of Article XXIII of this Resolution.
- l) Mobile Home Development Standards - In the event mobile homes are included as a type of residence within this district, construction of pads, etc. shall be in conformity with industry standards currently established by the Mobile Home Park Association, any State or Federal standards established on said subject or any requirement approved or imposed in the plan of development.
- m) Exterior Lighting - All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- n) The County Board of Zoning Appeals may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
- o) HUD Units - Shall be controlled by the provisions of Article XXI, Section 21.10 of this Resolution.



**ARTICLE XI - PLANNED RESIDENTIAL DISTRICT (PRD)**

Section 11.01 - PURPOSE: The County recognizing that with increased residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residential District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of the Madison County.

Section 11.02 - APPLICATION: The provisions of this article of the Zoning Resolution shall apply to all unincorporated lands under County Zoning, regardless of the size, and the owner of any parcel may elect to submit an application for change in the zoning under the provisions of this article despite the fact that the planned densities or size of the tract do not exceed the permitted densities or acreages set forth in Articles VIII, IX and X of this Resolution.

Section 11.03 - PERMITTED USES: Within the Planned Residential District (PRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Residential structures of any type, either single-family or multi-family, including but not limited to detached, semi-detached, attached, modular, manufactured/mobile, cluster, patio, common wall or any reasonable variation on the same theme.
- b) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- c) Temporary structures such as mobile office and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.
- d) Public Uses such as government owned or operated public parks, schools, and administrative, cultural and service facilities, but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Section 11.04 - CONDITIONAL USES: Within the PRD Zoning District the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does

not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Home occupations which are clearly incidental and secondary to the residential use conducted by the resident of the permitted dwelling subject to the following restrictions:
  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one (1) sign, not larger than four (4) square feet and four (4) feet in height from the top of the sign to the grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign must be a minimum of twelve (12) feet from the nearest right-of-way line. The sign shall not be animated or lighted.
  - 3) Residents only of the permitted dwelling shall be employed on said premise.
  - 4) Services may be rendered on the premises or elsewhere.
  - 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side, rear yard, or driveway, but shall not be located any closer to the street than the required setback line, but in no case in front of the dwelling. The home occupation shall have the required number of off-street parking spaces as required for the residential use, plus the number of required spaces for the most similar commercial use, as determined by the Board of Zoning Appeals.
  - 6) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Madison County Department of Health and the EPA, nor shall they create a burden on adjoining property.
  - 8) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
  - 9) 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 and not more than twenty (20%) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty (50%) percent of the floor space of any garage or accessory building.
  - 10) All activities, materials and equipment associated with the business shall be totally maintained within a building.
- b) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a

family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.

No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.

- c) Model Homes, the same being defined as residential-type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:
- 1) Hours of operation: All model homes shall close prior to 9:00 P.M.
  - 2) Lighting: All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
  - 3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.
  - 4) Screening and trash receptacles: A landscape drawing shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  - 5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90%) percent of the lots therein.

#### Section 11.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, or unlicensed motor vehicles, for a period exceeding fourteen (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days. No more than one (1) motor home, trailer, or camper may be occupied for such a period on any lot, parcel, or farm.
- e) Except as specifically permitted in Section 11.03 (c) or approved in the approved development plan, no manufactured/mobile home shall be placed or occupied in this district.
- f) Agricultural activities are prohibited in subdivisions that meet the requirements of the

O.R.C., Section 519.21 (see section 6.02 of this resolution).

- g) No trash, debris, unused property, or discarded materials which creates an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

Section 11.06 - PROCEDURE: In addition to any other procedures set out in this Resolution all applications for amendments to the zoning map to rezone lands to this PRD District shall follow the procedures hereinafter set forth:

- a) Application - The owner or owners of lots and lands within the townships under county zoning may request that the zoning map be amended to include such tracts in the Planned Residential District in accordance with the provisions of this Resolution.

The applicant shall engage in informal consultations with the Zoning Commission and shall meet with the Subdivision Review Board prior to formal submission of a development plan and request an amendment of the zoning map, understanding that no statement by officials of the County shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and map form the following:
- 1) The proposed size and location of the Planned Residential District.
  - 2) The general development character of the tract including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - 7) Location of schools, parks and other facility sites, if any.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give county officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.
  - 11) Specific statements of divergence from the development standards in Articles XXI and/or XXII or existing County regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved, the same shall be met.

- 12) Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval - In approving an application for a Planned Residential District, the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the County and the immediate vicinity.
- d) Effect of Approval - The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Madison County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.
- e) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the Zoning Commission and the County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the County Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 11.06 (d) as hereinbefore set forth.
- f) Plat Required - In the Planned Residential District (PRD), no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Madison County, Ohio, and these Regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
  - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the

recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

- g) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the County Commissioners or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

Section 11.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Planned Residential District.

- a) Intensity of Use - The maximum density shall be three (3) dwelling units per gross acre within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of three (3) dwelling units per gross acre. Increased densities of one-half dwelling unit per quality item may be approved by the Zoning Commission and County Commissioners if it is determined that any of the following quality items exist:
  - 1) If the property is directly adjacent and easily accessible to major thoroughfares.
  - 2) If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service facilities.
  - 3) If the developer provides parks or public open or recreation space as part of the design of the development.
  - 4) If pedestrian or bike trails are provided as part of the design of the development.
  - 5) The retention and protection of natural or historic areas.

The Zoning Commission and County Commissioners may grant zoning incentives of up to one-half (1/2) unit per gross acre for each of the above standards of quality found to exist; however, the total density for the entire area of development shall not exceed five (5) units per gross acre.

the

For purposes of development within the Planned Residential District, the maximum density for development for any single acre shall be as follows:

<u>Type Dwelling</u>	<u>Maximum Dwelling Units</u> <u>On Any Single Acre</u>
Single Family	8
Single-Story Apartments	10
Multi-Story Apartments	16

- b) Arrangement of Structures
  - 1) Setbacks - The physical relationships of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved plan or the provisions of Article XXI unless variance therefor is approved.
  - 2) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain bins, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmill, aerial,

antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

d) Building Dimensions - (Floor Space Requirements) -

Each single-family dwelling hereafter erected in this district shall have a living area not less than:

Single-Story dwelling shall have a ground floor living area, exclusive of basements, porches, and garages, of not less than eleven-hundred (1100) square feet.

Two-Story dwelling shall have a ground floor living area of not less than eight hundred (800) square feet with a total living area of not less than twelve (1200) hundred square feet for the entire structure, exclusive of basements, porches, or garages.

Tri-Level dwelling shall have living area of not less than twelve hundred and fifty (1250) square feet of area, exclusive of basements, porches, and garages.

Manufactured/Mobile Homes shall have a living area of not less than eight-hundred and forty (840) square feet of area, exclusive of porches.

All apartments or other multi-family structures constructed within this district shall contain the following minimum living area, exclusive of basements, porches, and garages:

One (1) bedroom unit	-	800 square feet
Two (2) bedroom unit	-	900 square feet
Three (3) or more bedroom units	-	1100 square feet

e) Landscaping - All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped.

f) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours shall be maintained.

g) Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution when appropriate, shall be incorporated.

h) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed four (4) square feet in area on each side.

The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or tract for sale.

i) Mobile Home Development Standards - In the event mobile homes are included as a type of residence within this district, construction of pads, etc. shall be in conformity with industry standards currently established by the Mobile Home Park Association, any State or Federal standards established on said subject or any requirement approved or imposed in the plan of development.

- j) The County Zoning Commission and/or Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
- k) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.



**ARTICLE XII - RESERVED FOR FUTURE USE**

**ARTICLE XIII - NEIGHBORHOOD COMMERCIAL (NCD)**

**Section 13.01 - PURPOSE:** It is the intent of Madison County to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, convenient to the neighborhood yet not designed to serve the public at large.

**Section 13.02 - APPLICATION:** The provisions of this article shall apply to all areas zoned Neighborhood Commercial as of the date of adoption of this amendment and all existing legal commercial uses on lands previously zoned commercial (B-1) within areas under County Zoning shall be considered, for purposes of this zoning district, permitted uses. All uses established after the date of the adoption of this Resolution shall conform to requirements of the Resolution.

The provisions of this article of the Zoning Resolution shall apply to all proposed uses which are designed to serve the limited neighborhood area as opposed to the community at large.

**Section 13.03 - PERMITTED USES:** Within the Neighborhood Commercial District (NCD) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted, provided that all activities and transactions, except off-street parking and loading/unloading, shall be conducted within a closed building.

- a) Retail Stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug and proprietary stores, liquor stores, carryouts, florists, eating and drinking places where service is provided totally within the building, self-service laundromats, laundry and drycleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops or any other like retail establishment consistent with the above listed uses. Businesses providing drive-thru facilities or facilities which do not require the occupant to leave his or her car are not considered permitted uses.
- b) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects, and engineers.
- c) Offices of credit agencies, personal credit institutions, or loan offices provided that no drive-in windows are provided.
- d) Offices of Veterinarians, provided that there are no outside runs.
- e) Other businesses, similar in nature or character as determined by the Zoning Board.
- f) Temporary structures such as manufactured/mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

- g) Public Uses such as government owned or operated public parks, schools, and administrative, cultural and service facilities, but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Section 13.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Apartments in areas over or adjacent to the commercial storeroom of office facility, provided that apartments constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages, to-wit:
- |                                 |   |                  |
|---------------------------------|---|------------------|
| One (1) bedroom unit            | - | 800 square feet  |
| Two (2) bedroom unit            | - | 950 square feet  |
| Three (3) or more bedroom units | - | 1000 square feet |
- b) Outside display of products for sale.
- c) Kindergarten or Child Care Facilities, provided the facility occupies three (3) acres and the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking, and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.
- d) Outdoor storage of goods.
- e) Drive-in or drive through facilities for restaurants, financial institutions, and other similar type businesses.

Section 13.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Outdoor storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding fourteen (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Except as specifically permitted in Section 13.03 (f) herein, no manufactured/mobile office or mobile structure shall be placed or occupied in this district.

Section 13.06 - DEVELOPMENT STANDARDS: In addition to any other provisions of this

Resolution, all lands and uses within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established.

- a) Building Size - No structure in this district shall contain more than five thousand (5000) square feet of floor space devoted to any permitted or conditional use.
- b) Lot Size - No minimum lot size shall be required; however, the lot size shall be adequate to provide the yard spaces and off-street parking as herein required.
- c) Lot Width - No minimum lot width shall be required; however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off-street parking.
- d) Building Height - No building shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure.
- e) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09.
- f) Side Yards - Side yards shall be required of not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from adjacent parcels.
- g) Rear Yards - Rear yards of not less than thirty (30) feet shall be required.
- h) Screening - All commercial and office areas shall provide a screening of shrubbery, artificial fencing, or mounding so as to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed, and all screening shall be maintained in a neat and tidy manner.
- i) Parking - Off-street parking shall be provided, within this district in strict compliance with the provisions of Article XXI of this Resolution.
- j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- k) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration and all requirements established by the National Fire Production Association shall be met. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- l) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- m) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- n) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicants shall meet the required standards of the Madison County Engineer.
- o) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage

treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

- p) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the property on which the use is located.
- q) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.

## **ARTICLE XIV - GENERAL COMMERCIAL (C-2)**

**Section 14.01 - PURPOSE:** It is the intent of the County to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop shopping areas which will provide a full range of services and products to the county and the surrounding communities.

**Section 14.02 - APPLICATION:** The provisions of this article shall apply to all areas under County Zoning, and zoned General Commercial as of the date of adoption of this amendment.

**Section 14.03 - PERMITTED USES:** Within the General Commercial District (C-2), no permitted uses exist, all uses are conditional.

**Section 14.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Commercial and Office Establishments of all types.
- b) Private community facilities such as libraries, offices of educational facilities.
- c) Commercial Establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes and convalescent homes.
- e) Medical, dental and optical laboratories.
- f) Kindergarten or child care facilities.
- g) Public or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsmen's Clubs, fishing lakes, or similar recreational uses with all buildings and club houses incident thereto including a restaurant to serve members and/or users of the facility.
- h) Other Commercial ventures not provided by other sections of this Resolution if approved by the Board of Zoning Appeals.
- i) Wholesale Businesses; storage and warehousing.
- j) Apartments or residences when the same are specifically designed as part of the architecture of the commercial structure. All living units constructed within this district shall contain the following minimum living area, to-wit:

One (1) bedroom unit	-	800 square feet
Two (2) bedroom unit	-	900 square feet
Three (3) or more bedroom units	-	1000 square feet

No commercial or business activity shall be conducted in a unit designed for residential use without consent of the Board of Zoning Appeals.

