

# PREBLE COUNTY

## ZONING RESOLUTION

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## PREBLE COUNTY, OHIO

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### ARTICLE I: TITLE AND AUTHORIZATION

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#### Section

101 Long title

102 Short title

103 Authorization

#### § 101 LONG TITLE.

A resolution to provide for the comprehensive zoning of the unincorporated portion of Preble County, Ohio; establishing use districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration, and use of structures and land, providing for off-street parking, regulating signs; authorizing special zoning certificates; controlling nonconforming uses, establishing a zoning district map, providing for the administration of this resolution, defining the powers and duties of the Zoning Enforcement Officer, Planning Commission, Rural Zoning Commission, Board of Zoning Appeals, and Board of County Commissioners pertaining to zoning responsibilities and providing for penalties for the violation of the provisions in this resolution or any amendment thereto.

(Res. 669-94-72, § 101, effective 4-5-1995)

#### § 102 SHORT TITLE.

This resolution shall be known as the "Preble County Zoning Resolution".

(Res. 669-94-72, § 102, effective 4-5-1995; Res. 536-13-162, effective 12-6-2013)

#### § 103 AUTHORIZATION.

This code is authorized by R.C. § 303.01 et seq.

## ARTICLE II: INTENT AND PURPOSE

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### Section

#### 201 Purpose

#### **§ 201 PURPOSE.**

A. The zoning resolution of this county is adopted with the purpose of promoting and protecting the public health, safety, comfort, convenience, and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking:

1. To encourage and facilitate orderly, efficient, and appropriate growth and development;
2. To protect agricultural, residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses;
3. To avoid the inappropriate development of lands and provide for adequate drainage, curbing, or erosion, and reduction of flood damage;
4. To foster a more rational pattern of relationship between agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all;
5. To protect those areas which are not and/or cannot be served by central sewer systems from growth intensities which could be hazardous to the public health;
6. To establish population densities to prevent or reduce congestion and to secure economy in the cost of providing water supply and sewage facilities, streets and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services; and
7. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county.

B. The standards and requirements contained in this code and the district mapping reflected on the County Zoning Map are intended to further the implementation of the objectives and policies of this county as well as protect all desirable existing structures and uses.

(Res. 669-94-72, § 201, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

## ARTICLE III: ENACTMENT AND EFFECTIVE DATE

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### Section

#### 301 Enactment clause

#### 302 Effective date

#### **§ 301 ENACTMENT CLAUSE.**

A. Whereas, under and by virtue of the laws of this state a Zoning Commission for Preble County, Rural Ohio was created in 1966; and

B. Whereas, the Preble County Zoning Map was originally adopted April 25, 1966; and

C. Whereas, each township adopted the Preble County Zoning Resolution in: Harrison, Jackson, Washington, Twin, Dixon, Gasper, Lanier, and Israel Townships - November 1966; Monroe and Somers Townships - November 1972; Jefferson Township - November 1995.

D. Now, therefore, be it resolved, that the Zoning Map and text contained herein are hereby amended and adopted as per County Commission Resolution No. 669-94-72.

(Res. 669-94-72, § 301, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

#### **§ 302 EFFECTIVE DATE.**

This code is effective on April 5, 1995.

(Res. 669-94-72, § 302, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

## ARTICLE IV: INTERPRETATION

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Section

- 401 Interpretation of provisions
- 402 Validity and separability
- 403 Repeal of conflicting resolution

**§ 401 INTERPRETATION OF PROVISIONS.**

A. In their interpretation and application, the provisions of this code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

B. It is not intended by this code to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor is it intended by this code to interfere with, abrogate, or annul any laws or resolutions, other than expressly repealed hereby, or any rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this code, or which shall be adopted or provided, pursuant to law, relating to the use of buildings or land; provided, however, that where this code imposes a greater restriction upon the use of buildings or land than are required or imposed by such easements, covenants, or agreements between parties, or by such laws, rules, regulations, or permits, the provisions of this code shall govern. In no case, however, shall this code prohibit the use of any land for agricultural purposes nor shall it have any effect upon structures directly related to agricultural uses. (See R.C. § 303.21.)

(Res. 669-94-72, § 401, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 402 VALIDITY AND SEPARABILITY.**

It is hereby declared to be the legislative intent that, if any provision or provisions of this code, or the application thereof to any zoning lot, buildings, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning lot, building, or other effect in the controversy. All other provisions of this code shall continue to be separate and fully effective, and the application of that provision to other persons or situations shall not be affected.

(Res. 669-94-72, § 402, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 403 REPEAL OF CONFLICTING RESOLUTION.**

All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

(Res. 669-94-72, § 403, effective 4-5-1995)

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**ARTICLE V: ENFORCEMENT**

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Section

- 501 Zoning permits required
- 502 Contents of application for zoning permits
- 503 Approval of zoning permit
- 504 Expiration of zoning permit
- 505 Certificate of occupancy
- 506 Temporary certificate of occupancy
- 507 Record of zoning permits and certificates of occupancy
- 508 Failure to obtain a zoning permit or certificate of occupancy
- 509 Construction and use to be as provided in applications, plans, permits, and certificates
- 510 Complaint regarding violations
- 511 Penalties for violation
- 512 Fees

**§ 501 ZONING PERMITS REQUIRED.**

No building or other structure shall be erected, moved, added to, structurally altered nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this code unless the Zoning Inspector receives a resolution order from the Board of Zoning Appeals

deciding an appeal, conditional use, or variance, or from the Board of County Commissioners approving a planned unit development, as provided by this code.

(Res. 669-94-72, § 501, effective 4-5-1995)

#### **§ 502 CONTENTS OF APPLICATION FOR ZONING PERMITS.**

The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2-1/2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Legal description of property;
- C. Existing use;
- D. Proposed use;
- E. Zoning district;
- F. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration(s);
- G. Building heights;
- H. Number of off-street parking spaces or loading berths;
- I. Number of dwelling units;
- J. Site plan with existing contours and proposed contours, along with first floor elevation of proposed structure; and
- K. Such other matters as may be necessary to determine conformance with and provide for the enforcement of this code.

(Res. 669-94-72, § 502, effective 4-5-1995)

#### **§ 503 APPROVAL OF ZONING PERMIT.**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this code. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of the plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this code.

(Res. 669-94-72, § 503, effective 4-5-1995)

#### **§ 504 EXPIRATION OF ZONING PERMIT.**

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

(Res. 669-94-72, § 504, effective 4-5-1995)

#### **§ 505 CERTIFICATE OF OCCUPANCY.**

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 occupancy shall have been issued thereof by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this code.

A. *Application for occupancy certificate.* Every application for a building permit or zoning permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land when no building permit is required shall be made directly to the Zoning Inspector.

B. *Issuance of occupancy certificate.* The occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Zoning Inspector is notified in writing that the building or premises is ready for occupancy.

(Res. 669-94-72, § 505, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013) Penalty, see §511

#### **§ 506 TEMPORARY CERTIFICATE OF OCCUPANCY.**

A temporary certificate of occupancy 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.

(Res. 669-94-72, § 506, effective 4-5-1995)

### **§ 507 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.**

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

(Res. 669-94-72, § 507, effective 4-5-1995)

### **§ 508 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.**

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this code and punishable under § 511 of this code.

(Res. 669-94-72, § 508, effective 4-5-1995)

### **§ 509 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.**

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this code, and punishable as provided in § 511 of this code.

(Res. 669-94-72, § 509, effective 4-5-1995)

### **§ 510 COMPLAINTS REGARDING VIOLATIONS.**

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

(Res. 669-94-72, § 510, effective 4-5-1995)

### **§ 511 PENALTIES FOR VIOLATION.**

A. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or land in violation of any regulation in any provision of this code or any amendment or supplement thereto adopted by the Board of County Commissioners of this county, under R.C. §§ 303.01 - 303.99. Any person, firm, or corporation violating any provision of this code, or of any amendment or supplement thereto, shall be deemed guilty of a minor misdemeanor. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

B. Where a structure 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 this code or any amendment or supplement thereto, the Board of County Commissioners, the Prosecuting Attorney of this county, Zoning Inspector, or any adjacent or neighboring county owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

(Res. 669-94-72, § 511, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 512 FEES.**

A. Any application under this code for a zoning permit, zoning map or text amendment, certificate of occupancy, conditional use permit, planned development review, sign permit, appeal, or variance shall be accompanied by such fee as shall be specified from time to time by zoning resolution of the Board of County Commissioners. There shall be no fee, however, in the case of applications filed by the Board of County Commissioners, the County Zoning Commission, or the County Planning Commission.

B. The fees shall be in addition to any other fees which are imposed by this county. Such fees are adopted to cover the cost of the county of investigations, legal advertising, postage, and other expenses resulting from the administration of the respective zoning activities. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal.

(Res. 669-94-72, § 512, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

## **ARTICLE VI: PROVISIONS FOR OFFICIAL ZONING MAP**

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### Section

- 601 Official Zoning Map
- 602 Identification of the Official Zoning Map
- 603 Interpretation of district boundaries

## **§ 601 OFFICIAL ZONING MAP.**

The districts established in Article VII of this code are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted as part of this code.

(Res. 669-94-72, § 601, effective 4-5-1995)

## **§ 602 IDENTIFICATION OF THE OFFICIAL ZONING MAP.**

A. The Official Zoning Map shall be identified by the signature of the President of the Board of County Commissioners attested by the County Clerk, and bearing the seal of the county and the following words: “This is to certify that this is the Official Zoning Map referred to in § 601 of the Zoning Resolution of Preble County, Ohio”, together with the date of the adoption of this code.

B. If, in accordance with the provisions of this code and R.C. Chapter 303, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the effective date of the amendment approved by the Board of County Commissioners, with an entry on the Official Zoning Map including the amending resolution number, the date of passage of the resolution, and the initials of the County Clerk.

C. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this code and punishable as provided under the provisions of this code.

D. Regardless of the existence of projected copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of Building Regulations shall be the final authority as to the amount of zoning status of land and water area, buildings, and other structures in the county.

(Res. 669-94-72, § 602, effective 4-5-1995) Penalty, see § 511

## **§ 603 INTERPRETATION OF DISTRICT BOUNDARIES.**

A. Where an amendment to the Official Zoning Map is accompanied by a legal description of the zoning boundary, that legal description shall be interpreted as the zoning boundary line, regardless of the accuracy of the zoning boundary line drawn on the Official Zoning Map.

B. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline;

2. Boundaries indicated as approximately following platted or deeded lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline;

6. Boundaries indicated as parallel to or extensions of features indicated in subsections B.1 through B.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections B.1 through B.6 above, the Board of Zoning Appeals shall interpret the district boundaries; and

8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this code, the Board of Zoning Appeals may permit, as a variance, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

(Res. 669-94-72, § 603, effective 4-5-1995)

# **ARTICLE VII: PROVISIONS FOR ZONING DISTRICTS**

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## Section

701 Establishment of zoning districts

702 Compliance with regulations

703 Essential services exempted

## **§ 701 ESTABLISHMENT OF ZONING DISTRICTS.**

For the purpose of promoting the public health, safety, morals, convenience, comfort, prosperity, and general welfare of this county, the following districts are hereby established:

A. Districts generally:

A	Agricultural District
AB	Agri-Business District
RR	Restricted Rural Residential District
RR-1	Rural Residential District
SR	Suburban Residential District
UR	Urban Residential District
OS	Office Service District
B-1	Convenience Business District
B-2	Community Business District
HS	Highway Service District
I-1	Limited Industrial District
I-2	General Industrial District

B. Planned development provisions:

PR	Planned Residential District
PMH	Planned Mobile/Manufactured Home Residential District
PRV	Planned Recreational Vehicle Park District
PRD	Planned Retreat District
PC	Planned Commercial District
PHS	Planned Highway Service District
POI	Planned Office/Industrial District
FP	Floodplain District

(Res. 669-94-72, § 701, effective 4-5-1995)

**§ 702 COMPLIANCE WITH REGULATIONS.**

The regulations for each district set forth by this code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

A. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall be erected or altered:

1. To provide for greater height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area; or
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner be contrary to the provisions of this code.

C. No yard or lot existing at the time of passage of this code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements set forth herein.

D. A use not listed within the use provisions of a zoning district shall be considered to be a prohibited use within that zoning district, unless otherwise interpreted by the Zoning Inspector or the Board of Zoning Appeals.

E. In any district, no more than one (1) primary structure and its customary accessory uses shall be located on a single lot except as specifically provided elsewhere in this code.

(Res. 669-94-72, § 702, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

**§ 703 ESSENTIAL SERVICES EXEMPTED.**

The erection, construction, alteration, or maintenance by public utilities or township departments, or commissions, of overhead,

surface, or underground gas, electrical, steam, or water distribution or transmission systems, collection, communications, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical equipment and accessories, public sanitary landfills, and public wastewater treatment facilities in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or county department or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this code; provided, however, that the installation shall conform to Federal Communications Commission, Federal Aviation Agency and Environmental Protection Agency rules and regulations, and those of other authorities having jurisdiction.

(Res. 669-94-72, § 703, effective 4-5-1995)

## **ARTICLE VIII: DISTRICT REQUIREMENTS**

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  - 801.02 Uses
  - 801.03 Site development regulations (permitted uses only)
  - 801.04 Structure requirements
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  - 801.06 Signs
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## **§ 801 A – AGRICULTURAL DISTRICT.**

### **§ 801.01 PURPOSE.**

A. This district is established for either of the following purposes:

1. To protect land best suited for agricultural use from the encroachment of incompatible land uses and to preserve valuable agricultural land for agricultural uses; and
2. To protect the open area from the encroachment of scattered urban type uses permanently or until such time as the area is ready for more intensive development and can be provided with urban services.

B. Lands within the Agricultural District are used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health or even death arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides.

C. Owners, residents, and users of this property should be prepared to accept these conditions and are hereby put on official notice that “right to farm” provisions within the Ohio Revised Code may bar them from obtaining a legal judgment against such normal agricultural operations.