- k) Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

Section 14.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.
- b) Outdoor storage of any inoperable, unlicensed or unused motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Except as specifically permitted in Section 14.04 (k), no mobile home or mobile office structure shall be placed or occupied in this district.

Section 14.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for a conditional use in this district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots and lands under county zoning, may request a Conditional Use Permit in the General Commercial District in accordance with the provisions of this Resolution.

The applicant shall engage in informal consultations with the Board of Zoning Appeals and the Subdivision Review Board prior to formal submission of a development plan and request for a Conditional Use Permit, understanding that no statement by officials of the county shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Board of Appeals with the application, the plan shall include in text and map form the following:
- 1) The proposed size and location of the conditionally permitted General Commercial District.
  - 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.

- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage, with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for development of the site, including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give county officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.

**Section 14.07 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the General Commercial District shall be developed in strict compliance with the following standards:

- a) **Lot Size** - A minimum lot of one (1) net acre shall be required; however, the lot size shall be adequate to provide the required yard spaces and off-street parking as herein required.
- b) **Lot Width** - A minimum lot width of one hundred and fifty (150) feet shall be required; the commercial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off-street parking.
- c) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09
- d) **Side Yards** - There shall be a yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off-street parking shall encroach in said side yard.
- e) **Rear Yards** - No building shall be located closer than fifty (50) feet to the rear line of any lot.
- f) **Maximum Lot Coverage** - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than fifty (50%) percent of the lot area. Structures shall cover no more than twenty-five (25%) percent of the lot or parcel.
- g) **Landscaping** - All yards, front, side, and rear shall be landscaped, and all organized open spaces or areas shall be landscaped as required in Article XXIII of this Resolution.
- h) **Parking** - Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- i) **Signs** - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- j) **Lighting** - Exterior lighting fixtures shall be so shaded, shielded or directed that the light



intensity or brightness shall not be objectionable to surrounding areas.

- k) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) Performance Standards - No use shall be conducted within this district which fails to maintain the following standards:
  - 1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  - 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
  - 3) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
  - 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicants shall meet the required standards of the Madison County Engineer.
  - 5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
  - 6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the lot line on which the use is located.
  - 7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

## **ARTICLE XV - PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)**

**Section 15.01 - PURPOSE:** The County, recognizing that with increased urbanization and population growth comes increased demands for well organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the County hereby provides for the Planned Commercial and Office District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Madison County.

**Section 15.02 - APPLICATION:** This provision of the Zoning Resolution shall apply to all lands in townships under County Zoning within the County which are to be used for commercial or office purposes and which are not regulated by the Neighborhood Commercial District as set forth in Article XIV of this Resolution.

All uses established after the date of the adoption of this Resolution shall conform to all requirements of this Resolution.

**Section 15.03 - PERMITTED USES:** Within the Planned Commercial and Office District (PCD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- a) Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
- b) Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.
- c) Commercial Establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes and convalescent homes.
- e) Medical, dental and optical laboratories.
- f) Kindergarten or child care facilities.
- g) Public or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsmen's Clubs, fishing lakes, or similar recreational uses with all buildings and club houses incident thereto including a restaurant to serve members and/or users of the facility.
- h) Other Commercial ventures not provided by other sections of this Resolution if approved as part of the plan.
- i) Wholesale Business; storage and warehousing.
- j) Apartment or residences when the same are specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum living area, to-wit:

One (1) bedroom unit	-	800 square feet
Two (2) bedroom unit	-	900 square feet
Three (3) or more bedroom units	-	1000 square feet

No commercial or business activity shall be conducted in a unit designed for residential use without consent of the Zoning Commission.

- k) Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.
- l) Public Uses such as government owned or operated public parks, schools, and administrative, cultural and service facilities, but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Section 15.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Adult entertainment activities such as: adult book store, adult motion picture theater, adult picture drive-in theater, and adult only entertainment establishment.

Section 15.05 - PROHIBITED USES:

- a) Any use not specifically authorized by the express terms of Article XV of the Zoning Resolution shall not be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed, or the development plan.
- d) Except as specifically permitted in Section 15.03 (k) or in the approved development plan, no mobile home or mobile office structure shall be placed or occupied in this district.

Section 15.06 - PROCEDURE: In addition to any other procedures set out in the Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Application - The owner or owners of land within the County may request that the zoning map be changed to include such tracts in the Planned Commercial and Office District in accordance with the provisions of this Resolution.

The applicant shall engage in informal consultations with the Zoning Commission and shall meet with the Subdivision Review Board, prior to formal submission of a development plan and request an amendment of the zoning map, understanding that no statement by Officials of the County shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and map form the following:
- 1) The proposed size and location of the Planned Commercial and Office District.
  - 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs, with proposed control procedures.
  - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
  - 7) Location of parks and other public facility sites, if any.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed time-table for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give County officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.
  - 11) Specific statements of divergence from the development standards in Articles XXI and/or XXII or existing County regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved the same shall be complied with.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

- c) Criteria for Approval - In approving an application for a Planned Commercial and Office District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the County and the immediate vicinity.
- d) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute a change to the Zoning Resolution as it applies to the lands included in the approved plan. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Madison County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.
- e) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the County Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 15.06 (d) as previously set forth.
- f) Plat Required - In the Planned Commercial and Office District (PCD), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Madison County, Ohio and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
  - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate of compliance be issued for any building until such time as the facilities for the phase in which the building is located are completed.

- g) Administrative Review - All plats, construction drawings, restrictive covenants, and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the County Commissioners or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved, prior to the issuance of any zoning certificate.

Section 15.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution the following standards are required in this district:

- a) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration and all requirements established by the National Fire Production Association shall be met. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicants shall meet the required standards of the Madison County Engineer.
- e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the property on which the use is located.
- g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.
- h) Setbacks - The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless variance therefrom is approved.
- i) Building Height Limits - No building or structure in this district shall exceed fifty (50) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Elevator shafts, aerials and antennas may be constructed to any safe height.
- j) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.
- k) Landscaping - All yards, front, side and rear, shall be landscaped.

- l) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
- m) Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.
- n) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed four (4) square feet in area on each side.

The owner or developer of a subdivision or similar area, may upon the conditions and for the time period established by the Board of Zoning Appeals, erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or tract for sale.

- o) The County Zoning Commission and/or the Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

## **ARTICLE XVI - LIGHT INDUSTRIAL DISTRICT (M-1)**

**Section 16.01 - PURPOSE:** The County recognizes that a well planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention to provide those reasonable conditions under which desirable small scale industry may operate so that the health, safety and general welfare of the residents of the county may be preserved.

**Section 16.02 - APPLICATION:** The provisions of this article shall apply to all zoned Light Industrial (M-1) as of the date of adoption of this amendment.

**Section 16.03 - PERMITTED USES:** Within the Light Industrial District (M-1) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted.

- a) Wholesale business when all products are stored within the building.
- b) Enclosed warehouse or storage activities.
- c) Enclosed manufacturing industries.
- d) Enclosed service or repair activities.
- e) Business Offices.
- f) Enclosed research facilities.
- g) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.
- h) Public Uses such as government owned or operated public parks, schools, and administrative, cultural and service facilities, including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**Section 16.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and/or modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Circuses, carnivals or similar transient enterprises provided such uses can be operated in a



safe and sanitary manner pursuant to previously obtained health permits.

- b) The outdoor storage, display, or sale of raw materials, supplies, equipment or products.
- c) Any use of a commercial nature.

**Section 16.05 - PROHIBITED USES:**

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.
- b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Residential use of any kind.
- e) Except as specifically permitted in Section 16.03 (g), no mobile home or mobile office structure shall be placed or occupied in this district.
- f) Concrete or asphalt plants.
- g) Petroleum product storage areas.
- h) Quarries and other activities providing for the removal, processing and sale of natural resources.
- i) Freight or trucking terminals.

**Section 16.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution, all lands and uses within the Light Industrial District shall be developed in strict compliance with the following standards:

- a) **Lot Size** - No minimum lot size shall be required; however, the lot size shall be adequate to provide the required yard spaces and off-street parking as herein required.
- b) **Lot Width** - A minimum lot width of one hundred and fifty (150) feet shall be required: the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off-street parking.
- c) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09.
- d) **Side Yards** - There shall be a yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off-street parking shall encroach in said side yard.
- e) **Rear Yards** - No building shall be located closer than fifty (50) feet to the rear line of any lot.
- f) **Screening** - All outside storage areas, service areas and loading docks shall be screened by properly maintained walls, fences, shrubbery or mounding at least six (6) feet but not more

- than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed, and all other fences or walls shall be maintained in a neat and tidy manner.
- g) Parking - Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
  - h) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
  - i) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
  - j) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
  - k) Performance Standards - No use shall be conducted within this district which fails to maintain the following standards:
    - 1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
    - 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
    - 3) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
    - 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicant shall meet the required standards of the Madison County Engineer.
    - 5) Liquid or solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
    - 6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the lot line on which the use is located.
    - 7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive

emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

**ARTICLE XVII - HEAVY INDUSTRIAL DISTRICT (M-2)**

Section 17.01 - PURPOSE: The County recognizes that a well planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention to provide those reasonable conditions under which desirable large scale industry of all types may operate so that the health, safety and general welfare of the residents of the county may be preserved.

Section 17.02 - APPLICATION: The provisions of this article shall apply to all lands under County Zoning, zoned Heavy Industrial (M-2).

Section 17.03 - PERMITTED USES: Within the Heavy Industrial District (M-2), no permitted uses exist, all uses are conditional.

Section 17.04 - CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and/or modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Heavy Industrial District Regulations.
- b) Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, the permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.
- c) Sanitary Landfills provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Board of Zoning Appeals, may require such screening as is necessary to protect adjacent neighborhoods.
- d) Junk yards, salvage yards, and recycling facilities.
- e) Any manufacturing process not already provided for or prohibited by this Resolution.
- f) Any use of an industrial nature not already provided for by this Resolution.

Section 17.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning

Resolution or by the Board of Zoning Appeals shall be permitted.

- b) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to the conditional use in this district, the storage of any inoperable, unlicensed or unused motor vehicles, or trailers detached from semi-tractors, shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- c) Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in this district, no trailer or any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Residential use of any kind.
- e) Except as specifically permitted in Section 17.04 (b), no mobile home or mobile office structure shall be placed or occupied in this district.

Section 17.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for a conditional use in this district shall follow the procedures hereinafter set forth:

- a) Application - The owner or lessee of lots and lands under County Zoning, may request a Conditional Use Permit in the Heavy Industrial District in accordance with the provisions of this Resolution.

The applicant shall engage in informal consultations with the Board of Zoning Appeals and the Subdivision Review Board prior to formal submission of a development plan and request for a Conditional Use Permit, understanding that no statement by Officials of the County shall be binding upon either.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Board of Zoning Appeals with the application, the plan shall include in text and map form the following:
  - 1) The proposed size and location of the conditionally permitted Heavy Industrial District.
  - 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
  - 7) Location of parks and other public facility sites, if any.
  - 8) The proposed time schedule for development of the site, including streets, buildings, utilities and other facilities.

- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give County Officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.

Section 17.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, all lands and uses within the Heavy Industrial District shall be developed in strict compliance with the following standards:

- a) Lot Size - A minimum lot of five (5) acres net shall be required; however, the lot size shall be adequate to provide the required yard spaces and off-street parking as herein required.
- b) Lot Width - A minimum lot width of three hundred (300) feet shall be required; the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off-street parking.
- c) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09.
- d) Side Yards - There shall be a yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off-street parking shall encroach in said side yard.
- e) Rear Yards - No building shall be located closer than fifty (50) feet to the rear line of any lot.
- f) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than fifty (50%) percent of the lot area. Structures shall cover no more than twenty-five (25%) percent of the lot or parcel.
- g) Landscaping - All yards, front, side and rear shall be landscaped, and all organized open spaces or areas shall be landscaped as required in Article XXIII of this Resolution.
- h) Parking - Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- i) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Resolution.
- j) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- k) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- l) Performance Standards - No use shall be conducted within this district which fails to maintain the following standards:
  - 1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the

- Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- 2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
  - 3) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
  - 4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicant shall meet the required standards of the Madison County Engineer.
  - 5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
  - 6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise which is readily perceptible beyond the lot line on which the use is located.
  - 7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency Shall be adhered to.

**ARTICLE XVIII - PLANNED INDUSTRIAL DISTRICT (PID)**

**Section 18.01 - PURPOSE:** In the creation of the Planned Industrial District it is the intention to provide reasonable conditions under which well planned industrial areas can develop for the greatest benefit to the entire County and so that the health, safety and general welfare of all inhabitants of Madison County may be preserved.

**Section 18.02 - APPLICATION:** The provisions of this article shall apply to all lands in townships under County Zoning, regardless of the size of the tract, and the owner may elect to submit his application for change in the zoning under the provisions of this article.

**Section 18.03 - PERMITTED USES:** Within the Planned Industrial District (PID) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.
- b) Commercial Establishments normally associated with and designed to serve the industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities, provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
- c) Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, the permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.
- d) Freight or trucking terminals.
- e) Public Uses such as government owned or operated public parks, schools, and administrative, cultural and service facilities, including public land or buildings devoted solely to storage and maintenance of equipment and materials.
- f) Any manufacturing process not already provided for or prohibited by this Resolution.

**Section 18.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the



Conditional Use Permit, and the subsequent owner (s) or his agent shall be required to reapply for a continuation and/or modification of such use (s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Sanitary Landfills provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Zoning Commission may require such screening as is necessary to protect adjacent neighborhoods.
- b) Concrete or asphalt plants.
- c) Petroleum product storage areas.
- d) Quarries and other activities providing for the removal, processing and sale of natural resources.
- e) Junk or salvage yards.
- f) Any use of an industrial or a commercial nature not already provided for by this Resolution.

Section 18.05 - PROHIBITED USES:

- a) No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- b) Except as approved in the development plan the outdoor storage of any inoperable, unlicensed or unused motor vehicle, including trailers detached from semi-tractors, for a period exceeding fourteen (14) days is prohibited.
- c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes nor equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.
- d) Residential uses of any kind.
- e) Except as specifically permitted in Section 18.03 ( c ) or in the approved development plan, no mobile home or mobile office structure shall be placed or occupied in this district.

Section 18.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- a) Application - The owner of lots and lands within townships under County Zoning may request that the zoning map be changed to include such tracts in the Planned Industrial District in accordance with the provisions of this Resolution.

The applicant shall engage in informal consultations with the Zoning Commission and shall meet with the Subdivision Review Board, prior to formal submission of a development plan and request for an amendment of the zoning map, understanding that no statement by Officials of the County shall be binding.

- b) Development Plan - Ten (10) copies of the development plan shall be submitted to the Zoning Commission with the application, the plan shall include in text and map form the following:

- 1) The proposed size and location of the Planned Industrial District.
  - 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions for water, sanitary sewer and surface drainage, with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas.
  - 7) Location of parks and other public facility sites, if any.
  - 8) The proposed time schedule for development of the site, including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give County Officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan.
  - 11) Specific statements of divergence from the development standards, in Article XXI or XXII or existing County regulations or standards. Unless a variation from the development standards is specifically approved, the same shall be complied with.
  - 12) Evidence of the applicant's ability to post a bond, if the plan is approved, assuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval - In approving an application for Planned Industrial District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
  - 2) If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the County and the immediate vicinity.
- d) Effect of Approval - The Development Plan as approved by the County Commissioners shall constitute a change to the Zoning Resolution as it applies to the lands included in the approved plan. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Madison County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years,

the approval shall be voided and the land shall automatically revert to the previous District unless an application for time extension is timely submitted and approved. Lands zoned Industrial (M-2)) and vacant at the time of the adoption of this amended Resolution shall be exempted from reversion, but shall meet all other requirements of the Planned Commercial District.

- e) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the County Commissioners. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of this district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 18.06 (d) as previously set forth.
- f) Plat Required - In the Planned Industrial District (PID), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Madison County, Ohio, and these Regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
  - 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants.
  - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officer in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time that the facilities for the phase in which the building is located are completed.
- g) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the Board of County Commissioners or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

Section 18.07 - DEVELOPMENT STANDARDS: In addition to any development standards imposed or approved as part of the plan of development, the following standards shall apply:

- a) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration and all requirements of the National Fire Production Association shall be met. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air

Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

- c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. Applicant shall meet the required standards of the Madison County Engineer.
- e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of noise beyond the lot line of the property on which the use is located.
- g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.
- h) Screening - All outside storage areas, service areas and loading docks shall be screened by properly maintained walls, fences, shrubbery or mounding at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed, and all other fences or walls shall be maintained in a neat and tidy manner.
- i) Setbacks - The physical relationship of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless variance therefrom is approved.
- j) Side Yards - There shall be a yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off-street parking shall encroach in said side yard.
- k) Rear Yards - No building shall be located closer than fifty (50) feet to the rear line of any lot.
- l) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.
- m) Landscaping - All yards, front, side and rear, shall be landscaped, and all organized open spaces or areas shall be landscaped.
- n) Site Development - All natural drainage courses, vegetation, and contours shall be maintained to the maximum extent possible.
- o) Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the

development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.

- p) Signs - Except as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed four (4) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or tract for sale.

- q) The County Zoning Commission and/or the Board of County Commissioners may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

**ARTICLE XIX - ZONING RESOLUTION TO LIMIT HEIGHT OF OBJECTS  
AROUND MADISON COUNTY AIRPORT, LONDON, OHIO**

A RESOLUTION REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE MADISON COUNTY AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE MADISON COUNTY AIRPORT AIRSPACE ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS RESOLUTION; PROVIDING FOR ENFORCEMENT; ESTABLISHING AN AIRPORT ZONING BOARD AND ADOPTING THE COUNTY ZONING BOARD OF APPEALS AS THE AIRPORT ZONING BOARD OF APPEALS; AND IMPOSING PENALTIES.

This Resolution is adopted pursuant to the authority conferred by Chapter 4563, Section 4563.01 through 4563.99 of the Revised Code of the State of Ohio. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Madison County Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Madison County Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Madison County Airport and the public investment therein. Accordingly, it is declared:

- (1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Madison County Airport;
- (2) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY RESOLVED BY THE MADISON COUNTY COMMISSIONERS THAT:

**SECTION I: SHORT TITLE**

This Resolution shall be known and may be cited as the Madison County Airport Airspace Zoning Resolution.

**SECTION II: DEFINITIONS**

As used in this Resolution, unless the context otherwise requires:

1. **AIRPORT** - Means the Madison County Airport.
2. **AIRPORT OWNER** - Means Madison County or their successors.
3. **AIRPORT ELEVATION** - The highest point on the runway (1,081.37 feet above mean sea level.)
4. **AIRPORT ZONING BOARD** - Means the Madison County Commissioners.
5. **AIRPORT ZONING PLANNER** - Means the Madison County Zoning Administrator.
6. **APPROACH SURFACE** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope

as the approach zone height limitation slope set forth in Section IV of this Resolution. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

7. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES**, - These zones are set forth in Section III of this Resolution.

8. **AIRPORT ZONING BOARD OF APPEALS** - The existing Madison County Zoning Board of Appeals.

9. **CONICAL SURFACE** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

10. **HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

11. **HEIGHT** - For the purpose of determining the height limits in all zones set forth in this Resolution and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

12. **HORIZONTAL SURFACE** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

13. **LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

14. **NONCONFORMING USE** - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Resolution or an amendment thereto.

15. **NONPRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

16. **OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Resolution.

17. **PERSON** - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

18. **PRIMARY SURFACE** - A surface longitudinally centered on the runway (existing or proposed, as shown on the approved Madison County Airport Airspace Zoning Map). When the runway has a specially prepared hard surface, or one is planned, the primary surface extends 200 feet beyond each end of that existing or proposed runway. The width of the primary surface is set forth in Section III of this Resolution. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. For purposes of these regulations, the primary surface and runway refer to those shown on the Madison County Airport Airspace Zoning Map.

19. **RUNWAY** - A defined area on an airport prepared for landing and take-off of aircraft along its length.

20. **STRUCTURE** - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

21. **TRANSITIONAL SURFACES** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for

each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

22. **TREE** - Any object of natural growth.

23. **UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

### SECTION III: AIRPORT ZONES

In order to carry out the provisions of this Resolution, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Madison County Airport. Such zones are shown on the Madison County Airport Airspace Zoning Map consisting of one sheet, prepared by R. D. Zande and Associates, Inc. dated January 14, 2002, which is attached to this Resolution and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Larger Than Utility With A Visibility Minimum Greater Than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the existing or proposed primary surface. Its centerline is the continuation of the centerline of the existing or proposed runway.
2. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
3. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

### SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Resolution, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Resolution to a height in excess of the applicable height herein established for such zone. Unless a permit or variance was granted, any structures or trees that exceed the height restrictions within any zone shall be removed by the property owner at the property owner's expense. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway Larger than Utility With A Visibility Minimum Greater Than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the existing or proposed primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,081.37 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface.



3. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 1,231.37 feet above mean sea level.
4. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (1,231.37 AMSL) and extending to a height of 350 feet above the airport elevation (1,431.37 AMSL).

#### **SECTION V: USE RESTRICTION**

Notwithstanding any other provision of this Resolution, no use may be made of land or water within any zone established by this Resolution in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. No highway shall be constructed within 1,000 feet of the end of the existing or proposed runway or less than 15 feet below the plane of the approach surfaces. No railroad shall be constructed within 1,000 feet of the end of the existing or proposed runway or less than 25 feet below the plane of the approach surfaces.

#### **SECTION VI: NONCONFORMING USES**

1. Regulations Not Retroactive - The regulations prescribed in this Resolution shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution, or amendment thereto, or otherwise interfere with the continuance of a nonconforming use, unless the structure or tree is nonconforming under the current Airspace Hazard Zoning Regulations. Nothing contained herein shall require any change in the construction, alterations, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Resolution, and is diligently prosecuted, unless this construction is in violation of existing Airspace Hazard Zoning.
2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner.

#### **SECTION VII: PERMITS**

1. Requirements - No new structure shall be erected or otherwise established, and no new tree shall be planted, in any zone hereby created if such alteration would penetrate the established zone heights unless a permit has been obtained in advance of alteration from the Airport Zoning Board. In order to determine if a proposed structure or tree will penetrate one of the established zones, an application for such alteration shall be submitted to the Madison County Zoning Administrator for review whenever such alteration would penetrate a 100:1 (100' horizontal for each 1' vertical) imaginary surface from the nearest point of the existing or proposed runway centerline. If the proposed structure or tree would penetrate a 100:1 surface from the nearest point on the existing or proposed runway, but would not exceed the specified zone heights or otherwise pose a hazard to aviation, a permit for the alteration shall be granted. No permit for a use inconsistent with the provisions of this Resolution shall be granted unless a variance has been approved in accordance with Section VII, (4).
  - a. Form of Application - When required to submit an application, the application form shall be a copy of the completed Federal Aviation Administration "Notice of Proposed Construction or Alteration Form (7460-1)", which must by federal law (Federal Aviation Regulations Part 77) be submitted to the Federal Aviation Administration whenever the requirements in VII (1) are

met. The required form (7460-1) is available from the Madison County Zoning Administrator. The original form must be submitted to the following address:

Federal Aviation Administration  
Great Lakes Regional Office  
Air Traffic Division, AGL-530  
2300 East Devon Avenue  
Des Plaines, Illinois 60018

In addition to filing a copy of this form with the Madison County Zoning Administrator, Ohio Revised Code Section 4561 requires that a copy be submitted to the Ohio Department of Transportation at the following address:

Ohio Department of Transportation  
Office of Aviation  
2829 West Dublin-Granville Road  
Columbus, Ohio 43235-2786

- b. Supporting Information - The original form, and the copies submitted to the Madison County Zoning Administrator and the Ohio Department of Transportation, shall each be accompanied by a drawing showing the location of the proposed structure or tree on a U.S.G.S. 7.5 minute quadrangle map, and other supporting information that indicates the purpose for which the permit is desired and other information to permit it to be determined whether the resulting structure, or tree would conform to the regulations herein prescribed.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Resolution. In addition, compliance with this section does not relieve a proponent of growth or erection of structures from the requirement to obtain a permit from the Ohio Department of Transportation, as required under O.R.C. Section 4561.33-4561.39 or filing a 7460-1 "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Resolution or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. Nonconforming Uses Abandoned or Destroyed - Whenever the Airport Zoning Board determines that a nonconforming tree or structure has been abandoned, voluntarily discontinued for 2 years or more, or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances - Once a permit has been denied by the Airport Zoning Board, any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use the property, not in accordance with the regulations prescribed in this Resolution, may apply to the Board of Airport

Zoning Appeals (Madison County Board of Zoning Appeals) for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Resolution. Additionally, no application for variance to the requirements of this Resolution may be considered by the Board of Airport Zoning Appeals (Madison County Board of Zoning Appeals) unless a copy of the application has been furnished to the Airport Owner for advice as to the aeronautical effects of the variance. If the Airport Owner does not respond to the application within 15 days after receipt, the Board of Airport Zoning Appeals may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Airport Zoning Appeals (Madison County Board of Zoning Appeals), this condition may be modified to require the owner to permit the Airport Owner, at its own expense, to install, operate, and maintain the necessary markings and lights.