(Res. 669-94-72, § 801.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 801.02 USES.**

A. *Permitted uses.*

1. Agriculture;
2. One 1-family dwelling;
3. Home occupations, § 1103.02 AA.;
4. Sale of produce and plants raised on the premises, or seasonal sale of produce and plants not raised on the premises, provided that any structures associated with such sales shall be only those structures ordinarily used for the sale of produce and plants raised on the

premises; and

5. Accessory buildings incidental to the principal use. Such facilities are subject to regulation under § 815;
6. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);
7. Ham radio towers (if conditions found in § 1103.02 SS. are met); and
8. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI:

1. Commercial animal sales lots and/or feed lots;
2. [Reserved];
3. Cemeteries, § 1103.02 M.;
4. Kennels, animal hospitals, and riding stables, § 1103.022 D.;
5. Soil removal, sand and gravel extraction operations, § 1103.02 W.;
6. Private sanitary landfill, § 1103.02 HH.;
7. Land application of sewage sludge, § 1103.02 II.;
8. Publicly or privately owned and operated airport or landing fields, § 1103.02 C.;
9. Radio, television, microwave, or other transmission towers and/or associated facilities, § 1103.02 LL.;
10. Churches and other buildings for the purpose of religious worship, § 1103.02 N.;
11. Schools and associated facilities for academic instruction, § 1103.02 JJ.;
12. Private and publicly owned commercial and noncommercial recreation areas, uses, and facilities, including fishing lakes, swimming pools, country clubs, golf courses, parks, forests, wildlife preserves, and similar areas and uses;
13. Airport or aircraft landing facility, § 1103.02 C.;
14. Guest house, § 1103.02 Z.;
15. Bed and breakfast homes and inns, § 1103.02 I.;
16. Intensive agricultural uses, § 1103.02 CC.;
17. Solar farms, § 1103.02 TT.

C. *Uses requiring special approval, special use provision.*

1. a. One single-family residence located upon a single site of more than three (3) acres, but less than forty (40) acres and not subdividable further without additional zoning approval; and

b. Permitted dwelling as specified including a noncommercial guest house, § 1103.02 Z.

2. a. Approval of such uses shall be subject to the following:

(1) In addition to pertinent information required by the county's rezoning application, the applicant shall submit a site plan of the proposed development which shall contain the following information:

a) A sketch map drawn to scale not less than one (1) inch equals forty (40) feet, complete with north arrow, date, name and address of property owner or lessee, and name and firm address of the professional individual responsible for the preparation of the site plan (if such was involved);

b) Existing features of the site, including topography (contour intervals shall be shown at two (2) foot intervals for average slopes of ten (10) percent and under, and five (5) foot intervals for average slopes over ten (10) percent), significant wooded areas, streams, drainage ways, and any existing structures and driveways upon the site;

c) Subsurface conditions on the tract including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and existing depth and adequacy of ground water, if on-site sewage disposal and water supply are proposed;

d) Plan of proposed development showing proposed location and general dimensions of structures, proposed driveway(s), and location of any wall, fencing, or landscaped screening proposed; and

e) Provision for water, sanitary, and storm water facilities.

(1) If proposal is to utilize municipal and/or county facilities, provide details of the connection including distance to nearest central utilities.

(2) If on-site facilities are proposed, indicate type of system proposed, location, and general construction plans.

b. The proposed plan shall be reviewed by the Planning Commission, Rural Zoning Board, and County Commissioners. Review

will be guided by those standards established for review of conditional uses by the Board of Zoning Appeals, more specifically § 1103.01B through I, of the County Rural Zoning Resolution. Approval shall be conducted in conformity with the provisions of Article XIII of the PCRZR (this code).

1) If disapproved, an application for special use cannot be resubmitted within a year of the initial submission unless evidence of significantly changed conditions is presented by the applicant.

2) If approved, the approval site plan shall be certified and filed with the County Recorder similarly to the recording of a subdivision plat. Evidence of the recording should be a prerequisite to the issuance of a building permit.

3) Failure to record the plan within twelve (12) months of its approval by the County Commissioners shall render the approval null and void.

4) The aforementioned provisions shall not alleviate any responsibilities an applicant and/or developer may incur, if subject to provisions of the County Subdivision Regulations.

(Res. 669-94-72, § 801.02, effective 4-5-1995; Res. effective 1-3-1996; Res. effective 10-29-1997; Res. effective 1-3-2003; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 57-18-182, effective 1-5-2018; Res. 59-18-182, effective 1-5-2018)

### **§ 801.03 SITE DEVELOPMENT REGULATIONS (PERMITTED USES ONLY).**

#### *A. Lot requirements.*

1. Minimum lot area, forty (40) acres. Exception: in instances where a farm homestead dwelling unit was in existence prior to the adoption of the County Rural Zoning Resolution in the township in which the farm homestead dwelling unit is located, it will be permissible to split the dwelling unit and such outbuildings as may be desired from the balance of the land subject to the following conditions:

a. Only one such split may be made for a particular farm homestead dwelling unit;

b. In no instance shall the split authorized by this exception create a nonconforming tract other than the dwelling homestead tract. The original tract from which the split is made must be a conforming Agricultural District tract after the split. If the farm homestead dwelling unit exists on a nonconforming tract, no further split shall be allowed under this exception;

c. There shall be sufficient land included in the dwelling homestead tract to ensure proper sanitary sewage disposal, as determined by the County Board of Health; and

d. Agricultural District yard requirements (this section) shall be adhered to wherever physically possible.

2. Minimum lot width, 300 feet.

#### *B. Yard requirements.*

1. Minimum front yard depth, 65 feet;

2. Minimum rear yard depth, 60 feet; and

3. Minimum side yard width on each side, 50 feet.

#### *C. Notes.*

1. Lot, yard, and structural requirements shall not apply to agricultural structures except those required for health and safety reasons.

2. Conditional uses shall comply with all pertinent development standards contained in Article XI.

(Res. 669-94-72, § 801.03, effective 4-5-1995; Res. effective 10-29-1997; Res. effective 5-30-2003; Res. 80-13-159, effective 7-5-2013)

### **§ 801.04 STRUCTURE REQUIREMENTS.**

1. Maximum building height, 35 feet. (Including agricultural buildings on greater than 1.0 acres but not greater than 5.0 acres.)

(Res. 669-94-72, § 801.04, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

### **§ 801.05 PARKING REQUIREMENTS.**

1. See Article IX for off-street parking requirements.

(Res. 669-94-72, § 801.05, effective 4-5-1995)

### **§ 801.06 SIGNS.**

1. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 801.06, effective 4-5-1995)

## **§ 802 AB – AGRI-BUSINESS DISTRICT.**

### **§ 802.01 PURPOSE.**

This district is designed to accommodate the grouping of agriculturally oriented industries and businesses in close proximity to areas of agricultural production. Examples of uses that might be appropriate to such a zone are commodity sorting, grading and packing shed; product collecting and assembly terminals; feed concentrate mills; and agricultural machinery sales and service establishments.

(Res. 669-94-72, § 802.01, effective 4-5-1995)

### **§ 802.02 USES.**

#### *A. Permitted uses.*

1. Agricultural (excluding intensive agriculture uses);
2. Agriculturally oriented commercial and industrial uses such as farm implement sales and service, commodity sorting, grading and packing;
3. Feed or grain mills, agricultural wholesaling or processing facilities;
4. Cold storage plants;
5. Hardware stores;
6. Building materials storage and sales;
7. Restaurants, but not including drive-ins or fast-food establishments;
8. Veterinary offices, hospitals, clinics, kennels, or pounds;
9. Publicly owned and operated buildings and facilities;
10. Accessory buildings incidental to the principal use. Such facilities are subject to regulation under § 815;
11. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);
12. Ham radio towers (if conditions in § 1103.02 SS. are met); and
13. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

#### *B. Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI:

1. Automobile service stations, § 1103.02E;
2. Garages for storage and repair of motor vehicles, § 1103.02E;
3. Fast-food and/or drive-in establishments, § 1103.02T; and
4. Solar farms, § 1103.02 TT.

(Res. 669-94-72, § 802.02, effective 4-5-1995; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

### **§ 802.03 SITE DEVELOPMENT REGULATIONS (PERMITTED USES ONLY).**

#### *A. Lot requirements.*

1. Minimum lot area, 20,000 square feet; and
2. Minimum lot width, 100 feet.

#### *B. Yard requirements.*

1. Minimum front yard depth, 25 feet;
2. Minimum rear yard depth, 40 feet; and
3. Minimum side yard width on each side, 10 feet.

#### *C. Notes.*

1. Site development regulations may be varied based upon review of individual case characteristics as well as utilization of central sewer.
2. Lot, yard, and structural requirements shall not apply to agricultural structures except those required for health and safety reasons.
3. Conditional uses shall comply with all pertinent development standards contained in Article XI.

(Res. 669-94-72, § 802.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 802.04 STRUCTURAL REQUIREMENTS.**

- A. Maximum building height, 75 feet. (Including agricultural buildings on greater than 1.0 acres but not greater than 5.0 acres.)

(Res. 669-94-72, § 802.04, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

### **§ 802.05 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 802.05, effective 4-5-1995)

### **§ 802.06 SIGNS.**

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 802.06, effective 4-5-1995)

## **§ 803 RR – RESTRICTED RURAL RESIDENTIAL DISTRICT.**

### **§ 803.01 PURPOSE.**

This district is intended to provide areas for large lot, single-family residential development reflecting a very low density, open space character, generally designed for outlying, but non-prime agricultural areas. This district is particularly suitable within areas of unique physical characteristics such as woodlands, irregular topography, adjacency to stream corridors, etc. Such a district classification is also compatible with existing such residential areas within the county, as well as functions as a transitional area between agricultural areas and more urban areas.

(Res. 669-94-72, § 803.01, effective 4-5-1995)

### **§ 803.02 USES.**

A. *Permitted uses.*

1. Single-family dwellings;
2. Publicly owned and operated buildings and facilities except those uses listed under conditional uses;
3. Accessory buildings and uses incidental to the principal use which do not include any activity conducted as a business. Such facilities are subject to review under § 815;
4. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);
5. Ham radio towers (if conditions found in § 1103.02 SS. are met); and
6. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional uses are subject to review and regulation in accordance with Article XI:

1. Governmentally owned and/or operated parks and recreational facilities;
2. Private noncommercial recreational areas and facilities of an open space nature, such as golf courses, tennis courts, country clubs, etc., § 1103.02P;
3. Churches, § 1103.02N;
4. Cemeteries, § 1103.02M;
5. Home occupation, § 1103.02AA;
6. Radio, television, and telecommunications transmission/receiving towers, § 1103.02LL;
7. Cluster housing;
8. Guest house, § 1103.02Z; and
9. Bed and breakfast homes and inns, § 1103.02I.

(Res. 669-94-72, § 803.02, effective 4-5-1995; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

### **§ 803.03 SITE DEVELOPMENT REGULATIONS (PERMITTED USES ONLY).**

A. *Lot requirements.*

1. Minimum lot area, 2 acres; and
2. Minimum lot frontage, 200 feet.

B. *Yard requirements.*

1. Minimum front yard depth, 50 feet;
2. Minimum rear yard depth, 50 feet; and

3. Minimum side yard width on each side, 25 feet.

(Res. 669-94-72, § 803.03, effective 4-5-1995)

#### **§ 803.04 STRUCTURAL REQUIREMENTS.**

A. Maximum building height, 35 feet; and

B. Maximum lot coverage, 10%.

(Res. 669-94-72, § 803.04, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 803.05 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 803.05, effective 4-5-1995)

#### **§ 803.06 SIGNS.**

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 803.06, effective 4-5-1995)

### **§ 804 RR-1 – RURAL RESIDENTIAL DISTRICT.**

#### **§ 804.01 PURPOSE.**

This district is intended to provide areas for low density residential development which are beginning to undergo transition from rural to residential use. Density is designed to accommodate on-site utilities.

(Res. 669-94-72, § 804.01, effective 4-5-1995)

#### **§ 804.02 USES.**

A. *Permitted uses.*

1. Single-family dwelling;

2. Publicly owned and operated buildings and facilities, except those uses listed under conditional uses;

3. Accessory buildings incidental to the principal use which do not include any activity conducted as a business. Such facilities are subject to regulation under § 815;

4. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);

5. Ham radio towers (if conditions found in § 1103.02 SS. are met); and

6. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI.

1. Cemeteries, § 1103.02 M.;

2. Churches, § 1103.02 N.;

3. Schools and colleges for academic instruction, § 1103.02 JJ.;

4. Private and publicly owned noncommercial recreation areas, uses and facilities, including country clubs, swimming pools, golf courses, parks, forest, wildlife preserves, and similar areas and uses, § 1103.02 P.;

5. Home occupations, § 1103.02 AA.;

6. Hospitals, sanitariums, nursing homes, § 1103.02BB, FF.;

7. Child care centers, § 1103.02 S., see also Article XVI, definitions;

8. Elderly housing facility, § 1103.02 V., see also Article XVI, definitions;

9. Foster care residential facilities, § 1103.02 Q., see also Article XVI, definitions;

10. Social care homes, § 1103.02 Q., see also Article XVI, definitions;

11. Congregate housing, § 1103.02 R.;

12. Guest house, § 1103.02 Z.; and

13. Bed and breakfast homes and inns, § 1103.02 I.

(Res. 669-94-72, § 804.02, effective 4-5-1995; Res. 81-13-159, effective 5-3-2013; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160,



effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

**§ 804.03 SITE DEVELOPMENT REGULATIONS (PERMITTED USES ONLY).**

A. *Lot requirements.*

<i>Lot Dimension</i>	<i>Not Served by Central Sewers</i>	<i>Served by Central Sewers</i>
1. Minimum lot area	1 acre	15,000 sq. ft.
2. Minimum lot width	150 feet	100 feet

B. *Yard requirements.*

<i>Yard Depth</i>	<i>Not Served by Central Sewers</i>	<i>Served by Central Sewers</i>
1. Minimum front yard depth	50 feet	35 feet
2. Minimum rear yard depth	50 feet	40 feet
3. Minimum side yard width on each side	25 feet	15 feet

(Res. 669-94-72, § 804.03, effective 4-5-1995)

**§ 804.04 STRUCTURAL REQUIREMENTS.**

<i>Lot Dimension</i>	<i>Not Served by Central Sewers</i>	<i>Served by Central Sewers</i>
A. Maximum building height	35 feet	35 feet
B. Maximum lot coverage	10%	20%

(Res. 669-94-72, § 804.04, effective 4-5-1995)

**§ 804.05 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 804.05, effective 4-5-1995)

**§ 804.06 SIGNS.**

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 804.06, effective 4-5-1995)

**§ 805 SR – SUBURBAN RESIDENTIAL DISTRICT.**

**§ 805.01 PURPOSE.**

This district is designed to accommodate moderate density residential development within urbanizing portions of the county. Such density should be high enough to encourage central utilities where and when available.

(Res. 669-94-72, § 805.01, effective 4-5-1995)

**§ 805.02 USES.**

A. *Permitted uses.*

1. Single-family dwelling;
2. Publicly owned and operated buildings and facilities, except those uses listed under conditional uses;
3. Accessory buildings incidental to the principal use which do not include any activity conducted as a business. Such facilities are subject to regulation under § 815;
4. Home occupations (see § 1103.02AA);
5. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);

- 6. Ham radio towers (if conditions found in § 1103.02 SS. are met); and
- 7. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI:

- 1. All conditional uses as provided within the RR and RR-1 Districts, with the exception of cemeteries which are not permitted within the SR District; and
- 2. Two-family dwellings, § 1103.02NN.

(Res. 669-94-72, § 805.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 57-18-182, effective 1-5-2018; Res. 59-18-182, effective 1-5-2018)

**§ 805.03 SITE DEVELOPMENT REGULATIONS (PERMITTED USES ONLY).**

A. *Lot requirements.*

<i>Type</i>	<i>Not Served by Public Sewers</i>	<i>Served by Public Sewers</i>
1. Single-family		
a. Minimum lot area	1 acre	8,500 sq. ft.
b. Minimum lot width	125 feet	70 feet
2. Two-family		
a. Minimum lot area	Based upon determination by Health Department	10,000 sq. ft.
b. Minimum lot width	200 feet	80 feet

B. *Yard requirements.*

<i>Type</i>	<i>Not Served by Public Sewers</i>	<i>Served by Public Sewers</i>
<i>Type</i>	<i>Not Served by Public Sewers</i>	<i>Served by Public Sewers</i>
1. Single-family		
a. Minimum front yard depth	40 feet	30 feet
b. Minimum rear yard depth	50 feet	40 feet
c. Minimum side yard width on each side	15 feet	10 feet
2. Two-family		
a. Minimum front yard depth	40 feet	30 feet
b. Minimum rear yard depth	50 feet	30 feet
c. Minimum side yard width on each side	15 feet	10 feet

(Res. 669-94-72, § 805.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 805.04 STRUCTURAL REQUIREMENTS.**

<i>Type</i>	<i>Not Served by Public Sewers</i>	<i>Served by Public Sewers</i>
A. Single-family		
1. Maximum building height	35 feet	35 feet
2. Maximum lot coverage	20%	30%
B. Two-family		
1. Maximum building height	35 feet	35 feet

(Res. 669-94-72, § 805.04, effective 4-5-1995)

**§ 805.05 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 805.05, effective 4-5-1995)

### § 805.06 SIGNS.

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 805.06, effective 4-5-1995)

## § 806 UR – URBAN RESIDENTIAL DISTRICT.

### § 806.01 PURPOSE.

A. This zone is intended to accommodate a variety of housing types suited to the various lifestyles of individuals and families, particularly those residing within neighborhoods relatively near urban centers within the county.

B. Zoning provisions within this district recognize the establishment of single-family homes upon small residential lots. Medium density garden type and townhouse multifamily development is also accommodated within this zone.

(Res. 669-94-72, § 806.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### § 806.02 USES.

A. *Permitted uses.*

1. Single-family dwellings, detached and attached;
2. Two-family dwellings;
3. Multifamily dwellings;
4. Housing for the elderly;
5. Foster care residential facilities, § 1103.02 Q. (see Article XVI, definitions);
6. Congregate housing, § 1103.02 R. (see Article XVI, definitions);
7. Publicly owned and operated building and facilities, except those uses listed under conditional uses;
8. Accessory buildings incidental to the principal use which do not include any activity conducted as a business. Such facilities are subject to regulation under § 815;
9. Home occupations (see § 1103.02 AA.);
10. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);
11. Ham radio towers (if conditions found in § 1103.02 SS. are met); and
12. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI:

1. All conditional uses permitted as such within the SR District with the exception of those uses which are listed as permitted uses within this district;
2. Townhouses, § 1103.02 MM.;
3. Intermediate care homes, § 1103.02 Q. (see Article XVI, definitions);
4. Halfway houses, § 1103.02 Q. (see Article XVI, definitions);
5. Residential conversions (see Article XVI, definitions); and
6. Bed and breakfast homes and inns, § 1103.02 I.

(Res. 669-94-72, § 806.02, effective 4-5-1995; Res. 81-13-159, effective 5-3-2013; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 57-18-182, effective 1-5-2018; Res. 59-18-182, effective 1-5-2018)

### § 806.03 SITE DEVELOPMENT REGULATIONS.

A. *Lot requirements.*

1. *Minimum lot area.*
  - a. Single-family dwellings, detached and attached, 7,500 square feet per unit;
  - b. Two-family dwellings, 8,000 square feet;
  - c. Multifamily dwellings, detached and attached, 3,500 square feet per unit;
  - d. Townhouses, 2,500 square feet per unit; and

e. Housing for the elderly, 2,000 square feet per unit.

2. *Minimum lot width.*

- a. Single-family dwellings, detached and attached, 60 feet;
- b. Two-family dwellings, 80 feet;
- c. Multifamily dwellings, 85 feet;
- d. Townhouses, 20 feet per unit; and
- e. Housing for the elderly, 85 feet.

B. *Yard requirements.*

1. *Minimum front yard depth.*

- a. Single-family dwellings, detached and attached, 25 feet;
- b. Two-family dwellings, 25 feet;
- c. Multifamily dwellings, 25 feet;
- d. Townhouses: no front, side, or rear yard as such is required; however, each townhouse shall have, for each living unit, an adjoining yard containing not less than 500 square feet, reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for any accessory building; and
- e. Housing for the elderly, 25 feet.

2. *Minimum rear yard depth.*

- a. Single-family dwellings, detached and attached, 40 feet;
- b. Two-family dwellings, 40 feet;
- c. Multifamily dwellings, 40 feet;
- d. Townhouses: no front, side, or rear yard as such is required; however, each townhouse shall have, for each living unit, an adjoining yard containing not less than 500 square feet; reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for any accessory building; and
- e. Housing for the elderly, 35 feet.

3. *Minimum side yard width on each side.*

- a. Single-family dwellings, detached and attached, five (5) feet; plus one (1) foot for each two (2) feet by which the building or structure height exceeds fifteen (15) feet;
- b. Two-family dwellings, five (5) feet; plus one (1) foot for each two (2) feet by which the building or structure height exceeds fifteen (15) feet;
- c. Townhouses:
  - 1) No front, side, or rear yard as such is required; however, each townhouse shall have, for each living unit, an adjoining yard containing not less than 500 square feet, reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for any accessory building; and
  - 2) Not more than six (6) contiguous townhouses shall be built in a row with the same front line, and not more than twelve (12) townhouses shall be contiguous.
- d. Housing for the elderly, five (5) feet.

(Res. 669-94-72, § 806.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 806.04 [RESERVED].**

**§ 806.05 STRUCTURAL REQUIREMENTS.**

- A. Maximum building height, 35 feet.
  - 1. Housing for the elderly, 6 stories.

(Res. 669-94-72, § 806.05, effective 4-5-1995)

**§ 806.06 USABLE OPEN SPACE.**

- A. *Area.*
  - 1. Single-family dwellings, detached and attached, 500 square feet per unit;

2. Multifamily dwellings, 500 square feet per unit;

3. Townhouses: no front, side or rear yard as such is required; however, each townhouse shall have, for each living unit, an adjoining yard containing not less than 500 square feet, reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for any accessory building; and

4. Housing for the elderly, 250 square feet per unit.

B. *Minimum dimensions.*

1. *Multifamily dwellings (exclusive of housing for the elderly).* Multifamily units shall be designed so that each unit shall abut upon common usable open space. Such common open space shall in total average a minimum of five hundred (500) square feet per unit, be exclusive of areas used for vehicular circulation parking and accessory building. Only areas having at least dimensions of twenty (20) feet shall qualify for computation as usable open space.

(Res. 669-94-72, § 806.06, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 806.07 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking requirements.

(Res. 669-94-72, § 806.07, effective 4-5-1995)

**§ 806.08 SIGNS.**

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 806.08, effective 4-5-1995)

**§ 807 OS – OFFICE SERVICE DISTRICT.**

**§ 807.01 PURPOSE.**

This district provides for the location of offices, banks, institutional, governmental, and personal services in suitable locations in which they can support community needs as well as serve as transitional areas between residential and commercial districts or between major thoroughfares and residential districts.

(Res. 669-94-72, § 807.01, effective 4-5-1995)

**§ 807.02 USES.**

A. *Permitted uses.*

1. Business and professional offices, finance, insurance, real estate offices, banks (except drive-in type);

2. Research and development laboratories;

3. Medical and dental clinics;

4. Funeral homes;

5. Barber and beauty shops;

6. Instructional studios;

7. Churches;

8. Radio and television broadcasting studios;

9. Accessory buildings and uses incidental to the principal use. Regulations governing accessory facilities and uses are specified in § 815;

10. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);

11. Ham radio towers (if conditions found in § 1103.02 SS. are met); and

12. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional uses are subject to review in accordance with Article XI:

1. Retail and service uses such as restaurants, drug stores, barber and beauty shops, tobacconists, gift shops, but only when located entirely within a building or structure containing primarily a use or uses permitted in this district;

2. Hospitals, § 1103.02BB;

3. Business and industrial sales–service establishments where a stock of goods may be maintained on the premises for local or regional transport and sales to customers, provided that retail sales do not comprise a major portion of the total business;

4. Printing establishments; and

5. Veterinarian offices, § 1103.02D.

(Res. 669-94-72, § 807.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

### **§ 807.03 SITE DEVELOPMENT REGULATIONS.**

#### *A. Lot requirements.*

1. Minimum lot area, 10,000 square feet; and
2. Minimum lot frontage, 80 feet.

#### *B. Yard requirements.*

1. Minimum front yard depth, 25 feet;
2. Minimum rear yard depth, 35 feet; and
3. Minimum side yard width on each side, 10 feet.

a. Plus 1 foot for each 2 feet by which the building or structure height exceeds 20 feet.

b. Where a side lot line coincides with a side lot line in a residential district, the side yard dimensions shall be provided adjacent to the respective residential district as follows: RR and RR-1, 20 feet; SR, 15 feet; and UR, 10 feet. Where required, a landscape screening of trees or compact hedge or wall shall be provided as described in § 817.

#### *C. Structural requirements.*

1. Maximum building height, 40 feet.

#### *D. Notes.*

1. See § 817 for additional provisions for commercial facilities.
2. Uses shall comply with all pertinent development standards contained in Article XI.

(Res. 669-94-72, § 807.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 807.04 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 807.04, effective 4-5-1995)

### **§ 807.05 SIGNS.**

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 807.05, effective 4-5-1995)

## **§ 808 B-1 – CONVENIENCE BUSINESS DISTRICT.**

### **§ 808.01 PURPOSE.**

This district is designed to accommodate the grouping of commercial activities, generally of a convenience and service nature to provide for the needs of urbanizing portions of the county. It is intended that the size of the commercial grouping be directly related to the purchasing power needed to support the types of uses permitted. Since the commercial establishments permitted in the Convenience Business District will be closely associated with residential, religious, recreational, and educational land uses at the neighborhood level, more restrictive requirements for light, air, and open space are necessitated than in the larger-scale commercial zoning districts.

(Res. 669-94-72, § 808.01, effective 4-5-1995)

### **§ 808.02 USES.**

#### *A. Permitted uses.*

1. Small food stores such as bakery shops, retail only; candy and ice cream stores; drug stores; grocery and delicatessen stores; carry-out beverage and snack shops; pizzerias carry-out only;
2. Hardware and paint stores;
3. Shoe repair shops;
4. Barber and beauty shops;
5. Pickup stations for dry cleaning and laundry; dry cleaning and laundromats of the self- service type;
6. Shops producing merchandise to be sold on the premises, provided that not more than five (5) persons are employed on the

premises in such production;

7. Accessory buildings incidental to the principal use. Such facilities are subject to regulation under § 815;
8. Home occupation (see § 1103.02AA);
9. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);
10. Ham radio towers (if conditions found in § 1103.02 SS. are met); and
11. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI:

1. Auto service stations, § 1103.02E;
2. Supermarkets;
3. Public libraries, § 1103.02N; and
4. Bed and breakfast homes and inns, § 1103.02I.

(Res. 669-94-72, § 808.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

### **§ 808.03 SITE DEVELOPMENT REQUIREMENTS.**

A. *Lot requirements.*

1. Minimum lot area, 7,500 square feet; and
2. Minimum lot width, 60 feet.

B. *Yard requirements.*

1. Minimum front yard depth, 25 feet;
2. Minimum rear yard depth, 40 feet. See § 817 for requirements when located adjacent to R Districts; and
3. Minimum side yard width on each side, 10 feet.
  - a. See provision for requirements when located adjacent to R Districts.
  - b. Unless adjoining a business use, in which case none is required if fire-proof construction is used.