#### **SECTION VIII: ENFORCEMENT**

It shall be the duty of the staff of the Madison County Zoning Administrator, as the administrative agency of the Airport Zoning Board, to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the staff of the Madison County Zoning Board upon a form published for that purpose. Applications required by this Resolution to be submitted to the staff of the Madison County Zoning Board shall be promptly considered and granted or denied.

All applications shall be submitted in duplicate accompanied by accurate plans showing the height above ground, the height above mean sea level and the location of the proposed structure as well as such other information as may be necessary to determine and provide for the enforcement of these regulations. The locations and elevations contained in the application must be certified by a registered professional engineer or surveyor licensed in the State of Ohio. If the application is ultimately accepted and the construction accomplished, the proponent shall submit the actual "As-Built" locations and elevations certified by a registered professional engineer or surveyor licensed in the State of Ohio. Application forms for permits and variances shall be provided by the Airport Zoning Board or its administrative agency.

All applications for permits, variances, and appeals shall be accompanied by a fee as determined by the airport Zoning Board, to be paid to the administrative agency.

#### **SECTION IX: BOARD OF ZONING APPEALS**

1. There is hereby created a Board of Airport Zoning Appeals (The Madison County Zoning Board of Appeals) to have and exercise the following powers: (1) to hear and decide appeals, filed pursuant to Section 4563.18 of the Revised Code, from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning resolution, as provided in Sections 4563.11 and 4561.12 of the Revised Code; (2) to hear and allow, refuse, or allow with modifications or conditions, any variance from the terms of the airport zoning regulations which the Board of Airport Zoning Appeals may be authorized to pass upon pursuant to such regulations; (3) to hear and decide specific variances under Section 4563.16 of the Revised Code.
2. The Board of Airport Zoning Appeals shall adopt rules for its governance and in harmony with the provisions of this Resolution, all in accordance with Section 4563.01 through 4563.99 of the Ohio

Revised Code. Meetings of the Board of Airport Zoning Appeals shall be held at the call of the Chairperson and at such other times as the Board of Airport Zoning Appeals may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Airport Zoning Appeals shall be public. The Board of Airport Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Clerk, Madison County Commissioners and on due cause shown.

3. The Board of Airport Zoning Appeals shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Resolution.

4. The concurring vote of a majority of the members of the Board of Airport Zoning Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency or decide in favor of the application on any matter upon which it is required to pass under this Resolution, or to effect variation to this Resolution.

### **SECTION X: APPEALS**

1. Any person aggrieved, or any taxpayer affected, by any decision of the administrative agency, made in the administration of the Resolution, may appeal to the Board of Airport Zoning Appeals.

2. All appeals hereunder must be taken within twenty days after an order is filed in the office of the administrative agency, as provided by the rules of the Board of Airport Zoning Appeals, by filing with the Administrative Agency a notice of appeal specifying the grounds thereof. The Administrative Agency shall forthwith transmit to the Board of Airport Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Agency certifies to the Board of Airport Zoning Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Administrative Agency cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Airport Zoning Appeals or notice to the Administrative Agency and on due cause shown.

4. The Board of Airport Zoning Appeals shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. The Board of Airport Zoning Appeals may, in conformity with the provisions of this Resolution, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

### **SECTION XI: JUDICIAL REVIEW**

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Airport Zoning Appeals, may appeal to the Madison Common Pleas Court.

### **SECTION XII: PENALTIES**

Each violation of this Resolution or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than 100 dollars; and each day a violation continues to exist shall constitute a separate offense.

### **SECTION XIII: CONFLICTING REGULATIONS**

Where there exists a conflict between any of the regulations or limitations prescribed in this Resolution and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### **SECTION XIV: SEVERABILITY**

If any of the provisions of this Resolution or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this Resolution are declared to be severable.

#### **SECTION XV: EFFECTIVE DATE**

This resolution shall be in full force and affect from and after the earliest period allowed by law.

ADOPTED BY THE MADISON COUNTY BOARD OF COMMISSIONERS ACTING AS THE MADISON COUNTY AIRPORT ZONING BOARD ON THE 25th DAY OF MARCH, 2002 , AFTER PUBLIC HEARING AND RECOMMENDATION BY THE AIRPORT ZONING ADMINISTRATOR.

THIS RESOLUTION SHALL REPLACE THE AIRPORT ZONING REGULATIONS PREVIOUSLY ADOPTED; AND INTENDED TO COMPLY WITH THE REQUIREMENTS OF O.R.C. SECTION 4563.

**ARTICLE XX - RESERVED FOR FUTURE USE**

## **ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS**

**Section 21.00 - GENERAL:** It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to ensure that the general welfare of citizens of Madison County are protected and enhanced. These development standards apply throughout districts under County Zoning. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

**Section 21.01 - PARKING:** Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution the following conditions shall apply:

- a) **Dimensions** - All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aisleways of sufficient width to permit easy and smooth access to all parking spaces.
- b) **Paving** - Except in the Agricultural District (A-1) and the Suburban Residential Zoning district (R-1) all common parking areas and adjacent aisles or driveways shall be paved with asphaltic material or concrete.
- c) **Driveways** - All driveways serving parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is more than one hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet.
- d) **Parking Area Location** - No driveway, parking lot or parking areas shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located, and parking in front of the main structure may be permitted only if not more than forty (40%) percent of the front set back area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served.
- e) **Required Off-Street Parking Spaces** - The user of any tract shall provide off-street parking for all employees, customers, visitors, and invitees. The following table shall specify the minimum parking areas to be provided.

<b><u>USE</u></b>	<b><u>REQUIRED PARKING SPACES</u></b>
1) Single-Family Residential (R-1) and (A-1)	4 per dwelling unit
2) All other residential	3 per dwelling unit
3) Hotels, motels, lodges (without public meeting facilities)	1 per rental unit plus 1 per employee on largest shift plus 1 for each four seats in the dining room or restaurant area.

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|--|--|
| 4) Hotels, motels, lodges<br>exhibition halls, and assembly areas<br>(except churches) | 1 per rental unit plus 1 per employee<br>on the public largest shift plus 1 per<br>75 sq. ft. of floor area used for exhibition<br>or assembly purposes plus 1 per 4 seats<br>in any restaurant therein. |
| 5) Churches or places of public assembly   | 1 for each three (3) seats or 1 for each forty-<br>five (45) sq. ft. of assembly area, whichever<br>is greater.  |
| 6) Hospitals   | 1 ½ for each bed plus 1 for each employee<br>on the largest shift.   |
| 7) Nursing Homes   | 1 for each 2 beds plus 1 for each employee<br>on the largest shift.  |
| 8) Museums, libraries, etc.  | 1 for each 400 sq. ft. of area open to public<br>plus 1 for each employee on the largest shift.  |
| 9) Primary or elementary schools   | 4 for each classroom   |
| 10) Secondary schools, colleges,<br>trade schools, etc.                                | 4 for each classroom plus 1 for each four (4)<br>students  |
| 11) Restaurants  | 1 for each two (2) seats plus 1 for each<br>employee on the largest shift. Not less than<br>25 parking spaces shall be provided.   |
| 12) Offices  | 1 for each 400 sq. ft. of floor area plus 1<br>for each employee.  |
| 13) Funeral Homes  | 1 for each 25 sq. ft. of public area.  |
| 14) Retail Stores  | 5 plus 1 for every four hundred (400)<br>sq. ft. of floor space.   |
| 15) All industrial warehousing   | 20 plus 1 for each two (2) employees<br>plus 1 for each vehicle maintained on<br>the premises.   |
| 16) Industrial manufacturing   | 1 space for every two (2) employees on<br>the maximum shift.   |

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off-street parking as required herein.

**Section 21.02 - HEIGHT LIMITATIONS:** The building height limitations set forth in this Resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers, or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aerials, antenna, or towers, if otherwise permitted, may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said tract.



Section 21.03 - STRUCTURE SEPARATION: No principal structure shall be located closer than twenty-five (25) feet to another principal structure unless the adjacent walls of both structures are masonry in which event said principal structures shall be no closer than fifteen (15) feet. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless one (1) of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

Section 21.04 - SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL: All uses shall be conducted in conformance with the regulations promulgated by the Environmental Protection Agency and the Madison County Department of Health. Prior to issuance of any zoning certificate, all regulations for proper drainage of well and septic system waters, as set forth by the Madison County Department of Health, must be met. Drainage to a suitable outlet shall be: **1) A natural free flowing stream, or 2) A county maintained ditch or tile system.** Evidence of compliance with said regulations shall be presented to the Zoning Inspector before the zoning certificate is issued.

Section 21.05 - WATER IMPOUNDMENTS: All water impoundments such as ponds, lakes, or swimming pools shall be constructed and developed in compliance with the following standards:

- a) Except adjacent to Class "A" and "B" Roadways no impoundment shall be located closer than twenty-five (25) feet to the right-of-way of fifty-five (55) feet of the center line of any adjacent approved road. No impoundment shall be located closer than fifty (50) feet to the right-of-way of a Class "A" or "B" Roadway.

Section 21.06 - LANDSCAPING: All uses and improvements in the County should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees removed during the land clearing should be accomplished as soon as possible. Developers and builders shall comply with all requirements of the Madison County Sedimentation Regulations.

Section 21.07 - DRAINAGE: All construction within this County shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or servient properties is maintained or improved.

In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

Setbacks Along Publicly Established Drainage Ditches:

In all districts a setback of seventy-five (75) feet from the top of the nearest bank and sixty (60) feet from subsurface drainage tile shall be provided for all buildings, structures, fences, or plantings, unless written permission has been received from the Madison County Engineer.

Section 21.08 - FLOOD PLAIN REGULATIONS: Certain limited areas under County Zoning lie within the flood plain of the Deer Creek, Big Darby, Little Darby, Paint, Glade Run, and Spring Fork Creeks and their tributaries. Inundations of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land use within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the County, the following regulations shall be imposed and apply to all land use districts within the Flood Plain.

- a) The County Zoning Department and/or County Building Department shall maintain on file

for public examination, current maps, delineating the boundaries within the County of all lands subject to inundation by waters of the one-hundred (100) year flood. The boundaries of the Flood Plain shall delineate the area of special flood hazard which have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the unincorporated area of Madison County". This study, with accompanying Flood Boundary and Floodway and/or Flood Insurance Rate Maps dated February 6, 1991 and any revisions thereto is hereby adopted by reference and declared to be a part of this Resolution. The Flood Insurance Study is on file at the Madison County Zoning Office.

In the event a property owner contests the boundaries of such flood plain he shall be given reasonable opportunity to present technical evidence to support his position.

The Madison County Subdivision Review Board may require that a developer provide technical engineering evidence of the levels of flooding of a property, even if said property is not shown to be in a flood zone on the "Flood Insurance Study", if the Review Board believes that property is at flood risk.

- b) Open space uses shall be permitted within the one hundred (100) year flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment.
- c) No structure shall be permitted within the one hundred (100) year flood plain, and no use shall be permitted within the flood plain which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system.
- d) No fill shall be deposited within the flood plain without permission from the Board of Zoning Appeals. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulkheading. No dredging shall be permitted of the channel or floodway unless the applicant provides evidence to the Board of Zoning Appeals that all State and Federal permits are issued as required by law.

Section 21.09 - SET BACK REGULATIONS: No building or use (except parking areas) shall be located closer to the center line of adjoining streets, roads, highways, or approved private roadways than the distances set forth in the table or chart set forth hereinafter. For purposes of this chart or table and for all other purposes of the zoning resolution, streets, roads, highways, and approved private roadways shall be classified in one of the three following classes:

- a) CLASS A - Any public street or roadway with over a sixty (60) foot right-of-way or any of the following listed roads within the townships under Madison County Zoning, to-wit: St. Rt. 29, St. Rt. 38, U.S. Rt. 42, St. Rt. 56, St. Rt. 142, St. Rt. 323, St. Rt. 665, U.S. Rt. 40 and any other roads as later designated by the County Commissioners.
- b) CLASS B - Any other through public street or road or any private roadway approved by the County Engineer connecting two or more public roads.
- c) CLASS C - Dead end roads ending at a cul-de-sac or approved turn around when the lot configuration or approved plan precludes future extension of said roadway or any branch therefrom to create a connecting street between two (2) or more existing or future streets or roads.