(Res. 669-94-72, § 808.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 808.04 STRUCTURAL REQUIREMENTS.**

A. Maximum building height, 35 feet.

(Res. 669-94-72, § 808.04, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 808.05 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 808.05, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 808.06 SIGNS.**

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 808.06, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 808.07 SUPPLEMENTARY REQUIREMENTS.**

A. No zoning certificate shall be issued for a B-1 use, until the applicant shall have certified to the Zoning Inspector that:

1. The business is open to the public only between the hours of 7:00 a.m. and 11:00 p.m.;
2. The business activity shall be conducted wholly within a completely enclosed building;
3. All business shall be of a retail or service character;
4. No manufacturing, processing, packaging, repair, or treatment of goods shall be carried on, except when incidental or accessory to the principal use, and there will be no noise from any operation conducted on the premises, either continuous or intermittent, which can be detected without the use of instruments at or beyond the lot lines;
5. Automobile service centers and/or stations, when permitted, shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and

supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor storage or rental of trucks, trailers, or passenger vehicles shall be permitted; and

6. Failure to comply with any of the aforementioned requirements by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this code.

(Res. 669-94-72, § 808.07, effective 4-5-1995)

## **§ 809 B-2 – COMMUNITY BUSINESS DISTRICT.**

### **§ 809.01 PURPOSE.**

This district is intended to provide for the development or continued use of land for a variety of retail, service, and administrative establishments required to satisfy the needs of the overall community. This district is also intended to accommodate retail trade establishments in the community which cannot be practically provided for in a convenience business district.

(Res. 669-94-72, § 809.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 809.02 USES.**

#### *A. Permitted uses.*

1. All permitted uses as provided within the Convenience Business District;
2. Department stores;
3. Establishments engaged in the retail trade of: drugs, book and stationary stores, apparel stores, florist shops, antique stores, sporting goods stores, jewelry stores, optical goods stores, furniture, home furnishings, cameras, photo supplies, hobby shops, music, musical instruments, pet sales and supplies, radio and television sales and service, newsstands, and similar retail activities;
4. Office equipment and office supply stores;
5. Establishments engaged primarily in the fields of finance, insurance, and real estate such as banks, credit agencies, investment firms, and real estate and insurance offices;
6. Miscellaneous business services such as advertising, news syndicates and employment agencies, travel bureaus, and ticket offices;
7. Engineering and architectural services, legal services, accounting, auditing, and bookkeeping services;
8. Nonprofit, professional, service, charitable, and labor organizations;
9. Dance studios and schools;
10. Theaters, not including drive-ins;
11. Restaurants, not including drive-in or fast-food;
12. Accessory buildings incidental to the principal use. Such facilities are subject to regulation under § 815;
13. Bed and breakfast homes and inns;
14. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);
15. Ham radio towers (if conditions found in § 1103.02 SS. are met); and
16. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

#### *B. Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI:

1. Business in the character of a drive-in or open front store (including service stations, drive-in and fast-food restaurants), § 1103.02 E., T.;
2. Indoor recreation (wholly enclosed places of recreation and amusement), i.e., bowling alleys, billiard halls, indoor tennis centers, indoor skating rinks, assembly or concert halls, § 1103.02 J., Y.;
3. Night clubs, discotheques, etc., § 1103.02 H.;
4. Facilities for the exclusive sale, rent, or lease of new or secondhand automobiles, trucks, motorcycles, boat and marine equipment, mobile homes, recreational vehicles, and trailers;
5. Commercial swimming pools;
6. Builder supplies, garden supplies, § 1103.02 K., KK.;
7. General automotive repair garages, § 1103.02 E.;
8. Car washes, § 1103.02 L.;
9. Motels, § 1103.02 DD.;



10. Agricultural implement sales and services, § 1103.02 B.;
11. Hay, grain, and feed stores, § 1103.02 B.;
12. Veterinary hospitals, clinics, kennels, or pounds, § 1103.02 D.;
13. Churches, mortuaries, § 1103.02 N., X.; and
14. Adult entertainment facilities, § 1103.02 A.

(Res. 669-94-72, § 809.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

#### **§ 809.03 SITE DEVELOPMENT REQUIREMENTS.**

##### *A. Lot requirements.*

1. Minimum lot area, none specified; and
2. Minimum lot width, none specified.

##### *B. Yard requirements.*

1. Minimum front yard depth, 25 feet;
2. Minimum rear yard depth: none, except when adjacent to a residential or planned residential district. In such case, see requirements contained in the provision of § 817; and
3. Minimum side yard width, on each side: none, except when adjacent to a residential or planned residential district. In such cases, see requirements contained in the provision of § 817.

(Res. 669-94-72, § 809.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 809.04 STRUCTURAL REQUIREMENTS.**

- A. Maximum building height, 40 feet.

(Res. 669-94-72, § 809.04, effective 4-5-1995)

#### **§ 809.05 PARKING AND LOADING REQUIREMENTS.**

- A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 809.05, effective 4-5-1995)

#### **§ 809.06 SIGNS.**

- A. See Article XI for size and locations of permitted signs.

(Res. 669-94-72, § 809.06, effective 4-5-1995)

#### **§ 810 HS – HIGHWAY SERVICE DISTRICT.**

##### **§ 810.01 PURPOSE.**

This district is intended to provide an appropriate location for commercial establishments offering accommodations, supplies, and services to the motoring public. These uses are thus discouraged to locate in other development areas where their heavy traffic and other characteristics could prove detrimental or incompatible.

(Res. 669-94-72, § 810.01, effective 4-5-1995)

##### **§ 810.02 USES.**

##### *A. Permitted uses.*

1. Automobile service stations; car washes;
2. Truck service centers and repair facilities;
3. Drive-in and fast-food restaurants (subject to standards contained in Article XI);
4. Restaurants and/or lounges;
5. Autos and truck rental; new and used car, truck or motorcycles sales and service; boat and marine equipment sales, rental, and service; trailer sales and rentals;
6. Body shops;
7. Mobile home sales;

8. Drive-in theaters (subject to standards contained in Article XI);
9. Farm equipment sales and service;
10. Store and lock facilities;
11. Lumber yards;
12. Tool and equipment rental facilities;
13. Animal hospitals;
14. Greenhouses;
15. Plant materials nursery, for the sale of plant materials not necessarily grown on the same premises;
16. Par 3 golf courses, miniature golf, driving ranges;
17. Accessory buildings incidental to the permitted use (regulations governing accessory facilities and uses are specified in § 815);
18. Motels;
19. Bed and breakfast homes and inns;
20. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);
21. Ham radio towers (if conditions found in § 1103.02 SS. are met); and
22. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional use is subject to review and conditions in accordance with Article XI:

1. Adult entertainment facilities, § 1103.02A.

(Res. 669-94-72, § 810.02, effective 4-5-1995; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

### **§ 810.03 SITE DEVELOPMENT REQUIREMENTS.**

A. *Lot requirements.*

1. Minimum lot area, 20,000 square feet; and
2. Minimum lot frontage, 150 feet.

B. *Yard requirements.*

1. Minimum front yard depth, 50 feet;
2. Minimum rear yard depth:

a. Where a lot line abuts other business or industrial district lot lines, none, except as required to meet other provisions for loading, parking, etc.; and

b. Where a lot line abuts residential lot lines, see subsection B.4. below, transitional requirements.

3. Minimum side yard depth:

a. Where lot line abuts other business or industrial district lot lines, a setback of thirty (30) feet shall be provided; and

b. Where lot line abuts residential lot lines, see subsection B.4 below, transitional requirements.

4. *Transitional requirements.* When said side or rear lot line abuts residential district lot lines, the minimum side or rear transitional setback distance shall be fifty (50) feet in depth and provided with a landscape screen or wall as defined in § 817.

C. *Notes.*

1. See § 817 for additional provisions for commercial facilities.

(Res. 669-94-72, § 810.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 810.04 STRUCTURAL REQUIREMENTS.**

A. Maximum building height, 35 feet.

(Res. 669-94-72, § 810.04, effective 4-5-1995)

### **§ 810.05 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 810.05, effective 4-5-1995)

## **§ 810.06 SIGNS.**

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 810.06, effective 4-5-1995)

## **§ 810.07 SUPPLEMENTARY REGULATIONS.**

A. A request to rezone land to highway service must be substantiated with evidence that (1) such a use will not conflict with the intended function of a major street to carry traffic; and (2) the capacity of the street(s) will not be materially reduced by the additional commercial facilities. Where necessary to achieve these conditions, the developer may be requested to provide required thoroughfare improvements such as dedication of right-of-way and/or pavement.

B. A site plan shall be submitted to the Planning Commission for approval. Such site plan shall graphically include the locations and dimensions of vehicular and pedestrian entrances, exits, driveways, walkways, and the vehicular circulation patterns to and from the site; building locations and dimensions; off-street parking spaces and landscaping.

C. All merchandise, new and used, with the exception of boat, automobile, truck, or farm implements, and plants and garden supplies, when approved as temporary uses, shall be stored within a completely enclosed building. Open storage may be permitted if located behind the principal structure, if visually screened from the street and adjacent properties by a landscaped screen, fence, or wall.

(Res. 669-94-72, § 810.07, effective 4-5-1995)

## **§ 811 I-1 – LIMITED INDUSTRIAL DISTRICT.**

### **§ 811.01 PURPOSE.**

A. The Limited Industrial District is provided in recognition of industrial uses which seek locations in suburban areas and in relative close proximity to residential areas of the county. These industrial uses generally require a minimum of services and facilities and generate little industrial traffic. They typically operate within an enclosed structure and have little or no adverse effect on adjacent land by producing noise, odor, dust, smoke, glare, or hazard.

B. In addition to these uses, the I-1 District makes provision for certain storage, service, manufacturing, and processing facilities which may generate significant amounts of truck traffic and/or involve activities which are not viewed as compatible with adjacent uses as those listed as permitted uses with the district. Such uses are listed under conditional uses which require individual review to ensure their locational compatibility within the county. Generally, such uses would be best located adjacent to major thoroughfares within the county and some distance from residential areas.

(Res. 669-94-72, § 811.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 811.02 USES.**

A. *Permitted uses.*

1. Any use whose principal function is basic research, design, and/or pilot or experimental product development or technical training;

2. Office buildings of an executive or of an administrative nature or incidental to those uses previously listed;

3. Sales offices for business/industrial equipment and supplies;

4. Business and industrial service facilities;

5. The manufacture, compounding, processing, packaging, or treatment of such products as but not limited to bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops;

6. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials, such as but not limited to bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, sheet metal (excluding large stampings such as automobile fenders or bodies), steel textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns;

7. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;

8. The manufacture of toys, novelties, and other similar products of metal, plastics, or rubber;

9. The manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs;

10. Laboratories – experimental, film, testing;

11. The manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices or eaves;

12. Administrative, executive, financial, accounting, clerical, and drafting offices;

13. Restaurants, but not including drive-in or fast-food establishments;

14. Governmentally owned and/or operated buildings or facilities;
  15. Accessory buildings incidental to the principal use. Such facilities are subject to review under § 815;
  16. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);
  17. Ham radio towers (if conditions found in § 1103.02 SS. are met); and
  18. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).
- B. *Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI:
1. Electroplating;
  2. Graphite products manufacture;
  3. Laundries and dry cleaning plants;
  4. Warehousing, industrially related wholesale establishments, and trucking facilities;
  5. Yards of general contractors engaged in building or heavy construction;
  6. Building materials storage and sales, § 1103.02K;
  7. Feed mills, grain storage, and/or processing facilities, § 1103.02B;
  8. Automobile service stations, § 1103.02E;
  9. Car washes, § 1103.02L;
  10. Garages for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding, § 1103.02E;
  11. Fast-food and drive-in establishments, § 1103.02T;
  12. Cocktail lounges, § 1103.02H;
  13. Radio, television, or other transmission towers and related station facilities, § 1103.02LL;
  14. Machinery and heavy equipment rental, sales, and storage;
  15. Truck and motor freight terminals and hauling services; and
  16. Other manufacturing, processing, or storage uses determined by the Board Zoning of Appeals to be of the same general character as the uses permitted in subsection A above and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat. In this regard, the Zoning Board of Appeals may seek expert advice on what conditions should be imposed on a particular operation to carry out the purposes of this zone; the cost of such expert assistance shall be borne by the applicant.

(Res. 669-94-72, § 811.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

### **§ 811.03 SITE DEVELOPMENT REGULATIONS.**

#### *A. Lot requirements.*

1. Minimum lot area, no minimum specified; and
2. Minimum lot width, 150 feet.

#### *B. Yard requirements.*

1. Minimum front yard depth, 50 feet;
2. Minimum rear yard depth:

a. Each side and rear yard shall be equal to the height of the principal building. If adjacent lots are industrially developed to the lot line, no side yard need be provided with the exception of distance which may be specified for fire protection requirements. Where a side or rear yard abut a residential district, said yard shall in no case be less than fifty (50) feet. In such cases, screening facilities shall be provided as described under § 817, supplementary requirements. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep;

b. Each side and rear yard for conditional uses shall be equal to two (2) times the height of the principal building. If adjacent lots are industrially developed to the lot line, no side yard need be provided with the exception of distance which may be specified for fire protection requirements. Where a side or rear yard abuts a residential district, said yard shall in no case be less than one hundred (100) feet. In such cases, screening facilities shall be provided as described under § 817, supplementary requirements. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep; and

c. All buildings in excess of one hundred fifty (150) feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings, a distance of no less than fifty (50) feet shall be provided between buildings. This area shall be reasonably level and solid enough to support fire equipment year round.

3. Minimum side yard width on each side:

a. Each side and rear yard shall be equal to the height of the principal building. If adjacent lots are industrially developed to the lot line, no side yard need be provided with the exception of distance which may be specified for fire protection requirements. Where a side or rear yard abuts a residential district, said yard shall in no case be less than fifty (50) feet. In such cases, screening facilities shall be provided as described under § 817, supplementary requirements. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep;

b. Each side and rear yard for conditional uses shall be equal to two (2) times the height of the principal buildings. If adjacent lots are industrially developed to the lot line, no side yard need be provided with the exception of distance which may be specified for fire protection requirements. Where a side or rear yard abuts a residential district, said yard shall in no case be less than one hundred (100) feet. In such cases, screening facilities shall be provided as described under § 817, supplementary requirements. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep; and

c. All buildings in excess of one hundred fifty (150) feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings, a distance of fifty (50) feet shall be provided between buildings. This area shall be reasonably level and solid enough to support fire equipment year round.

(Res. 669-94-72, § 811.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 811.04 STRUCTURAL REQUIREMENTS.**

A. Maximum building height, 45 feet.

(Res. 669-94-72, § 811.04, effective 4-5-1995)

#### **§ 811.05 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 811.05, effective 4-5-1995)

#### **§ 811.06 SIGNS.**

A. See Article X for size and location of permitted signs.

(Res. 669-94-72, § 811.06, effective 4-5-1995)

### **§ 812 I-2 – GENERAL INDUSTRIAL DISTRICT.**

#### **§ 812.01 PURPOSE.**

The intent of this district is to accommodate a broad range of industrial activities, diverse in products, operational techniques, and size which have a greater potential impact upon their environment than those permitted in the Limited Industrial District.

(Res. 669-94-72, § 812.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 812.02 USES.**

A. *Permitted uses.*

1. All permitted and conditional uses as provided within the Limited Industrial District with the exception of those uses defined as conditional uses within this district;

2. Cement block and formed products manufacturing;

3. Railroad train yards, classification yard, team tracks, and depots;

4. Sawing and planing mills;

5. Chemical products such as drugs, paints, wood chemicals, and allied chemicals;

6. Stone, clay, glass, brick abrasives, tile, and related products;

7. Fabricated metal manufacturing, including ordinance, engines, machinery, electrical equipment, transportation equipment, metal stamping, wire products, and structural metal products;

8. Meat packing;

9. Accessory buildings incidental to the principal use. Such facilities are subject to regulation under § 815;

10. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met);

11. Ham radio towers (if conditions found in § 1103.02 SS. are met); and

12. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

B. *Conditional uses.* The following conditional uses are subject to review and conditions in accordance with Article XI:

1. Asphalt or asphalt products, bulk storage stations for liquid fuel, petroleum products, petroleum, and volatile oils;
2. Concrete mixing plants;
3. Bulk storage of corrosive acids and acid derivatives;
4. Fertilizer manufacturing;
5. Garbage or refuse reduction or transfer;
6. Sanitary landfill, § 1103.02HH;
7. Incinerators;
8. Glue manufacturing;
9. Slaughter house, rendering plant;
10. Paper products manufacture;
11. Plastics manufacturing;
12. Rubber processing or manufacturing;
13. Mining, mixing, processing, and transportation of stone, sand, or gravel aggregate, § 1103.02W;
14. Manufacturing or processing of asphalt products;
15. Soap manufacturing;
16. Steel manufacturing;
17. Junk yards and auto graveyards, § 1103.02F;
18. Radio, television, or other transmission towers and related station facilities, § 1103.02LL;
19. Automobile service stations, § 1103.02E;
20. Drive-in restaurants, § 1103.02T;
21. Cocktail lounges, § 1103.02H;
22. Airport, heliport, or landing strip, § 1103.02C;
23. Land application of sewage sludge, § 1103.02II;
24. Solar farms, § 1103.02 TT; and

25. Other manufacturing, processing, or storage uses determined by the Board of Zoning of Appeals to be of the same general character as the permitted uses previously listed and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic, or noxious matter, or glare or heat. In this regard, the Board of Zoning Appeals may seek expert advice on what conditions should be imposed on a particular operation to carry out the purposes of this zone; the cost of such expert assistance shall be borne by the applicant.

(Res. 669-94-72, § 812.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 188-14-164, effective 8-1-2014; Res. 59-18-182, effective 1-5-2018)

### **§ 812.03 SITE DEVELOPMENT REQUIREMENTS.**

#### *A. Lot requirements.*

1. Minimum lot area, none specified; and
2. Minimum lot width, 150 feet.

#### *B. Yard requirements.*

1. Minimum front yard depth: fifty (50) foot front yard depth shall be provided; however, if adjacent lots are developed, the average of adjoining front yard depths shall be provided if less than 50 feet. If located across the street from a residential district, fifty (50) feet shall be provided in any case.

#### 2. Minimum rear yard depth:

a. Each side and rear yard shall be equal to two (2) times the height of the principal buildings. If adjacent lots are industrially developed to the lot line, no side or rear yard need be provided with the exception of distance which may be specified for fire protection requirements. Where a side or rear yard abuts upon a residential district, said yard shall in no case be less than one hundred (100) feet and a landscaped screening as specified in § 817 shall be provided. An opaque fence may be substituted for such plantings if approved by the Planning Commission. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep; and

b. All buildings in excess of one hundred fifty (150) feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings, a distance of no less than fifty (50) feet shall be provided between buildings. This area shall be

reasonably level and solid enough to support fire equipment year round.

3. Minimum side yard width on each side:

a. Each side and rear yard shall be equal to two (2) times the height of the principal buildings. If adjacent lots are industrially developed to the lot line, no side or rear yard need be provided with the exception of distance which may be specified for fire protection requirements. Where a side or rear yard abuts a residential district, said yard shall in no case be less than one hundred (100) feet and a landscaped screening as specified in § 817 shall be provided. An opaque fence may be substituted for such plantings if approved by the Planning Commission. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep; and

b. All buildings in excess of one hundred fifty (150) feet in length must have a twenty (20) foot clearance on three (3) sides for fire lanes. On high hazard buildings, a distance of no less than fifty (50) feet shall be provided between buildings. This area shall be reasonably level and solid enough to support fire equipment year round.

(Res. 669-94-72, § 812.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 812.04 STRUCTURAL REQUIREMENTS.**

A. Maximum building height, 45 feet.

(Res. 669-94-72, § 812.04, effective 4-5-1995)

**§ 812.05 PARKING AND LOADING REQUIREMENTS.**

A. See Article IX for off-street parking and loading requirements.

(Res. 669-94-72, § 812.05, effective 4-5-1995)

**§ 812.06 SIGNS.**

A. See Article X for signs and location of permitted signs.

(Res. 669-94-72, § 812.06, effective 4-5-1995)

**§ 813 PLANNED DEVELOPMENT PROVISIONS.**

**§ 813.01 PURPOSE.**

The overall purpose of the planned development zoning provisions is to permit greater flexibility in physical development requirements, and thereby encourage more creative and imaginative development design than is possible under conventional zoning provisions. Approval of such proposals will be granted, however, only upon favorable review of submitted plans for tracts suitable in location and character for the uses and structures proposed, and are to be planned and developed in a unified manner. Such proposals will be further evaluated, and approved only upon determination that the public health, safety, and morals will not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district.

(Res. 669-94-72, § 813.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 813.02 TYPES OF PLANNED DEVELOPMENT.**

Types of planned developments include PR (Planned Residential District), PMH (Planned Mobile/Manufactured Home Residential District), PRV (Planned Recreational Vehicle Park District), PRD (Planned Retreat District), PC (Planned Commercial District), PHS (Planned Highway Service District), and POI (Planned Office/Industrial District). Use groupings within each district shall be governed by the requirements specified for each respective district discussed within §§ 813.20 through 813.80.

(Res. 669-94-72, § 813.02, effective 4-5-1995)

**§ 813.03 GENERAL STANDARDS FOR PLANNED DEVELOPMENTS.**

The County Planning Commission shall not recommend for approval and the County Rural Zoning Commission shall not approve a request for a planned development unless it shall, in each individual case, make specific findings of facts directly based upon the particular evidence presented to it, which supports conclusions that:

A. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer;

B. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and the street and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development;

C. The development will not impose an undue burden on public services and facilities, such as utilities, fire, and police protection;

D. The development plan contains such proposed covenants, easements, and other provisions relating to the proposed development standards, as would reasonably be required for the public health, safety, and welfare;

E. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned development not used for structures, parking and loading areas, or accessways, shall be

landscaped or otherwise improved;

F. Natural features such as watercourses, trees, and rock outcrops will be preserved, to the degree possible, so that they can enhance the overall design of the planned development;

G. The layout must be designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services; and

H. In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer, unless waived by the Planning Commission because of technical reasons.

(Res. 669-94-72, § 813.03, effective 4-5-1995)

#### **§ 813.04 PRE-APPLICATION CONFERENCE; PRELIMINARY PLAN.**

##### *A. Pre-application conference.*

1. Prior to filing a formal application for approval of a planned development, the developer shall request a pre-application conference with the County Planning Commission. The purpose of such conference is to allow the developer to present a general concept of this proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include but not be limited to the following:

- a. Written "letter of intent" from the developer establishing his intentions as to development of the land;
- b. Topographic survey and location map; and
- c. Sketch plans and ideas regarding water supply, sewage disposal, surface drainage, and street improvements.

2. The Planning Commission shall advise the developer of the zoning requirements and County Plan which might affect the proposed development as well as the procedural steps for approval.

*B. Preliminary plan.* The preliminary plans of the planned development shall be filed with the Zoning Inspector, who shall in turn forward copies to the Planning Commission for consideration. The required procedure for consideration and approval of the preliminary plan shall be:

1. Submission of the following: written application for approval of a planned development shall be made on forms and in the manner prescribed by the county. The application shall be accompanied by a fee consistent with the prevailing fee structure established by this county;

2. a. The Planning Commission shall study material received and confer with other agencies of government as appropriate in the case to determine general acceptability of the proposal as submitted.

b. In the course of such preliminary consideration, the Planning Commission may request, and the applicant shall supply, additional material needed to make specific determinations.

3. Following such study, the Planning Commission or its staff shall hold a conference or conferences with the applicant to discuss desirable changes in the first or succeeding drafts of the preliminary development plan and report;

4. Recommendations of the Planning Commission to the applicant shall be in writing, and following any such conference, agreements between the applicant and the Planning Commission as to changes in the preliminary plan and report or other matters are to be recorded and acknowledged by the Planning Commission and the applicant. On items on which no agreement is reached, or there is specific disagreement, this fact shall be recorded and the applicant may place in the record his reasons for any disagreement;

5. When the preliminary development plan and report have been approved in principal (as a whole or with reservations specifically indicated) or when the applicant indicates in writing that no further negotiations with the Planning Commission are desired before proceeding, the Planning Commission shall forward its recommendation and all pertinent materials to the County Rural Zoning Commission which shall schedule the proposed plan for a public hearing, following which it shall make its recommendations to the Board of County Commissioners. Such recommendations shall indicate approval, approval with reservations, or disapproval with reasons. With such recommendations the County Rural Zoning Commission shall transmit the latest draft of the preliminary plan and a report submitted by the applicant, a record of agreements reached, and matters on which there was no specific agreement, including any reasons recorded by the applicant for any such disagreement; and

6. The Board of County Commissioners shall schedule a public hearing for the preliminary plan and respective planned development zone designations after receiving the proposal from the County Rural Zoning Commission. The Board of County Commissioners shall approve the proposal, approve subject to conditions, or deny the proposal. If approved, the area of land marked shall be redesignated PR (Planned Residential District), PMH (Planned Mobile/Manufactured Home Residential District), PRV (Planned Recreational Vehicle Park District), PRD (Planned Retreat District), PC (Planned Commercial District), PHS (Planned Highway Service District), or POI (Planned Office/Industrial District) and shall be used only in accordance with the uses and densities shown on the planned development preliminary plan.

*C. Final plan.* The final planned development plan shall conform substantially to the preliminary plan. If desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:



1. The final plan and supporting data shall be filed with the Zoning Inspector who in turn forwards copies to the Planning Commission for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan;

2. After review of the final plan and supporting data, the Planning Commission shall approve or disapprove the plan after submittal by the developer. Disapproval of the final plan shall include a clear statement of the reasons therefor;

3. The Planning Commission shall then forward the final plan together with its recommendations to the County Rural Zoning Commission. The County Rural Zoning Commission shall review the recommendations of the Planning Commission at its next regular meeting and shall approve, approve subject to conditions, or deny the final plan; and

4. The County Rural Zoning Commission shall then forward the final plan together with its recommendations to the Board of County Commissioners. The Board shall review the recommendations of the Rural Zoning Commission and Planning Commission at its next regular meeting and shall approve, approve subject to conditions, or deny the final plan. Should it overturn the recommendation of the Rural Zoning Commission, it must do so unanimously.

*D. Recording of final development plan.*

1. After approval by the Board of County Commissioners of the final plan, the Zoning Inspector shall see that requirements of the County Subdivision Regulations have been complied with before the final development plan is presented to the County Recorder for recording. The purpose of such recording is to designate with particularity the land subdivided into convenient lots as pertinent to the development as well as the dimensions of other lands, not so treated, into common open area, and to designate each building or structure, as well as the use of the land in general.

2. No final development plan within the unincorporated area of this county shall be so recorded unless it shall have the approval of the Board of County Commissioners inscribed thereon.

*E. Building permit.* No building permit shall be issued by the Zoning Inspector until the final development plan has been approved and duly recorded.

*F. Certificate of occupancy.* The Zoning Inspector shall issue no certificate of occupancy until all utilities have been accepted by the county in accordance with the final development plan.

(Res. 669-94-72, § 813.04, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 813.05 CHANGES IN THE PLANNED DEVELOPMENT.**

A planned development shall be developed only according to the approved and recorded final plan and supporting data together with all recorded amendments and shall be binding on the applicants, their successors, grantees, and assigns, and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the planned development as set forth therein.