#### MINIMUM SET BACK DISTANCES

All distances are measured from the center of the existing or proposed right-of-way to the nearest use or improvement, except parking areas or signs which may be located within the set back area as regulated by Article XXI of this Resolution.

Class A setback requirements shall meet the designated distance from centerline in the following chart or the setback requirement shall be (100) one hundred feet from the existing nearest road right-away, which ever is greater.

Class B setback requirements shall meet the designated distance from centerline in the following chart or the setback requirement shall be (50) fifty feet from the existing nearest road right-away, which ever is greater.

<u>USE CLASSIFICATION</u>		<u>ROAD CLASSIFICATION</u>		
		<u>CLASS A</u>	<u>CLASS B</u>	<u>CLASS C</u>
A-1	- Agricultural	130	80	80
R-1	- Suburban Residential	130	80	80
R-2	- Low Density Residential	130	80	80
R-3	- Multi-type Residential	130	80	80
PRD	- Planned Residential	130	80	**
NCD	- Neighborhood Commercial	130	80	80
C-2	- General Commercial	130	80	80
PCD	- Planned Office and Commercial	130	80	**
M-1	- Light Industrial	130	80	80
M-2	- Heavy Industrial	130	80	80
PID	- Planned Industrial	130	80	**

\*\* As approved in Development Plan

Section 21.10 - INDUSTRIALIZED OR MANUFACTURED STRUCTURES (MODULARS, TRAILERS, OR MOBILE HOMES OR OFFICES):

For the purpose of this Resolution, a modular home, modular office or modular industrial unit shall be defined as a manufactured or industrialized unit which has been inspected and certified to be in compliance with the Ohio Building Code. All such units shall be approved for their appropriate zoning district, the same as a site built structure. All local, state, and Federal requirements and permits shall be required.

All other manufactured or industrialized units shall be considered a temporary structure, trailer, or mobile home, mobile office, or mobile industrial unit and shall be limited in placement by this Resolution.

The following specifications must be met when placing a HUD Unit in Madison County:

- a) Unit must have been manufactured pursuant to the HUD Code (Manufactured Home Construction and Safety Standards Acts, 42 U.S.C. Section 5401), after January 1<sup>st</sup>, 1995.
- b) The structure must be affixed to a permanent foundation (Slab, Crawl Space or Full Basement Foundation). NO false crawls. Outside foundation must be affixed to house unit.
- c) Unit must be connected to appropriate facilities.
- d) The structure, excluding any addition, must have a width of at least 22 feet at one point, and a total living area of at least 1,100 square feet, excluding garages, porches, or attachments.

- e) The structure must have a minimum 3:12 residential roof pitch, conventional residential siding, and six-inch minimum eave overhang, including appropriate guttering.
- f) The structure must have removed any indicia of mobility (temporary axles, trailer tongue, running lights, etc.) upon placement upon its foundation.
- g) Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the County Auditor upon its placement on its permanent foundation, and such surrender shall be notice to the auditor to tax the structure as real property from that day forward.
- h) Meet all applicable zoning requirements (lot size, setbacks.).

Section 21.11 - TRAFFIC VISIBILITY AT INTERSECTIONS:

In any district, at any intersection of a street, roadway, alley, or commercial or industrial driveway with another street or roadway, no fence, structure or planting shall be erected or maintained within twenty-five (25) feet of the right-of-way line, or a minimum of fifty (50) feet from the centerline, for a minimum of seventy-five (75) feet from the intersection of the right-of-way lines or a minimum of one hundred and twenty-five (125) feet from the intersection of the centerlines (the 75 feet and 125 feet being measured along the right-of-way lines), without written permission of the Madison County Engineer.

Section 21.12 - DARBY SCENIC RIVERS:

The sections of the Big Darby and Little Darby Creeks which flow through the unincorporated area of Madison County have been designated State Scenic Rivers. The County recognizes the need to protect the rivers in order to preserve and conserve the quality, purity, clarity and free-flowing conditions of the streams, maintain natural water temperatures, preserve aquatic and terrestrial plants and animal habitats, prevent erosion of stream banks, lessen the level of siltation of stream waters, and preserve valuable water resources in the interest of present and future generations.

In order to provide for the above, a natural buffer of one hundred and twenty (120) feet shall be maintained along both sides of stream channels which are designated as components of the State Scenic River system. The minimum boundary of the buffer area shall be set at one hundred and twenty (120) feet in a horizontal plane outward from the normal high water mark of the stream channel. The buffer area shall be preserved in its natural state. No structure shall be constructed within the one hundred and twenty (120) foot buffer zone. Uses shall be permitted within the buffer area only to the extent that the use is permitted within the zoning district controlling the use of said land and provided that said uses do not require structures, fill, or storage of materials or equipment, or the cutting of natural vegetation.

Selective harvesting of timber is permitted where no more than 25% of the crown cover is removed and trees on the immediate stream banks are not harvested. Damaged or diseased trees or those in imminent danger of being uprooted or falling in or along the stream may be removed. The stump and root structure of the trees on the stream bank shall be left in place to retard bank erosion.

**ARTICLE XXII - SIGN AND BILLBOARD REGULATION**

Section 22.01 - PURPOSE: The purpose of this sign regulation is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance, preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and generally curb the deterioration of the natural environment.

Section 22.02 - PERMITTED SIGNS - NO PERMIT REQUIRED:

The following signs shall be permitted in the areas under Madison County Zoning subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this article.

- a) Signs for Sale, Lease or Rent of the premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed two and one-half (2 ½) square feet of area per side with not more than two (2) sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy.
- b) Signs for Home Occupations - One (1) sign per lot shall be permitted in any residential district for the purpose of announcing a home occupation which has complied with all conditions imposed by the Board of Zoning Appeals.
- c) Vehicular Signs - Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted, provided that said signs are located outside the right-of-way of any public street or road, do not exceed two and one-half (2 ½) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.
- d) Political Signs - The erection of political signs shall be permitted in any district under Madison County Zoning provided that said signs:
  - 1) Do not interfere with visibility of vehicular traffic entering or leaving the highway.
  - 2) Are erected or posted not more than forty-five (45) days prior to any election and all signs are removed within fifteen (15) days following any elections.
  - 3) May be posted and removed without destruction of public or private property.
  - 4) Designate the name and address of the person charged with removal of the sign.
  - 5) Shall be placed outside the road right-of-way.
- e) Temporary Signs announcing special public or institutional events. Such signs shall not exceed thirty-two (32) square feet in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such sign shall designate the name and address of the person charged with the duty of removing said sign.
- f) Signs Approved in Planned Residence District Plan of development provided that the approved sign is constructed in strict compliance with the approved guidelines.
- g) Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises, and denoting membership in organizations. No more than one (1) sign of any type may be permitted, and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to four (4) square feet per side.

- h) Signs Approved as Part of Conditional Use Permit in residential zoning districts, provided such signs are constructed in strict compliance with the imposed conditions.

Section 22.03 - PERMITTED SIGNS - PERMIT REQUIRED:

The following shall be permitted in areas clearly delineated herein and subject to the reasonable regulations set forth.

- a) Outdoor Advertising or Billboards for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial districts and/or lands used for agricultural purposes subject to regulations set forth herein.
- 1) No billboard shall exceed three hundred (300) square feet in area per side nor have more than two (2) sides.
  - 2) No billboard shall exceed fifteen (15) feet in height nor have a length in excess of four (4) times the height of the sign face.
  - 3) The use shall comply with the general regulations set forth in other provisions of this Resolution and article.
  - 4) All billboards shall be located in compliance with all local, state and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state or federal agencies.
  - 5) All billboards shall be located behind the building setback lines established for the district in which the sign is located and shall be at least five hundred (500) feet from any residence.
  - 6) No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side lot line.
- b) Commercial or Industrial Display Signs - All display signs shall be mounted on the building which houses the business establishment advertised by such signs, except as otherwise specifically authorized by this Resolution. Such signs shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. Signs may be erected on a wall which is an extension of a building wall which faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building, that such wall does not extend beyond any required building setback line, and does not exceed twelve (12) feet in height or the height of the ceiling of the first floor of the building to which such extension wall is attached, whichever is less. The display area of the sign must be located either on the wall or extension; it may not be located on both.

All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall, intending to prohibit signs projecting outward from the wall, at right angles or otherwise, except as

follows:

- 1) Signs may be installed on an attached canopy, roof or marquee which projects beyond the building over a walk or yard.
- 2) One sign, not more than fifteen (15) inches in height and five (5) square feet in area, projecting outward from the building wall not more than three (3) feet, may be erected at each entrance to such building, and the area of such sign shall not be included in determining the aggregate sign area of such building.

No part of any sign shall be less than eight (8) feet above the sidewalk or ground level, if such projects forward of the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer to either end of the building face, including any wall extension on which it is erected, than eighteen (18) inches. Where more than one (1) sign is erected on the same face of a building, there shall be a distance of at least three (3) feet between signs. Letters, numerals or other graphics attached directly to the building wall shall be considered a wall sign. Unlighted letter numerals or other graphics carved into the face of the building shall generally not be considered wall signs, unless they are over nineteen (19) inches high, or one (1) inch thick, or the color contrasts with that of the building. Super-graphics (large scale painted graphic devices) and architectural detailing having a graphic or signage function which are painted upon a building, shall be subject to regulation as a wall sign.

3) The display area of any one surface does not exceed twenty-five (25) square feet.

c) Free-Standing Signs Identifying Commercial or Office Complexes:

A sign supported by posts, pillars, columns or other structures identifying a commercial or office complex on the following conditions:

- 1) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet setback from the street right-of-way line, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.
- 2) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.
- 3) The display area of any one surface does not exceed twenty-five (25) square feet.
- 4) No part of such sign will be closer to nearest street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building set-back line, if the adjoining property is in a Residential District.
- 5) The function of such sign is in keeping with the uses in the surrounding area.
- 6) Such sign will be in harmony with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located nor will it adversely affect property values in such neighborhood.
- 7) Such sign will constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, nor create a visual distraction for such motorists.

d) Free Standing Signs Identifying a Highway Commercial Use located within three thousand (3,000) feet of the center of the intersections of I-70 and State Route 29, U.S. Route 42, State Route 56, State Route 142 and the intersection of I-71 and State Route 56, subject to the following conditions:

- 1) The Highway Commercial Use must be located within three thousand (3,000) feet of the center of the intersection.

- 2) The sign may not have more than 350 square feet of area per side and no more than two (2) sides.
- 3) The maximum height of the sign shall not exceed one hundred (100) feet above the natural grade of the site.
- 4) The sign shall be illuminated internally. External flood or spot lights may not be used to illuminate the sign.
- 5) The sign shall meet the setback requirements of any business in the Planned Commercial District.
- 6) The sign must be located within six hundred (600) feet of the right-of-way of I-71 or I-70.

Section 22.04 - CONDITIONALLY PERMITTED SIGNS - PERMIT REQUIRED:

Within any commercial or industrial district or within any non-residential portion of a residential district the following signs may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval, or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit, and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Free-Standing Signs which are defined as signs supported by or supported from posts, pillars, columns or other structures, except signs attached to buildings as described in Section 22.03(b) of this Resolution. Free-standing signs heretofore lawfully erected and maintained and now in place may be maintained until such sign is destroyed, dismantled or removed. No sign shall hereafter be relocated, rebuilt, enlarged, extended or otherwise altered in any material respect. If, in the opinion of the Board of Zoning Appeals, a change in product name is required which is beyond the control of the owner/occupant, such substitution of signage may be approved. In the event of a violation of this provision, the continued maintenance of such sign shall be unlawful. Provided, however, that such sign, prior to January 1, 1996, may be relocated on the same lot or parcel of ground or may be reduced in size or height, but only upon the granting of a variance therefor by the Board of Zoning Appeals.

The Board of Zoning Appeals may grant a permit for the erection or maintenance of a free-standing sign only upon compliance with the following requirements:

- 1) The filing of a written application for such sign, together with a scale drawing of the proposed sign showing its design, color and materials, and a site and the location of the proposed sign.
- 2) A determination by the Board of Zoning Appeals that a free-standing sign is necessary to the conduct of the business, professional or commercial activity on the site and that an attached sign would not be in harmony with the building thereon.
- 3) A determination that the proposed sign meets all of the following requirements:
  - a) The maximum height of such sign does not exceed eight (8) feet above the average



- grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet setback from the street right-of-way, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.
- b) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.
  - c) The display area of any one (1) surface does not exceed twenty-five (25) square feet.
  - d) No part of such sign will be closer to any nearest street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building setback line, if the adjoining property is in a Residential District.
  - e) The function of such sign is in keeping with the uses in the surrounding area.
  - f) Such sign will be in harmony with the buildings on the site, will not detract from the appearance of the general neighborhood in which it is located nor will it adversely affect property values in such neighborhood.
  - g) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.
- 4) In making its determination, the Board of Zoning Appeals shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to its size, shape, color, brightness, design and general appearance.
- 5) Not more than one (1) freestanding sign may be authorized for any one (1) business establishment. Where more than one (1) business establishment is located on a single tract of land, having an entrance or entrances or parking area or areas used in common by the customers of such establishments, only one (1) freestanding sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community of use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to one (1) freestanding sign, except in the case of a shopping center which is contiguous to two (2) streets which do not intersect each other at a point adjacent to such shopping center, in which case one (1) freestanding sign, fronting on each street, may be authorized.

**Section 22.05 - PROHIBITED SIGNS:**

The following signs and billboards shall be prohibited in areas under Madison County Zoning:

- a) All signs not specifically permitted by the express terms of the Madison County Zoning Resolution.
- b) Portable signs or billboards, pennants, streamers, flashing lights, string of lights, or air-activated attraction devices.
- c) Signs or advertising erected and maintained in trees or painted or drawn upon rocks or other natural features.
- d) No sign shall be attached to any fence within the right-of-way of any road. No sign shall be attached to any fence regardless of location without the permission of the owner of the fence.

- e) Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

**Section 22.06 - GENERAL REGULATIONS:**

The following regulations and restrictions shall apply to all signs located and erected within areas under Madison County Zoning, regardless of type, style, location, design or other classification.

- a) Location - No sign shall be located within the right-of-way of any public or private road within area under Madison County Zoning, except as noted in Section 22.02 (c). Said sign or signs shall be located in strict compliance with this Resolution, in strict compliance with the approved development plan or restrictions imposed by the Board of Zoning Appeals.
- b) Lighting -
  - 1) No sign shall be illuminated to a level which causes unnaturally high light levels on adjacent property.
  - 2) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic.
  - 3) No flashing, rotating or moving light source shall be permitted on any sign.
- c) Height - No signs within areas under Madison County Zoning shall be erected to a height greater than fifteen (15) feet.
- d) Sign Interference - No sign shall be permitted in areas under Madison County Zoning which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.
- e) Stability - Display signs shall be constructed to withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and shall be fastened, suspended or supported so that they will not be a menace to persons or property.
- f) Maintenance - All signs or billboards constructed or erected within areas under Madison County Zoning shall be maintained as follows:
  - All sign surfaces, supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.
- g) Traffic Safety - Colors, etc. - Display signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
- h) Sign Area - The aggregate sign area or display surface of all exterior signs of every nature shall not exceed three (3) square feet for each lineal foot of the street frontage of such building, if a one-story (1) building, or four (4) square feet per foot, if more than one-story (1) in height. Street frontage is defined as the total width of that side of the building which faces the street, excluding any extension of a building wall beyond the building itself. In the case of a corner lot or other situation where the building site abuts more than one (1) public street, not including alleys, the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one-half thereof for each lineal foot of other street frontage. The total sign area on any one (1) side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules. In the case of a building which does not front on a public street, as in shopping centers, the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this Resolution, provided that where any such drive or parking area abuts a Residential District, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said Residential

District is less than one hundred fifty (150) feet.

Section 22.07 - ABANDONED SIGNS:

If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any one of the following criteria:

- a) Any sign or billboard associated with an abandoned non-conforming use.
- b) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
- c) Any sign or billboard that is not maintained in accordance with this Resolution.

When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned, as defined herein, the inspector shall notify the owner of said sign, and the owner of the land on which the sign is located, by certified mail or by personal delivery, of his or her findings. Such notice shall advise the sign owner that the sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The sign owner may appeal such decision to the Board of Zoning Appeals as provided in Article XXVIII of this Resolution.

It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his findings for submission to the Board of Zoning Appeals upon request.

If the sign is not removed, as ordered, the same may be removed by the County at the expense of the lessee or owner. If the County is not immediately reimbursed for such costs, the amount thereof shall be certified to the Madison County Auditor for collection as a special assessment against the property on which sign is located.

Section 22.08 - NON-CONFORMING SIGNS OR BILLBOARDS:

Any sign or billboard in existence within areas under County Zoning prior to the effective date of this Article that does not conform with the provisions of this Article is considered to be non-conforming.

Any sign or billboard that does not conform to the provisions of this Article shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be existing illegally.

A non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:

- a) The size and structural shape shall not be change or altered.
- b) The copy may be changed, provided that the change applies to the original non-conforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- c) In the case where damage occurs to the sign or billboard to the extent of fifty (50%) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less

than fifty (50%) percent of the structure or its replacement value, the sign or billboard shall be repaired within thirty (30) days, after notification of the sign owner by certified mail.

Section 22.09 - PERMIT:

No signs, except as provided for in Article 22.02 of this Resolution, shall be erected prior to the issuance of a permit therefor by the County Zoning Inspector.

- a) Fees - The applicant for a permit herein shall pay such fee as is prescribed by the Madison County Commissioners. Such fees shall be prescribed annually, or more often, by the Commissioners.
- b) Term of Permit - The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
- c) Inspector - Prior to erection, all signs or billboards erected within areas under Madison County Zoning are subject to inspection, whether a permit is required or not. The County Zoning Inspector or any other official of the County is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Article are being complied with. Such inspection may be made at any reasonable time, and the County Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.
- d) Cancellation of Permit - In the event that the owner of any sign or property fails to comply with the terms of this Zoning Resolution, said permit may be revoked upon compliance with the following terms:

Notice - The County Zoning Inspector shall notify both the owner of the sign and land upon which it is located of any deficiency or violation of this Resolution. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Article XXVIII of this Resolution dealing with revocation of the Conditional Use Permit. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Resolution.

- e) Removal of Signs - The County Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within areas under County Zoning. The Zoning Inspector shall store said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within thirty (30) days after mailing of notice by the Zoning Inspector, said sign may be destroyed.

**ARTICLE XXIII - RESERVED FOR FUTURE USE**

## **ARTICLE XXIV - NON-CONFORMING USES**

**Section 24.01 - CONTINUANCE:** The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Zoning Resolution or any amendments hereto, may be continued, although such use does not conform with this Zoning Resolution or amendments hereto, but if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use shall be in conformity with this Zoning Resolution and amendments hereto.

**Section 24.02 - RESTORATION:** When a structure, the use of which does not conform to the provisions of this Zoning Resolution, is damaged by fire, explosion, flood, wind, earthquake, or other calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than sixty (60%) percent of its value, it shall not be restored unless in conformity with the provisions set forth in this Zoning Resolution, as amended, for the district in which it is located, or unless a Conditional Use Permit is issued by the board of Zoning Appeals pursuant to Article XXVIII provided, however, such restoration shall be commenced within ninety (90) days of such calamity and diligently continued until completed. For the purposes of this section, "value" shall be defined as the replacement cost of the structure prior to the calamity, depreciated in accordance with applicable Internal Revenue Guidelines for the structure.

**Section 24.03 - ENLARGEMENT:** No non-conforming building or use may be completed, restored, reconstructed, extended or substituted except upon the granting of a variance permit issued by the Board of Zoning Appeals pursuant to Article XXVIII and this section.

The board of Zoning Appeals shall have the power to permit changes and extensions of non-conforming uses as follows:

- a) A non-conforming use of less objectionable nature may be substituted for an existing non-conforming use.
- b) An existing, legal non-conforming use which occupies only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- c) The alteration or reconstruction of a non-conforming use, structure, sign or building provided that such will make the non-conforming use substantially more in character with its surroundings.
- d) The extension of a non-conforming use when such extension will substantially make the non-conforming use more in character with its surroundings.
- e) Any extension shall not be more than fifty (50%) percent greater in size than the non-conforming use that existed at the time of passage of this Zoning Resolution.

The Board of Zoning Appeals may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.

**Section 24.04 - NON-CONFORMING LOTS:** The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record at the time of the enactment of this Resolution, which has an area and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article XXVIII. Such non-conforming lots must be in separate ownership and not have continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Resolution. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

**ARTICLE XXV - ZONING INSPECTOR - ZONING CERTIFICATES AND APPLICATIONS**

**Section 25.01 - COUNTY ZONING INSPECTOR:** The Board of County Commissioners shall appoint a County Zoning Inspector, together with such assistants as may be necessary. It shall be the duty of the County Zoning Inspector to compare each zoning certificate application with the then existing zoning map. The County Zoning Inspector, before entering upon the duties of the office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the state, in the sum of not less than one thousand dollars (\$1,000.00) or more than five thousand dollars (\$5,000.00) as fixed by the Board of County Commissioners. Such surety company or real estate bond shall be approved by the Board of County Commissioners, and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the County Clerk. The compensation for such Zoning Inspector shall be set and paid by the Board of County Commissioners.

**Section 25.02 - ZONING CERTIFICATE REQUIRED:** No structure shall hereafter be located, constructed, reconstructed, enlarged or structurally altered, nor shall any work be started upon the same, nor shall any use of land be commenced until a zoning certificate for same has been issued by the Madison County Zoning Inspector, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Resolution or the approved Development Plan. No zoning certificate shall be required for any agricultural building to be erected on land presently used for agricultural purposes or for any building incidental to the agricultural use of the land on which said buildings are proposed to be located nor shall a certificate be required for use of land or building or construction of any building used for public utility or railroad purposes.

**Section 25.03 - PROCEDURES FOR OBTAINING ZONING CERTIFICATE:** No zoning certificate shall be issued by the County Zoning Inspector until the zoning certificate application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the Official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Madison County of the proposed method of water supply and/or disposal of sanitary wastes. No zoning certificate shall be issued by the County Zoning Inspector until the applicant for said zoning certificate has submitted a plot plan of the area upon which the applicant's use or structure is proposed. Said plan shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

Fees for zoning certificates shall be established by the County Commissioners. This fee shall be required generally for each application, and the amount shall be established annually by the Board of County Commissioners.

**Section 25.04 - CONDITIONS OF CERTIFICATE:** No zoning certificate shall be effective for more than one (1) year unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

**Section 25.05 - CERTIFICATE OF COMPLIANCE:** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefor by the Zoning Inspector, stating that the proposed use of the building or land conforms to the requirements of this Resolution.

**Section 25.06 - TEMPORARY CERTIFICATE OF COMPLIANCE:** A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during

alterations or partial occupancy of a building pending its completion; such permit may be renewed twice at the discretion of the Zoning Inspector.

Section 25.07 - ZONING CERTIFICATE (CHANGE OF USE): No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agricultural purposes, without a zoning certificate being issued by the County Zoning Inspector. No zoning certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a variance or special permit has been granted by the Board of Zoning Appeals.

Section 25.08 - NON-CONFORMING USES: Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

Section 25.09 - RECORDS: A record of all zoning certificates shall be kept on file in the office of the County Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 25.10 - COMPLAINTS: The Zoning Inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the County Commissioners. The Inspector may require that all such complaints be submitted in writing.



**ARTICLE XXVI - ZONING COMMISSION**

**Section 26.01 - COUNTY ZONING COMMISSION:** The Board of County Commissioners hereby creates and establishes a County Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the County under this Resolution, to be appointed by the Board, and the terms of the members shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at 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 Board of County Commissioners and shall be for the unexpired term.

**Section 26.02 - COMPENSATION AND EXPENSES:** The members of the Zoning Commission may be allowed their expenses or such compensation, or both, as the Board of County Commissioners may approve and provide. The Zoning Commission may, within the limits of monies appropriated by the County Commissioners for the purpose, employ such executives, professionals, technical assistants or other assistants as it deems necessary.

**Section 26.03 - FUNCTIONS OF THE COUNTY ZONING COMMISSION:** The County Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out by the Board of County Commissioners of this Zoning Resolution when requested to do so by the County Commissioners.