*A. Major changes.* Changes which alter the concept of intent of the planned development, including increases in the number of units per acre, change in location or amount of nonresidential land uses, more than fifteen (15) percent modification in proportion of housing types, significant redesign of roadways, utilities, or drainage, may be approved only by submission of a new preliminary plan and supporting data, and following the preliminary approval steps and subsequent amendment of the final planned development plan.

*B. Minor changes.* The Zoning Administrator, upon notifying the Planning Commission, may jointly approve minor changes in the planned development which do not change the concept or intent of the development, without going through the preliminary approval steps. **MINOR CHANGES** are defined as any change not defined as a major change.

(Res. 669-94-72, § 813.05, effective 4-5-1995)

#### **§ 813.06 SCHEDULE OF CONSTRUCTION.**

The County Rural Zoning Commission shall consider the planned development subject to revocation if construction falls more than one (1) year behind the schedule filed with the final plan.

(Res. 669-94-72, § 813.06, effective 4-5-1995)

#### **§ 813.07 EFFECT OF DENIAL OF A PLANNED DEVELOPMENT.**

No application for a planned development, which has been denied wholly or in part by the County Rural Zoning Commission and Board of County Commissioners, shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the County Rural Zoning Commission and Board of County Commissioners.

(Res. 669-94-72, § 813.07, effective 4-5-1995)

#### **§ 813.08 REVOCATION.**

In any case where a planned development has not been established (substantially under way) within one (1) year from the date of granting thereof, then, without further action by the Planning Commission, the planned development authorization thereof shall be null and void.

(Res. 669-94-72, § 813.08, effective 4-5-1995)

**§ 813.09 [RESERVED].**

**§ 813.10 SUBMISSION REQUIREMENTS FOR PLANNED DEVELOPMENT PROPOSALS.**

**§ 813.11 PRELIMINARY PLAN STAGE.**

A. *Application.* An application for a preliminary planned unit development shall be filed with the Zoning Administrator by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan;
2. Name, address, and phone number of applicant;
3. Legal description of property;
4. Description of existing use; and
5. Zoning district(s).

B. *Material to be submitted with application.*

1. Identification of all property owners within the proposed district, evidence of unified control of the entire area of the district, tentative agreement of all owners to proceed with development according to plans and timing schedule approved if the proposed amendment is passed, and to bind their successors in title to abide by any final commitments made, and evidence of financial capability to complete the development according to plan or to provide adequate sureties for completing;
2. Map or maps indicating the relation of the proposed district to the surrounding area. As appropriate to the development proposed, such map or maps shall demonstrate access to major streets, and show the approximate location and sizes of existing public sewers, waterlines, and storm drainage systems, and other utility systems and installations which will be expected to serve the development. In the case of planned developments to contain housing, location of schools and nearby commercial facilities shall be indicated;
3. Topographic data map drawn to a scale of one hundred (100) feet to one (1) inch by a registered surveyor and/or engineer showing:
  - a. Boundary lines – bearings and distances;
  - b. Easements – location, width and purpose;
  - c. Wooded areas, streams, lakes, marshes, and any other physical conditions that affect the site;
  - d. Ground elevations on the tract for land that slopes less than one-half (1/2) percent, show one (1) foot contours; for land that slopes more than one-half (1/2) percent, show two (2) foot contours; and
  - e. If deemed necessary, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and ground water, and the existing depth of ground water.
4. A preliminary development plan and report, with maps at a scale of one hundred (100) feet or less to the inch, including as appropriate to the proposed development, the following information, presented in generalized form:
  - a. Proposed land uses and approximate height, bulk and location of principal structures sufficient to permit an understanding of the style of the development. Proposals containing residential units shall specify the number of housing units by size and type proposed within the initial phase of the proposal, or within the overall development if the development is not to be staged;
  - b. Proposed automotive and pedestrian circulation patterns, including streets by type (major, collector, or minor) width, public or private, and pedestrian ways. Existing or platted streets proposed to be vacated;
  - c. Major off-street parking areas;
  - d. Proposed parks, playgrounds, school sites, pedestrian parkways, and other major open spaces as well as the general form of organization proposed to own and maintain any common open space;
  - e. General location of utilities, installations, and easements;
  - f. If development is to be in stages, indication as to the order and timing of development, and demonstration that each stage, when completed, would complement any completed earlier, and would form a reasonably independent unit even though succeeding stages were delayed;
  - g. Proposals for expediting provision of public facilities, utilities, or services where lacking or unlikely to be available when needed for the planned development, or for providing suitable private facilities, utilities, or services. A report shall be provided, if appropriate in a particular development, containing proposals for improvement and continuing maintenance and management of any private streets; and
  - h. The substance of covenants, grants, and easements or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities.

(Res. 669-94-72, § 813.11, effective 4-5-1995)

### § 813.12 FINAL PLAN STAGE.

A. Final development plans and reports shall include:

1. a. A map or maps in the form required by the Subdivision Regulations, with such modifications and additions as required concerning such items as building sites when used as a substitute for lots, common open space not dedicated for public use, and other matters as appropriate to planned developments generally or to the specific planned development.

b. Similar modifications of standards contained in the Subdivision Regulations or in other regulations or policies applying generally may be reflected in such maps and report if the Planning Commission shall find and shall certify, after consultations with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are as well or better served by specific proposals of the final plan and reports.

2. A general site and land use plan for the planned development as a whole, indicating sub- areas for phased development, if any, and showing location and use of structures and portions of structures in relation to building site lines, building sites reserved for future use and uses for which sites are reserved, automotive and pedestrian circulatory networks, principal parking areas, open space not in building sites and uses for which it is intended, and such other matters as are required to establish a clear pattern of the relationships to exist between structures, uses, circulation, and land.

B. Agreements, contracts, deed restrictions, and sureties: the applicant shall guarantee the installation of the public improvements specified in the final development plan through one of the following methods:

1. Filing a performance and labor and material payment bond in the amount of one hundred ten (110) percent of the estimated construction cost as determined by the county; or

2. Depositing or placing in escrow a certified check, cash, or other acceptable pledge, in the amount of one hundred ten (110) percent of the construction cost as approved by the county.

(Res. 669-94-72, § 813.12, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### §§ 813.13 – 813.19 [RESERVED].

### § 813.20 PR – PLANNED RESIDENTIAL DISTRICT.

A. *Policies underlying use of zone.* This district is intended to provide a good deal of flexibility in the arrangement and design of residential dwellings, based upon a unified development plan conceived and carried out for an entire area. Within this district, appropriate and reasonable population density is maintained while a variety of dwelling unit types is permitted. Natural features such as topography, trees, and drainage ways are encouraged to remain in their natural state to the degree possible. Such developments are generally characterized by a significant proportion of usable open space, unified design concept with particular attention devoted to the periphery of the development, with the objective being the compatibility of the development with its surroundings.

B. *Permitted uses.*

1. Those uses included as permitted and accessory uses in RR through UR Residential Districts developed in a unified manner in accordance with the approved development plan;

2. Convenience establishments as accessory uses which have been established as necessary for the proper development of the community and to be so located, designated and operated to serve primarily the needs of the persons within the planned development if specifically approved as part of the planned development plan. Uses shall be generally limited to those uses permitted in the B-1 District, with no direct access or advertising signs for such uses to be visible from the exterior of the development;

3. Such convenience establishments and their parking area shall not occupy more than five (5) percent of the total area of the development;

4. No separate building or structure designed or intended to be used, in whole or part, for business purposes within a planned residential development shall be constructed prior to the construction of not less than thirty (30) percent of the dwelling units proposed in the development plan;

5. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met); and

6. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

C. *Area requirements.* The minimum land area required for a planned residential development shall be five (5) acres. This area requirement may be varied at the discretion of the County Board of Zoning Appeals upon recommendation of the Planning Commission and if it can be demonstrated that a variance is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

D. *Density requirements.*

1. Any combination or cluster of housing units is permitted, provided that the average lot area per family or dwelling unit contained in the site, exclusive of the area of street rights-of-way, and commercial area, will not exceed the following net overall densities:

a. Six (6) dwelling units per acre for single-family residential developments;

- b. Eight (8) dwelling units per acre for developments containing a combination of single-family and two-family units;
- c. Twelve (12) dwelling units per acre for a development containing a combination of single-family, two-family, and multifamily units; and
- d. Fifteen (15) dwelling units per acre for multifamily residential developments.

2. The above density requirements may be varied at the discretion of the County Board of Zoning Appeals upon recommendation of the Planning Commission if it can be demonstrated that a variance is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

3. All densities shall be dictated by the type of sewer and water system proposed upon recommendation by the County Health Department and/or EPA as appropriate.

E. *Site design.*

- 1. All housing shall be sited to preserve privacy and to ensure natural light.
- 2. Lot widths may be varied to permit a variety of structural designs. It is also recommended that setbacks be varied. Every housing unit should be situated to abut upon common open space or similar areas. A clustering of dwellings is encouraged.

F. *Structure spacing.* A minimum of fifteen (15) feet shall be maintained between unattached principal structures.

G. *Length.* There shall be no continuous structure of apartments, attached dwellings, or townhouses containing more than the following respective maximum numbers of side-by-side dwelling units:

Apartments	12 units
Attached dwellings other than townhouses	8 units
Townhouses	6 units

H. *Height.* The height of any residential structure within a planned unit development shall not exceed thirty five (35) feet, unless it can be demonstrated that an additional height is required, with provision of suitable open space to protect adjacent structures from adverse reduction of light and air.

I. *Setback and screening.* A setback of fifty (50) feet shall be provided along the entire perimeter of the development and retained in natural woods, or be suitably landscaped with grass and/or ground cover, shrubs, and trees. Projects located adjacent to commercial or industrially zoned areas shall provide screening facilities, comprising landscaping, walls, or both, which will provide suitable protection to the residential development as adjudged by the Planning Commission and County Rural Zoning Commission. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

J. *Common open space.* A minimum of twenty-five (25) percent of the land in any planned residential development shall be reserved for permanent common open space and recreational facilities for the residents or users of the area being developed. Only areas having minimum dimensions of fifty (50) feet by one hundred (100) feet shall qualify for computation as usable open space.

K. *Private streets.* A private street where designated on a development plan shall meet all the design and construction requirements of the County Subdivision Regulations, with the exception of street width, and the requirement for curb and gutter in which standards may be varied upon review by the Planning Commission and Board of County Commissioners upon recommendation of the County Engineer.

L. *Parking requirements.* See Article IX for off-street parking requirements.

M. *Signs.* See Article X for size and location of permitted signs.

N. *Supplemental district requirements.* See § 817 for any pertinent additional requirements.

(Res. 669-94-72, § 813.20, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 59-18-182, effective 1-5-2018)

**§§ 813.21 – 813.29 [RESERVED].**

**§ 813.30 PMH – PLANNED MOBILE/MANUFACTURED HOME RESIDENTIAL DISTRICT.**

A. *Policies underlying use of zone.* This district is intended to permit the development of mobile/manufactured home parks in association with other residential development types while maintaining a reasonable population density and by providing for the unique requirements for this type of development. The provisions of this district are established to assure that the site design and arrangement in relation to other areas, together with the provision of associated facilities, result in an attractive, orderly, and efficient residential environment of sustained desirability in harmony with adjacent areas.

B. *Permitted uses.*

- 1. Mobile home parks.
  - a. Mobile homes (not self-propelled vehicles); and

b. Manufactured homes.

2. Small wind projects less than 5 MW (if conditions found in § 1103.02 OO. are met).

3. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met)

C. *Accessory uses.*

1. Coin-operated laundry, laundry and dry cleaning pickup stations for use of tenants only. No external sign of any nature whatsoever shall be permitted;

2. Other accessory uses, buildings or structures customarily incidental to the aforesaid use;

3. On-site mobile/manufactured homes sales. The sale of mobile and/or manufactured homes within a mobile/manufactured home park or subdivision shall be a conditional use having one (1) year's duration. Said use shall be reviewed at the end of the first year for possible extension for an additional year, in total representing a maximum two (2) year duration. Such sales areas shall be well screened from the residential section of the park or subdivision and shall be located at the periphery of the site. All signs used for advertising shall be unobtrusive to the surrounding property; and

4. Neighborhood commercial facilities. In mobile home parks fifty (50) acres or more, neighborhood commercial facilities such as markets, barbers, beauty shops, doctor's office, etc. may be planned in conjunction with a mobile home park but may not be physically occupied until the park is seventy-five (75) percent occupied by residents.

D. *Minimum floor area.* Individual mobile/manufactured homes located within the PMH District shall have a minimum floor area of six hundred (600) square feet.

E. *Area requirements.* Each mobile/manufactured home park shall have a minimum gross site area of ten (10) acres.

F. *Density requirements.* Gross density for a mobile/manufactured home park shall not exceed six (6) dwelling units per acre.

G. *Minimum lot size.* The minimum lot size within mobile/manufactured home parks or subdivision shall be determined by the size of the residential unit occupied lot area, ratios, building setback and separation, and parking requirements.

H. *Occupied lot area ratio.* A mobile or manufactured home shall not occupy an area in excess of one-third (1/3) of its respective lot area. The total occupied area of a mobile or manufactured home and its accessory buildings on a lot shall not exceed two-thirds (2/3) of the lot area.

I. *Utilities.*

1. *Public utilities.* Each mobile/manufactured home park shall be served by public water and sewer systems.

2. *Underground utilities.* In each mobile/manufactured home park all wires, cables, and lines providing telecommunication, including cable television, and electric utility services and connections of such utility systems to buildings and light poles in such parks, shall be located underground.

3. *General requirements.* Mobile/manufactured home parks shall meet all pertinent requirements of the State Department of Health and the County Health Department.

J. *Landscaping.* In all mobile/manufactured home parks, the following landscape provisions shall apply.

1. Along each property line, and within the perimeter setback area, there shall be provided screen fencing, landscape planting, or a landscaped berm or a combination thereof as specified within perimeter requirements.