The County Zoning Commission may, within the limits of the monies appropriated by the Board of County Commissioners for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

The County Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

No County Commissioner shall be employed by the County Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, and such officials, departments, and agencies having information, maps, and data pertinent to County zoning shall make them available for the use of the Zoning Commission.

In any county where there is a County or Regional Planning Commission, the Zoning Commission may request such planning commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the County or any portion of the same.

**Section 26.04 - ZONING SECRETARY:** To assist in the administration of this Zoning Resolution, the County Commissioners shall appoint a Zoning Secretary whose duty it shall be to maintain County zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the County Commissioners may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the County Commissioners.

**Section 26.05 - MEETINGS AND AGENDA OF COUNTY ZONING COMMISSION:** The Zoning Commission shall meet as necessary in a public building within the County.

**Section 26.06 - MINUTES:** The minutes of each meeting of the Zoning Commission shall be

kept by the Zoning Secretary on file in the County Zoning Office with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours.

**ARTICLE XXVII - AMENDMENTS (ZONING CHANGES)**

Section 27.01 - AMENDMENTS OR SUPPLEMENTS: This article is intended to be a restatement of Section 303.12 of the Revised Code of Ohio and is adopted herein for the convenience of the citizens of Madison County. Any amendments to Section 303.12 adopted by the Ohio Legislature shall be considered adopted herein. Amendments or supplements to the Zoning Resolution may be initiated by motion of the County Zoning Commission, by the passage of a resolution therefor by the Board of County Commissioners or by filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the County Zoning Commission. The Board of County Commissioners may require that the owner or lessee of the property filing an application to amend or supplement the Zoning Resolution to pay a fee therefor to defray the cost of advertising, mailing, and other expenses. If the County Commissioners require such a fee, it shall be required generally, for each application. The Board of County Commissioners shall upon the passage of such resolution certify it to the County Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the County Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the County Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County or Regional Planning Commission and to the Board of County Commissioners as the case may be.

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the County Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission, if there is such a commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendations to the County Zoning Commission. Such recommendation shall be considered at the public hearing held by the County Zoning Commission on such proposed amendment or supplement.

The County Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the County or Regional Planning Commission thereon to the Board of County Commissioners.

The Board of County Commissioners shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the County Zoning Commission. Notice of such public hearing shall be given by the Board of County Commissioners by one (1)

publication in one (1) or more newspapers of general circulation in the County, at least ten (10) days before the date of such hearing.

The published notice shall set forth the time and place of the public hearing and summary of the proposed amendment or supplement.

Within twenty (20) days after such public hearing the Board of County Commissioners shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of County Commissioners denies or modifies the recommendation of the County Zoning Commission the unanimous vote of the Board of County Commissioners shall be required.

Such amendment or supplement adopted by the Board of County Commissioners shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the County or part thereof included in the zoning plan equal to 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, requesting the Board of County Commissioners to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote 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.

All procedures thereafter shall be in strict compliance with the requirements of Chapter 303 of the Ohio Revised Code.

Section 27.02 - FORM OF APPLICATION: All applications to amend this Resolution and/or the zoning map shall be submitted on such forms as designated and approved by the County Commissioners. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

Section 27.03 - RECORD: On any application for an amendment or supplement to the Zoning Resolution of which the applicant desires a record to be made, the applicant shall give notice to the Secretary of the Zoning Commission or the Clerk of the Board of County Commissioners, as the case may be, requesting that a court reporter be retained to make such record. The applicant shall make such request not less than ten (10) days prior to the scheduled hearing and shall deposit with his request cash in the amount established by the County Commissioners to be used to defray the expenses incurred in making the record. All expenses of transcribing the record shall be borne by the person requesting the preparation of the transcript. In all hearings wherein no timely request has been made for a record, or where a party does not request and pay for an official stenographic transcript, the notes of the Zoning Secretary of the County Zoning Commission or of the Clerk of the Board of County Commissioners, as the case may be, shall serve as the sole transcript of such hearing.

Section 27.04 - FEES: The owner or lessee of property filing an application to amend or supplement this Zoning Resolution shall deposit with such application a fee, as cost of advertising, mailing and other expenses. This fee shall be required generally for each application, and the amount of such fee shall be established annually by the Board of County Commissioners.

## **ARTICLE XXVIII - BOARD OF ZONING APPEALS**

**Section 28.01 - BOARD OF ZONING APPEALS:** A County Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of County Commissioners and who shall be residents of the unincorporated territory of the County included in the area zoned by this Zoning Resolution. The terms of all members shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member of the Board of Zoning Appeals shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for the reason specified and in compliance with the procedure established in Chapter 303 of the Ohio Revised Code. Vacancies shall be filled by the Board of County Commissioners and shall be for the unexpired term.

**Section 28.02 - ORGANIZATION:** The Board of Zoning Appeals shall organize, electing a chairman and vice-chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals 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 the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the County Zoning Office and shall be public record. Attendance of three (3) members shall constitute a quorum. The Board of County Commissioners, the County Clerk and the Zoning Inspector shall be notified in advance of all meetings conducted by the Board.

**Section 28.03 - COMPENSATION AND EXPENSES:** The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Board of County Commissioners may approve and provide. The Board of Zoning Appeals may, within the limits of monies appropriated by the Board of County Commissioners for the purpose, employ such executives, professionals, technical assistants and other assistants as it deems necessary.

**Section 28.04 - POWERS OF THE BOARD:** The County Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 303.02 to 303.25 of the Revised Code, or of any resolution adopted pursuant thereto.
- b) Authorize upon appeal, in specific cases, such variances from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Appeals Board shall state if all of the conditions are complied with when granting a requested variance.
  1. A variance is not granted to the applicant ordinarily denied to other persons in the same zone district.
  2. The reason for the variance request is not the result of any action, undertaken after the adoption of this Zoning Resolution, of any applicant that creates the need for the variance request.
  3. The variance is related to the physical properties of the land, such as topography, lot shape, soil types, and conditions, natural and/or man made drainage courses, and that these conditions do not generally apply to other areas within the same zoning district.
  4. That the variance is not of the type generally requested, not recurrent that an amendment to this Zoning Resolution should be submitted rather than the granting of a variance.

- c) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates are provided for in the Zoning Resolution.
- d) Revoke an authorized variance of conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board of Zoning Appeals shall notify the holder of the variance certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of his right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

Section 28.05 - PROCEDURE ON HEARING APPEALS: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the County 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 from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one (1) publication in a newspaper of general circulation within the County as least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

Section 28.06 - PROCEDURE ON APPLICATION FOR VARIANCE: The County Board of Zoning Appeals, appointed by the County Board of Commissioners, may upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have power to authorize a variance from the terms of this Resolution.

- a) Public Notice - Written application for a variance shall be made to the County Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within five hundred (500) feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in newspapers of general circulation within the County.
- b) Hearing and Decision - At such hearing the applicant shall present a statement and adequate

evidence, in such form as the County Board of Zoning Appeals may require.

In granting such variance the Board shall determine that said variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the Resolution will result in unnecessary hardship and that the spirit of this Resolution will be observed and substantial justice done.

In granting any variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

- c) Form of Application - All applications for variances under this section shall be submitted on such forms as designated and approved by the County Commissioners. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

Section 28.07 - PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT:

The owner or lessee of any land or building within a zoning district within the County may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

- a) Application - An application for a Conditional Use Permit shall be submitted on such forms as designated and/or approved by the County Commissioners. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- b) Hearing - The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.
- c) Notice - Notice of the application for a Conditional Use Permit and the hearing thereon shall be given to all property owners within five hundred (500) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one (1) notice of said meeting shall be published in a newspaper of general circulation within the County not less than ten (10) days prior to the scheduled hearing.
- d) Decision - The Board shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use Permit, it may impose such reasonable conditions as it deems necessary to ensure that the use will be conducted in the best interest of the zoning district.
- e) Revocation - The Board of Zoning Appeals may revoke a Conditional Use Permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the County Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.

Section 28.08 - DECISION OF BOARD: The Board of Zoning Appeals shall act by resolution, in which three (3) members concur and every action shall be accompanied by a written finding of fact,

based on testimony and evidence and specifying the reason for a granting or denying of the request. A copy of the Board's resolution accompanied by the Board's finding of fact shall be mailed to the applicant by ordinary mail.

Section 28.09 - PUBLIC INFORMATION: All communications to members of the Board of Zoning Appeals, written or oral, which shall be reduced to writing pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the County Zoning Office, subject to the order of the Madison County Common Pleas Court, and available for inspection by the public.

Section 28.10 - RECORD: For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten (10) days prior to the date scheduled for said hearing to the Zoning Secretary requesting that a court reporter be retained to make such record, and the applicant shall deposit with his request cash in the amount established by the County Commissioners to be used to defray the expenses of making a record. In all hearings wherein no request has been made for a record, the notes of the Secretary of the Board of Zoning Appeals shall serve as the sole transcript of such hearing.

Section 28.11 - FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE: For all actions of the Board of Zoning Appeals the Board of County Commissioners shall establish fees to be deposited with each application. Such fees shall be set annually and shall be required generally for each application to defray the costs of advertising, mailing and other expenses.



**ARTICLE XXIX - ENFORCEMENT**

Section 29.01 - VIOLATIONS: No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution, or amendment or supplement to such Resolution, adopted by the County Board of Commissioners pursuant to Chapter 303, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

Section 29.02 - REMEDIES: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 303, Ohio Revised Code, or of this Zoning Resolution or amendments hereto adopted by the Board of County Commissioners under such Resolution, such Board, the Prosecuting Attorney of the County, the County Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of County Commissioners may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

Section 29.03 - PENALTY: Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 303, Ohio Revised Code, shall be fined not more than one hundred (\$100.00) dollars for each offense or the maximum fine or imprisonment as provided by law, whichever is greater.

**ARTICLE XXX - SEVERABILITY AND REPEAL**

Section 30.01 - SEVERABILITY: If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid, and the invalidity of any section, sentence, clauses, or parts of this Zoning Resolution in any one or more instances shall not affect or prejudice in any way the validity of this Zoning Resolution in any other instance.

Section 30.02 - REPEAL: This Zoning Resolution may be repealed only by complying with the requirements of Chapter 303, Ohio Revised Code, as amended.

Section 30.03 - REPEAL OF CONFLICTING RESOLUTION: The County Zoning Resolution or parts thereof previously in effect in Madison County, Ohio not otherwise adopted as part of this Amended Zoning Resolution, and in conflict with the Zoning Resolution as it is established on March 25, 2002, or established hereafter are hereby repealed. However, all civil legal proceedings and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Resolution but shall be prosecuted to their finality the same as if amendments to this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

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Commissioners' Journal, Madison County, Ohio – No. 64, Page #121  
March 25, 2002

Mr. Dhume moved the adoption of the following Resolution:

BE IT RESOLVED, that pursuant to 303.12 of the Ohio Revised Code the 2002 Proposed Changes to the Madison County Zoning Code is hereby amended. Said proposed changes shall go into effect on the 1<sup>st</sup> day of May, 2002.

AND BE IT FURTHER RESOLVED, that a copy of said resolution be published in a newspaper of general circulation in Madison County once a week for two consecutive weeks.

AND BE IT FURTHER RESOLVED, that copies of said amended zoning code shall be available on April 5, 2002, at the office of the Clerk of the Board of County Commissioners of Madison County during normal working hours. Instruct the Clerk to advertise in local newspapers.

With a second from Mr. Snyder, the result of the roll call was:

Mr. Hackett, yes; Mr. Snyder, no; and Mr. Dhume, yes.

**Amendment  
To The  
Madison County  
Zoning Resolution**

**Adopted January 23, 2007**

**Recorded in  
Commissioners' Journal #71  
Pages 471-475**

**Subject: Resolution – Madison County Zoning Regulations**

**(Ref; Journal #71, Pages 362-366, dated December 18, 2006)**

**A. Resolution**

Mr. Dhume moved, per the recommendation of Steve Pronai, Prosecutor, to adopt the amendments to the Madison county Zoning Resolution to reflect the new language in sections 602, 603 and 2108(a)(c) concerning work done in flood plains within Madison County and that the attached applications be required to be submitted for any building within the flood plain as designated by the Madison County Zoning Resolution. Following a second from Mr. Snyder, the result of the roll call was: Mr. Hackett, yes; Mr. Snyder, Yes; and Mr. Dhume, yes.

**B. Section 6.02 – Agriculture**

**Section 6.02 – AGRICULTURE:** Nothing contained in this Resolution, with the exception of Section 21.08 (floodplain regulations), shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to use for agricultural purposes of the land on which the buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure.

**C. Section 6.03 – Public Utilities and Railroads**

**Section 6.03 – PUBLIC UTILITIES AND RAILROADS:** Nothing contained in this Resolution, with the exception of Section 21.08 (floodplain regulations), shall prevent the location, erection, construction, reconstruction, change alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term “operation of its business” shall not be deemed to include general offices or other uses not related directly to provisions of utility services.

**D. Section 21.08 (a)**

The County Zoning Department and/or County Building Department shall maintain on file for public examination, current copies of Madison County’s Flood Insurance Rate Map (FIRM) and Flood Insurance Study shall be used to delineate the boundaries of the floodplain for the purposes of enforcing the requirements of these regulations.

**E. Section 21.08 (c)**

No structure shall be permitted within the 100 year floodplain. No use shall be permitted within the floodplain that will adversely impact the natural benefits and function of the 100-year floodplain. Possible adverse impact to the natural benefits and function of the 100-year floodplain include:

- a. Detrimental changes in hydrology
- b. Detrimental changes in geomorphology
- c. Detrimental changes in water quality
- d. Detrimental changes in aquatic and terrestrial habitat, and ecology
- e. Detrimental changes in natural flood and erosion control function



Special Provisions of Variance Approval:

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*Note: For permit file purposes, attach the official hearing record and ensure that the eleven variance evaluation factors in the community's flood damage reduction regulations have been considered and are included in the written record.*

**F. FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION**

**FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION**

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Application is hereby made for a DEVELOPMENT PERMIT as required by the Special Purpose Flood Damage Reduction Regulations No. \_\_\_\_\_ of \_\_\_\_\_ (village/city/county) for development in an identified flood hazard area. All activities shall be completed in accordance with the requirements of said regulations. The development to be performed is described below and in attachments hereto. The applicant understands and agrees that:

- The permit applied for, if granted, is issued on the representations made herein;
- Any permit issued may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- Any permit issued on this application will not grant any right or privilege to erect any structure or sue any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The applicant hereby gives consent to the Floodplain Administrator to enter and inspect activity covered under the provisions of the floodplain regulations;
- If issued, the FHA Development Permit form will be posted in a conspicuous place on the premises in plain view; and,
- If issued, the permit will expire if no work is commenced within one year of issuance.

Owner's Name: \_\_\_\_\_ Builder/Developer: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

**LOCATION OF DEVELOPMENT SITE**

1. Location of proposed development site address: \_\_\_\_\_
2. Legal description: \_\_\_\_\_

*Attach a location map showing the location of the development site relative to adjacent sites. A location map may be a copy of the tax or plat map, including scale, showing the parcel where development activity will occur.*

**DESCRIPTION OF WORK**

3a. Kind of development proposed (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Residential structure   | <input type="checkbox"/> Non-residential structure               |
| <input type="checkbox"/> New structure   | <input type="checkbox"/> New structure                           |
| <input type="checkbox"/> Addition to structure   | <input type="checkbox"/> Addition to structure                   |
| <input type="checkbox"/> Renovations/repairs/maintenance   | <input type="checkbox"/> Renovations/repairs/maintenance         |
| <input type="checkbox"/> Manufactured home installation  |  |
| <input type="checkbox"/> Accessory structure: Dimensions: _____  |  |
| <input type="checkbox"/> Filling or grading  | <input type="checkbox"/> Dredging or excavation or mining        |
| <input type="checkbox"/> Materials/equipment storage: Describe type _____                                  |  |
| <input type="checkbox"/> Watercourse alteration (any change that occurs within the banks of a watercourse) |  |
| <input type="checkbox"/> Water supply/sewage disposal  | <input type="checkbox"/> Bridge or culvert placement/replacement |
| <input type="checkbox"/> Subdivision greater than 50 lots or 5 acres                                       | <input type="checkbox"/> Other development greater than 5 acres  |
| <input type="checkbox"/> Other: _____  |  |

Additional activity description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



3b. If the proposed construction is an addition, renovation, repair or maintenance to an existing structure, indicate the cost of proposed construction \$\_\_\_\_\_. What is the estimated market value of the existing structure \$\_\_\_\_\_?

*NOTES AND ADDITIONAL SUBMITTAL REQUIREMENTS:*

- *In addition to completion of this form the applicant agrees to submit any additional information required by the floodplain administrator in order to determine that the proposed development is compliant with the local and federal flood damage prevention criteria of the National Flood Insurance Program. Site plans for all development proposals must:*
  - *Be drawn to scale with north arrow.*
  - *Show property boundaries, floodway, and floodplain lines.*
  - *Show dimensions of the lot.*
  - *Show dimensions and location of existing and/or proposed development on the site.*
  - *Show areas to be cut and filled.*
  
- *Applications for residential and non-residential structures must also include:*
  - *The proposed lowest floor elevation based on the datum used on the effective Flood Insurance Rate Map and base elevation for the site.*
  - *Identification of whether the structure has a basement or enclosure below the lowest floor, and if it contains a basement or enclosure, detailed drawings showing foundation openings to allow passage of floodwaters.*
  - *Description of how building utilities will be protected from flood waters including drawings showing location of such utilities.*
  - *Detailed description of anchoring system for all mobile and manufactured homes.*
  - *Description of construction materials that will be used below the flood protection elevation.*
  
- *An existing structure must comply with the flood protection standards if it is substantially improved (an improvement equal to or greater than 50% of the market value of the structure). The “substantial improvement” definition applies to existing structures only and that once a structure meets the definition of “new construction” any further improvements to that structure must meet “new construction” requirements. For floodplain management purposes “new construction” means structures for which “start of construction” began on or after the effective date of the initial Flood Insurance Rate Map issued by FEMA for the community.*
  
- *Any Pre-FIRM structure within the FHA that has sustained damage from any source (flood, fire, etc...) must be elevated to determine if the structure is “substantially damaged” (damaged to 50% or more of the market value of the structure). If the structure is “substantially damaged”, the structure must be brought into compliance with the flood protection standards.*
  
- *For subdivision proposals greater than 5 acres or 50 lots, or large-scale developments greater than 5 acres, a hydrologic and hydraulic analysis must be conducted to determine base flood elevations in flood hazard areas where no base flood elevations are provided.*
  
- *A Conditional Letter of Map Revision (CLOMR) must be obtained for proposed projects that would result in more than a 1.0 foot increase in BFE on a watercourse that has been studied through detailed hydrologic and hydraulic analyses where BFEs have been specified, but no floodway has been designated **OR** when a project proposed (totally or partially within the floodway) along a watercourse for which detailed analyses have been conducted and BFEs and a floodway have been designated would result in any (greater than 0.0 foot) increase in the BFE.*
  
- *Applications for non-residential structures proposed to be floodproofed must have a completed FEMA floodproofing certification form attached (can only be completed by a Registered Professional Engineer or Architect).*

- *All developmental proposals determined to be located in a floodway must be accompanied by a hydrologic and hydraulic analysis showing impacts on of the development on flood heights (can only be completed by a Registered Professional Engineer).*
- *Development proposals that are considered alterations of a watercourse must be accompanied by an analysis showing that the flood carrying capacity of the watercourse has not be reduced.*

I AGREE THAT ALL STATEMENTS IN AND ATTACHMENTS TO THIS APPLICATION ARE A TRUE DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSED DEVELOPMENT ACTIVITY. I UNDERSTAND THE DEVELOPMENT REQUIREMENTS FOR SPECIAL FLOOD HAZARD AREA ACTIVITIES PER THE APPROPRIATE ORDINANCE OR RESOLUTION AND AGREE TO ABIDE THERETO. I UNDERSTAND IT IS MY RESPONSIBILITY TO OBTAIN ALL OTHER APPLICABLE FEDERAL, STATE AND LOCAL PERMITS.

Applicants Signature:

---

Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

G. Flood Hazard Area Development Permit Administrative Checklist

**FLOOD HAZARD AREA DEVELOPMENT PERMIT  
ADMINISTRATIVE CHECKLIST**

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*Note: The following is to be completed by the local floodplain administrator. All references to elevations are in feet mean sea level (m.s.l.) according to the datum used on the effective Flood Insurance Maps.*

1. The proposed development is in:

- An identified floodway.
  - Does a hydrologic and hydraulic engineering analysis accompany the application  
Y / N
  - Does the analysis have a certification that flood heights will not be increased  
Y / N
  - Is the analysis certified by a Registered Professional Engineer  
Y / N
- A flood hazard area where base flood elevations exist with no identified floodway.
  - Does a hydrologic and hydraulic engineering analysis accompany the application  
Y / N
  - Does the analysis have a certification that flood heights will be increased less than the height designated in the community's flood damage reduction regulations (in no case will this be more than one foot)  
Y / N
  - Is the analysis certified by a Registered Engineer  
Y / N
- An area within the floodplain fringe.
- An approximate flood hazard area (Zone A).
- Within the banks of a watercourse.
  - Does an analysis demonstrating that the flood carrying capacity has not been diminished accompany the application  
Y / N

Base flood elevation (100 year) at proposed site \_\_\_\_\_ feet m.s.l.  
Data source \_\_\_\_\_

Map effective date \_\_\_\_\_ Community-Panel No. \_\_\_\_\_

2. Does proposed development meet NFIP and local "Use and Development Standards" of your regulations?

- Permitted Use.
- Water and wastewater systems standards met.
- Subdivision standards met (All public utilities and facilities safe from flooding, adequate drainage, flood elevations generated where applicable).
- Residential/non-residential structures standards met. Lowest floor elevation \_\_\_\_\_ feet m.s.l.
  - Substantial improvement / substantial damage  
Y / N
  - Anchored properly (manufactured home affixed to permanent foundation) Y / N
  - Utilities protected against flooding Y / N
  - Construction materials below flood protection elevation resistant to flood damage Y / N
  - Lowest floor elevated to or above flood protection elevation (BFE + freeboard) Y / N
  - Has an enclosure below lowest floor (crawl space, walkout basement) Y / N
    - Enclosure have proper number and area of openings Y / N
    - Enclosure unfinished and only used for parking, materials storage or entry Y / N
- Accessory structure standards met (square footage, use, foundation openings). Y / N
- Recreational vehicle standards met.

- \_\_\_ Above ground gas or liquid storage tank anchored.
- \_\_\_ Flood carrying capacity maintained for floodway development, areas where FEMA has provided BFE data but no floodways, or for alterations of a watercourse.

3. Does proposed development trigger requirement to submit a Letter of Map Revision or Conditional Letter of Map Revision?

Y / N

DECISION RECORD

4. The proposed development is in compliance with applicable floodplain standards. **FLOOD HAZARD AREA DEVELOPMENT PERMIT ISSUED ON**\_\_\_\_\_.

5. The proposed development is not in compliance with applicable floodplain standards. **FLOOD HAZARD AREA DEVELOPMENT PERMIT DENIED ON** \_\_\_\_\_.  
Reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

6. The proposed development is exempt from the floodplain standards per Section \_\_\_\_\_ of the Flood Damage Prevention Ordinance (Resolution) No. \_\_\_\_\_.

Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

H. Flood Hazard Area Development Permit

## **FLOOD HAZARD AREA DEVELOPMENT PERMIT**

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The permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the

\_\_\_\_\_  
(Community Name) Flood Damage Reduction Regulations.

Address or property location:

\_\_\_\_\_

Description of development activity:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The permittee understands and agrees that:

- An as-built Elevation Certificate will be submitted to the Floodplain Administrator after the first floor of a new, substantially improved, or substantially damaged, residential or non-residential structure is constructed;
- A final Letter of Map Revision will be obtained where a Conditional Letter of Map Revision was required as part of the permit application;
- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the codes or regulations of the community;
- The permittee hereby gives consent to the Floodplain Administrator to enter and inspect activity covered under the provisions of the Floodplain Management Regulations;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within one year of issuance.

Issued by: \_\_\_\_\_ Date:

\_\_\_\_\_

Floodplain Administrator

Permit Number: \_\_\_\_\_

MADISON

Chris R. Snyder  
Chris R. Snyder

COUNTY

David D. Hume  
David D. Hume

COMMISSIONERS

Robert D. Hackett  
Robert D. Hackett

ATTEST: Regina L. Benjamin  
Clerk of the Board

\*\*\*\*\*

Official Applications  
must be obtained through  
The Zoning and Building Office  
In the  
Madison County Courthouse  
One North Main Street  
Room 208  
London, Ohio 43140



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