2. Trees of at least one-inch caliper shall be installed on both sides of all streets within the mobile/manufactured home park at a spacing of fifty (50) feet between trees.

K. *Setback requirements.* The following setback requirements for all mobile or manufactured homes located in a mobile/manufactured home park shall apply:

1. From all perimeter lot lines, see perimeter requirements, below;

2. From any mobile or manufactured home located in the mobile home park, 20 feet; however, end-to-end clearance may be reduced to 10 feet;

3. From any community building, 50 feet; and

4. From any public or private street located within the park, 20 feet.

L. *Perimeter requirements.* A perimeter setback with respective screening requirements shall be provided which is adequate to protect the residential use in the development and, in any case, shall not be less than the following:

1. Where the adjoining land use (existing or permitted) is another similar or higher density use or is a collector street, a distance of thirty (30) feet containing a ninety (90) percent, visually solid, year-round landscaped buffer, six (6) feet in height; and

2. Where the adjoining land use is an arterial street, a residential use of lower density, or a nonresidential use, protection shall be provided by providing a distance of forty (40) feet continuing berms, walls, solid or louvered fencing, open fencing with appropriate planting, or a visually solid, year-round landscape buffer, six (6) feet in height. The County Rural Zoning Commission may waive all or part of the perimeter landscaping requirements if, due to the nature of the existing topography or other existing conditions, it is

unreasonable to require a wall, fence, or screen.

M. *Required open space.* A minimum of ten (10) percent of the gross site area shall be set aside and reserved for usable open space. Said open space shall be in one (1) or more parcels, not less than one (1) acre each. The minimum dimension of said open space shall be two hundred (200) feet in any direction. For the purposes of this section, **USABLE OPEN SPACE** shall be construed to mean parks, common open areas, and areas containing a combination of community service buildings (clubhouses, swimming pools, etc.) and outdoor recreational areas.

N. *Access control.* Each mobile/manufactured home park shall have direct access to a collector or arterial thoroughfare.

O. *Private streets.*

1. A mobile/manufactured home park shall have an entrance drive from a public street, and access to individual units shall be from private paved drives within the site. A paved walk shall be located along at least one side of each drive. The width and design of the entrance drive and access drives shall be adequate to accommodate fire protection vehicles and equipment as determined upon review by the Planning Commission and Board of County Commissioners upon recommendation by the County Engineer.

2. The following pavement widths are provided as a guideline in their regard:

28 feet	One-way traffic with parking
20 feet	One-way traffic, no parking
36 feet	Two-way traffic with parking
28 feet	Two-way traffic, no parking

P. *Parking requirements.* Two (2) paved, off-street parking spaces having a minimum area of two hundred (200) square feet each shall be provided for each mobile/manufactured home site. Said parking space shall be located either on the home site, behind the front setback area, or in a common parking area within the mobile/manufactured home park.

Q. *Signs.* Signs within the mobile/manufactured home development shall be limited to an identification sign containing the name of the park not to exceed thirty two (32) square feet, a nameplate attached to each home, which is no larger than one (1) square foot, directional signs indicating the location of utility buildings, including management office, parking area and common recreation areas, and traffic control signs.

R. *Miscellaneous requirements.*

1. *Lighting.* Appropriate lighting shall be provided along all interior roadways, and walkways. All lights shall be so positioned and shaded to avoid a glare on adjoining properties.

2. *Drainage.* Each mobile/manufactured home space shall be so constructed to provide adequate storm water draining from ramps, patios, and all walls and foundations of the home to the roadway.

3. *Fuel supply.* Where fuel is stored in outdoor storage tanks, they shall be supported by a concrete base and screened from view of surrounding home spaces and the street.

4. *Enclosed undercarriage.* All mobile homes located in mobile/manufactured home parks shall be enclosed from the bottom of the structure to the ground.

5. *Stand.* Each mobile home site shall be provided with a stand consisting of a solid concrete slab or two (2) concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

6. *Foundation.* A manufactured home must be attached to a foundation in accordance with plans prepared by a registered engineer providing for vertical loads, uplift, and lateral forces in compliance with the county's Building Code provisions. The foundation must either be a slab or contain a solid perimeter wall in all installations in which the finished floor is more than six (6) inches above finished grade at any point.

7. *Refuse containers.* All refuse containers shall be screened from view of surrounding home spaces and the street.

S. *Supplemental district requirements.* See § 817 for any pertinent additional requirements.

T. *Subdivision regulation compliance.* All mobile/manufactured home park proposals intending to sell individual lots and thus subject to regulation as a subdivision shall comply with all pertinent provisions of the county's Subdivision Regulations with the exception of requirements or standards which are superseded by provisions of this article.

(Res. 669-94-72, § 813.30, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 59-18-182, effective 1-5-2018)

## §§ 813.31 – 813.39 [RESERVED].

## § 813.40 PRV – PLANNED RECREATIONAL VEHICLE PARK DISTRICT.

A. *Policies underlying use of zone.* This district is intended to permit the development of recreational vehicle parks within suitable locations of the county. The provisions of this district are established to assure that the site design and supporting services are properly

planned and constructed to result in a development which will sustain the health and safety of its patrons as well as harmonious with its adjacent environment.

B. *Permitted uses.*

1. *Permitted uses (rental facilities only).*

- a. Travel trailers;
- b. Motor homes;
- c. Camping trailers;
- d. Pickup coaches;
- e. Other vehicular accommodations used for travel, vacation, and recreational purposes; and
- f. Tents.

2. *Permitted uses (own-your-own facilities only).*

- a. Travel trailers;
- b. Motor homes;
- c. Camping trailers;
- d. Pickup coaches;
- e. Other vehicular accommodations used for travel, vacation and recreational purposes;
- f. Tents;
- g. Storage buildings, one (1) per lot, maximum size twelve (12) feet by twelve (12) feet or one hundred forty four (144) square feet to be used for storage only and not permanently attached to a foundation or the real estate;
- h. Deck and/or patio or open porch;
- i. Awnings and/or canopies;
- j. Carport canopy; and
- k. Fireplaces, not attached to any structure for cooking only. (Must comply with subsection F of this section.)

3. *Uses permitted by a conditional permit (own-your-own facilities only).*

- a. One-room summer kitchen, one (1) per lot to be used as a temporary kitchen space only, and not permanently attached to a foundation or the real estate, with a maximum size of fourteen (14) feet by fourteen (14) feet or one hundred ninety six (196) square feet; and
- b. Screened-in porch, not permanently attached to a foundation or the real estate.

C. *Accessory uses.*

1. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground; and
2. Stores, restaurants, beauty parlors, barber shops, and other convenience establishments in developments of fifty (50) acres or more, subject to the following restrictions:
  - a. Such establishments and the parking areas primarily related to their operations shall not occupy more than ten (10) percent of the area of the park;
  - b. Such establishments shall be restricted in their use to occupants of the park; and
  - c. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
3. Private or non-commercial solar energy systems for accessory uses 1 and 2 above (if conditions found in § 1103.02 TT. are met).

D. *Site characteristics.*

1. *Minimum area.*

- a. Minimum area shall be 25 acres.

2. *Site conditions.*

- a. Proposed RV parks shall be located in such areas within which the condition of soil, ground water level, drainage, and/or topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding or erosion shall be used

for any purpose which would expose persons or property to hazards.

3. *Location and access.*

a. RV parks shall be so located that no entrance or exit from a park shall discharge traffic into any residential district nor require movement of traffic from the park through a residential district. An RV park shall have a minimum of one hundred fifty (150) feet of frontage on a public street.

E. *Development standards.*

1. *Density.*

a. RV parks shall contain no more than twenty (20) campsites per acre for rental facilities and twelve (12) campsites per acre for own-your-own facilities.

2. *Campsite size.*

a. Each campsite shall contain no less than one thousand five hundred (1,500) square feet for rental facilities and three thousand six hundred (3,600) square feet for own-your-own facilities.

3. *Required separation between RVs.*

a. RVs shall be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the RV.

4. *Campsite construction.*

a. Each campsite shall contain a stabilized vehicular parking pad of gravel, paving, or other suitable material. No part of a RV or other unit placed on a campsite shall be closer than five (5) feet to a campsite line.

5. *Recreation facilities.*

a. A minimum of twenty (20) percent of the gross site area shall be set aside and utilized as common use areas for open or enclosed recreation facilities. No campsite, required buffer strip, street right-of-way, storage area, or utility site shall be counted as meeting recreational purposes.

6. *Perimeter yard and screening requirements.*

a. Each RV park shall set aside along the perimeter of the district the following areas which shall be landscaped and used for no other purpose.

1) Minimum campground front setback: twenty five (25) feet, except when park fronts on a state highway; then the minimum shall be fifty (50) feet.

2) Minimum side setback: when abutting residential districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side setback shall be twenty five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line. These setbacks are minimum and are subject to review for each individual proposal.

3) Minimum rear setback: fifteen (15) feet, except when the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty five (25) feet. If the rear yard abuts a residential district, the minimum rear setback shall be fifty (50) feet. These setbacks are minimum and are subject to review for each individual proposal.

4) Screening: where needed to enhance aesthetics or to ensure public welfare, the RV park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.

5) Fencing: between the campground and any private property a non-climbable fence at least six (6) feet tall shall be constructed.

7. *Parking requirements.*

a. There shall be at least three (3) off-street parking spaces designated in the park for each two (2) campsites. Off-street parking may be provided in common parking areas or on individual campsites.

8. *Street requirements.*

a. Streets in RV parks shall be private but shall be constructed with a stabilized travelway (gravel, paving, or other suitable material) and shall meet the following minimum stabilized travelway width requirements:

- 1) One-way, no parking, 14 feet;
- 2) One-way with parking on 1 side, or 2-way with no parking, 20 feet;
- 3) Two-way with parking on one side, 30 feet; and
- 4) Two-way with parking on both sides, 36 feet.



9. *Access requirements.*

a. Entrance and exits to RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic in adjacent streets. All traffic into and out of the park shall be through such entrances and exits.

b. Entrance driveways shall be located not closer than one hundred fifty (150) feet from the intersection of public street.

10. *Drainage requirements.*

a. Surface drainage plans for the entire tract shall be reviewed by the County Engineer who shall determine whether the proposed plan is compatible with the surrounding existing drainage plan, prior to issuance of final site plan approval and development permits. No such permit shall be issued in such instances where the County Engineer finds the plan to be incompatible with surrounding areas.

11. *Soil and ground cover.*

a. Exposed ground surface in all parts of the RV park shall be paved, or covered with stone screenings or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

F. *Operational standards.*

1. *Length of stay.*

a. No recreational or other type vehicle shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent occupancy.

b. Any action toward removal of wheels of a vehicle except for temporary purposes of repair or to attach to the grounds for stabilizing purposes is hereby prohibited.

G. *Utilities and public services.*

1. *Water supply.*

a. The water supply shall be designed, constructed, and maintained in compliance with State Environmental Protection Agency regulations and recommendations to provide a safe, potable, and adequate supply of water.

b. The water supply shall not be connected to any non-potable water supply nor be subject to any backflow or back-siphonage.

c. No surface or stored water supply shall be used unless treated by a minimum of filtration and disinfection or under conditions approved by the State Environmental Protection Agency. When approved for use, transported water shall be obtained from an acceptable source, stored, and dispensed in an approved manner, and shall contain a free chlorine residual of at least 0.2 p.p.m. at all points in the water system.

d. Wells equipped with a hand pump shall be of the enclosed self-priming or sealed interior type pump with a closed, downward-directed spout. The well casing shall be protected by extending the casing at least one (1) inch above the face of the pump flange and a concrete apron graded to drain waste water away from the well. Open pitcher pumps are not permitted.

e. Where water is distributed under pressure, the water supply system shall deliver water at a minimum pressure of at least twenty (20) pounds per square inch and a minimum flow of at least one (1) gallon per minute at all outlets.

f. The water supply shall deliver the following minimum volumes:

1) One hundred (100) gallons per day per campsite with individual water connections and where flush toilets are used in the camping vehicle or in the service building;

2) Seventy-five (75) gallons per day per campsite where faucets are provided in common and centralized flush toilets in a service building are used;

3) Fifty (50) gallons per day per campsite where faucets are provided in common and privies are used;

4) Twenty-five (25) gallons per day per picnic site or five (5) gallons per person per day in recreational areas with common faucets and flush toilets; and

5) Three (3) gallons of water per person per day in a picnic or recreational area with common faucets and privies.

g. Water service lines, riser pipes, and valves shall be installed and protected from damage by freezing, ground movement, vehicles, or other damage sources. Shutoff valves and drain valves, installed for draining the system, and the water service distribution lines shall be so arranged that water will be available to those campsites being occupied during low temperature winter periods. Underground waste valves are not permitted and shall not be installed on any water service.

h. Where water connections are provided at each campsite and there are individual sewer connections, the riser pipe shall be at least one-half inch in size and shall extend at least four (4) inches vertically above the ground elevation. It shall be equipped with a threaded male spigot for attaching a standard garden hose.

i. Where individual water connections are not provided, common-use water faucets shall be conveniently accessible and located not more than one hundred fifty (150) feet from any campsite.

j. Drinking fountains, if provided, shall be approved angle jet types with adequate water pressure.

k. Spillage, overflow, drainage, or waste water from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes, or other nuisance conditions.

l. A water station for filling camping vehicle water storage tanks shall be provided at the rate of one station for every one hundred (100) campsites. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material (not less than two (2) feet) which state: "Potable Water - Do Not Use to Flush Camping Vehicle Waste Tanks". Such water station shall consist of at least a three-fourths (3/4) inch pipe and valve outlet and shall be protected against the hazards of backflow and back-siphonage by an approved vacuum breaker located downstream from the shutoff valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the ground. A sign shall be posted at the entrance indicating the provision of a sanitary station and water station.

## 2. *Sewage disposal.*

a. Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage in compliance with State Environmental Protection Agency regulations and recommendations.

b. Where a public sewer system is available, all plumbing fixtures, building sewers, and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the State Environmental Protection Agency, the County Health Department, and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.

c. Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, open ditch, stream, lake, or reservoir.

## 3. *Sewage collection.*

a. Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, agricultural activity, or other sources of damage, and shall be separated from the water supply system by a horizontal distance of ten (10) feet and a vertical elevation of two (2) feet below water lines at crossing points unless pressure sewers are used.

b. The sewer lines shall be connected of approved materials with adequate vents, watertight joints, and sufficient cleanouts. All sewer lines shall have a minimum diameter of six (6) inches, except that a sewer lateral which serves no more than twenty five (25) individual sewer connections for individual camping vehicle lots or no more than five (5) toilet connections may be four (4) inches in diameter.

c. Sewers shall be installed at a grade of at least one-eighth inch per foot to ensure a velocity of ten (10) feet per second when flowing full. Horizontal drainage lines connecting with other horizontal drainage lines shall enter through forty five (45) degree "Y" branches or other combinations of equivalent sweep.

d. Cleanouts or manholes shall be provided at the upper end of each main sewer line, at intersections of two (2) or more sewer lines, changes in grade or alignment of more than forty five (45) degrees, and at intervals of not more than four hundred (400) feet.

e. Individual sewer connections shall meet the following requirements.

1) A four-inch inside diameter sewer lateral and riser pipe with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.

f. Dependent camping vehicles with a drain hose less than three (3) inches in diameter shall be connected with reducers and a screw or clamp-type fittings.

g. Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, nonabsorbent, corrosion-resistant drain hose having an inside diameter of not less than three (3) inches. The sewer service connection shall be installed and maintained with a grade not less than one-quarter inch per foot.

h. When the campsite is not occupied, the sewer riser pipe shall be adequately covered.

i. A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles, unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred (300) feet from any campsite. The sinks shall not be located in a room containing toilet, lavatory, or bathing facilities, and toilets shall not be used for disposal of liquid wastes. Common-use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food, and washing dishes, utensils, clothing, or other articles of household use.

j. A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:

1) Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite;

2) Connection to the sewer system by a trapped four-inch sewer riser pipe and vented not more than ten (10) feet downstream from the trap by a four-inch vent, adequately supported and extending at least eight (8) feet above the ground surface;

3) The sewage inlet surrounded by a curbed concrete apron or trough of at least three (3) feet by three (3) feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tightly;

4) A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two (2) feet above the ground with a three-fourths (3/4) inch valved outlet and attached hose. The water outlet shall be protected against back-siphonage and backflow by an approved vacuum breaker installation located downstream from the shutoff valve; and

5) A sign, constructed of durable material and not less than two (2) feet square, posted adjacent to the water flushing outlet and inscribed with the warning: "Unsafe Water Facility".

k. The plumbing shall be installed in accordance with the latest edition of the County Plumbing Code.

#### 4. *Refuse disposal.*

a. The storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions.

b. Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) campsites or the equivalent thereof if containers are provided at individual sites.

c. Unless refuse is collected daily, the containers shall be covered with close-fitting, fly-tight covers.

d. Refuse shall be collected and removed from the premises as often as necessary but not less than once weekly during the campground occupancy, and disposed of at a lawful disposal site.

#### 5. *Insect and rodent control.*

a. Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin-proofing of buildings, and other approved control methods.

#### 6. *Fires, cooking, and eating facilities.*

##### a. Fires.

1) Fires will be permitted only in facilities which have provided for such purposes or where open fires are allowed.

2) Fireplaces, fire pits, charcoal braziers, wood-burning stoves, or other cooking facilities shall be located, constructed, maintained, and used to minimize fire hazard and smoke nuisance in the campground and the neighboring properties.

3) No fire shall be abandoned, left unattended, or allowed to become a hazard to trees, vegetation, camping equipment, or adjacent campsites.

4) Fires shall be completely extinguished before the campsite is vacated.

5) No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

6) Flammable liquids shall be stored in metal containers approved by the Underwriters Laboratories, Inc.

b. Tables shall be durable, non-tip construction and finished with a smooth, readily cleanable, weather-resistant material.

c. Food service activities, requiring a license or certificate of inspection and the production, storage, and dispensing of ice shall be conducted in conformance with the physical and operational requirements of the *Rules and Regulations Governing the Maintenance of Food Service Establishments* in this state.

#### 7. *Sanitary facilities.*

a. Required toilet, lavatory, and bathing facilities shall be provided in the following minimum numbers.

1) In every campground, there shall be at least one (1) toilet for each sex.

2) A water supply shall be provided by a hand pump or water spigot.

3) Where a campground is designed and operated for exclusive use by independent or self-contained camping vehicles only, at least one (1) toilet and one (1) lavatory shall be provided for each sex at the rate of one (1) for every one hundred (100) campsites or fractional part thereof.

4) Where a campground accepts or accommodates dependent camping vehicles and camping equipment campers, at least one (1) toilet and one (1) lavatory shall be provided for each sex at the rate of one each for every fifteen (15) campsites or fractional part thereof, and one (1) shower shall be provided for each sex for every thirty (30) campsites or fractional part thereof. Lavatories shall be provided at each building containing toilet facilities.

5) Toilets and lavatories shall be provided for each sex at the rate of one (1) for every thirty (30) picnic spaces and one for each one hundred (100) persons in a recreational area having concentrated numbers of people.

b. Urinals may be substituted for up to one-third of the required number of toilets. Men's toilet rooms hereafter constructed shall include urinals where more than two (2) toilets are required. Twenty-four (24) inches of trough urinals shall be considered the equivalent of one (1) urinal.

c. Twenty-four (24) inches of a wash sink shall be considered the equivalent of one (1) lavatory. Laundry tubs and service sinks

will not be acceptable substitutes for lavatories.

#### 8. *Service buildings.*

a. Service buildings shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) or more than four hundred (400) feet from any dependent camping vehicle lot or persons served in a recreational area.

b. Separate rooms containing required plumbing fixtures shall be provided for each sex and clearly marked "Men" and "Women". If located in the same building, they shall be separated by a solid, sound-resistant wall extending from floor to ceiling. The entrances shall be so designed so that the plumbing fixtures are not visible from the outside. A landing shall be provided beyond each exterior door opening and shall have a width and length not less than the door opening.

c. The floors of service buildings shall have a smooth, impermeable, and easily cleaned surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove waste water and to facilitate cleaning. The walls and ceilings of such buildings shall be finished, and the walls shall have a smooth, nonabsorbent, easily cleanable surface extending to a height of four (4) feet in toilet rooms and six (6) feet in shower rooms.

d. Every service building shall have a minimum ceiling height of seven and one-half feet (7-1/2). In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty (50) percent of the rooms, and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.

e. Every service building shall have at least one (1) window with direct and unobstructed opening to the outside for natural light and ventilation, unless other approved means of light and ventilation to the outside air are provided.

f. When necessary for exclusion of flies, mosquitoes, and other insects, all exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch, unless other approved protective devices are provided.

g. Every service building shall be provided with a least one (1) ceiling-type light fixture, at least one (1) separate double convenience outlet adjacent to the lavatories, and a light fixture at the outside entrance of the service building. All lights shall have wall switches; no pull cords shall be allowed.

h. Illumination levels of at least thirty (30) footcandles shall be maintained at lavatory mirrors and laundry room work areas, and at least five (5) footcandles (shall be maintained) for general seeing tasks and at the service building entrance area.

i. Where climatic conditions require artificial heating, service buildings shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition, and capable of maintaining a room temperature of 68°F.

j. Toilets and showers shall be separately installed to be individually accessible and to permit simultaneous use.

k. Each toilet shall be individually partitioned with a door to ensure privacy. The compartment shall be at least thirty (30) inches in width with at least twenty four (24) inches of clear space in front of a toilet. The dividing partitions shall be at least five (5) feet in height with not less than six (6) inches nor more than twelve (12) inches separating the partition bottom and the floor. Toilets shall be provided with open-front seats.

l. Each shower shall be individually partitioned with a curtain, screen, or door to afford privacy.

m. Shower stalls shall not be less than thirty (30) inches by thirty (30) inches in area and shall be constructed to prevent water flow into the dressing room space.

n. Shower floors shall be skid-resistant or provided with disposal or with nonslip impervious mats. Wooden racks (dust boards) over shower floors are prohibited. Where impervious mats are used, they must be cleaned, dried, and kept off the shower floor when not in use.

o. Dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with a bench and clothes hook.

p. Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to toilets. Tempered water may be delivered to showers and sinks to conserve heated water and heating equipment. The system shall be designed to prevent discharge of water in excess of 120 degrees F. at shower heads.

q. Hot water heating facilities shall have the capacity to provide a minimum of three (3) gallons of hot water (100 degrees F. rise) per hour per each campsite during times of peak demands.

r. Required plumbing fixtures shall be maintained in good working order and in clean and sanitary condition. Every service room containing sanitary fixtures shall be provided with a waste basket.

s. Toilets shall be provided with a toilet paper holder or dispenser and a supply of toilet paper and a covered receptacle and lavatory areas shall be provided with clothes hooks, shelves, and trash receptacles.

t. Service building construction shall conform to applicable provisions of the current edition of the Ohio Building Code/Residential Code of Ohio, whichever is applicable, including specifications for making buildings and facilities accessible to and usable by the physically disabled.

#### 9. *Safety.*

a. Electric service shall be for plug-in connection of the manufactured recreation vehicles supply cord only. However, in some

cases a remote pedestal receptacle may be installed to provide power to the recreational vehicles power cord only, provided it is inspected by the County Building Regulation Department. In no case shall any wiring be installed in any summer kitchen, storage shed, porch, or any other structure. Also in no case shall wiring be run to provide receptacles to any area of the lot.

b. Liquid petroleum gas, fuel oil, gasoline, and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five (5) feet of a door of a camping vehicle.

c. The grounds, buildings, and related facilities shall be constructed, maintained, and used in accordance with applicable local and state fire prevention regulations.

d. Play equipment, when provided for children, shall be designed for safety, maintained in good repair, and located in areas free from hazards.

e. Stables and corrals shall be located on a well-drained site and located at least fifty (50) feet from any campsite or food preparation area. Horses and large animals shall be kept in a manner to prevent hazards to inquisitive children and to prevent air or water pollution or nuisance conditions.

(Res. 669-94-72, § 813.40, effective 4-5-1995; Res. effective 10-5-2007; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

## §§ 813.41 – 813.49 [RESERVED].

### § 813.50 PRD – PLANNED RETREAT DISTRICT.

#### A. *Policies underlying use of zone.*

1. This district is intended to permit the development of retreat facilities which are characterized by a combination of both permanent as well as temporary housing accommodations for participants to be located within suitable locations in the county. Such proposals should be presented as unified design concept with the overall objective of maximum retention of the site's natural patterns such as trees, drainageways and topography in a natural state, while providing for the unique requirements for the type of development.

2. The provisions of this district place particular emphasis upon assurances that the site design and supporting facilities are properly planned and constructed to result in a development which will sustain the health and safety of its patrons as well as function harmoniously with the adjacent environment.

#### B. *Permitted uses.*

1. Single-family residences;
2. Campsites for motor homes, recreational vehicles, tents;
3. Multifamily units;
4. Dormitories;
5. Churches;
6. Community centers; and
7. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

C. *Accessory uses.* Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of the retreat facility.

1. Stores, restaurants, and the other convenience establishments in developments of one hundred (100) acres or more, subject to the following restrictions:

- a. Such establishments and the parking areas primarily related to their operations shall not occupy more than ten (10) percent of the area of the park;
- b. Such establishments shall be restricted in their use to occupants of the park; and
- c. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

#### D. *Site characteristics.*

##### 1. *Minimum area.*

- a. Minimum area shall be fifty (50) acres, exclusive of highway right-of-way.

##### 2. *Site conditions and location.*

a. Proposed retreat sites shall be located in such areas within which the condition of soil, ground water level, drainage and/or topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site subject to unpredictable and/or sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards either on- or off-site. The location of such sites shall be within one-half (1/2) mile of a state highway or major county arterial.

3. *Access.*

a. Retreat facilities shall be so located that no entrance or exit from the facility shall discharge traffic into any residential district nor require movement of traffic through a residential district. A retreat facility shall have a minimum of one hundred fifty (150) feet of frontage on a public street.

E. *Development standards.*

1. *Density.* The following shall be the minimum lot or site areas for each respective type of unit:

- a. Single-family residences, 4,500 square feet;
- b. Campsites for motor homes and recreational vehicles: temporary sites, 1,500 square feet; permanent sites for motor homes, 2,500 square feet;
- c. Multifamily units, 3,500 square feet; and
- d. Dormitory units, 2,000 square feet.

2. *Structural spacing.*

a. A minimum distance of fifteen (15) feet shall be maintained between temporary structures or between temporary and permanent structures and twenty five (25) feet between permanent structures.

3. *Structural height.*

a. The height of any structure within a PRD District shall not exceed thirty five (35) feet with the exception of those items identified in § 817 of this County Zoning Resolution.

4. *Campsite construction.*

a. Each campsite for a motor home or RV shall contain a stabilized vehicular parking pad of gravel, paving, or other suitable material. No part of a RV or other temporary unit placed on a campsite shall be closer than five (5) feet to a campsite line.

5. *Perimeter yard and servicing requirements.*

a. Each PRD facility shall set aside along the perimeter of the district the following areas which shall be landscaped and used for no other purpose.

1) Minimum front setback: twenty five (25) feet, except when facility fronts on a state highway; then the minimum shall be fifty (50) feet.

2) Minimum side setback: when abutting residential districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side setback shall be twenty five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line. These setbacks are minimum and area subject to review for each individual proposal.

3) Minimum rear setback: fifteen (15) feet, except when the rear yard abuts a dedicated public right-of-way or a residential district. If the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty five (25) feet. If the rear yard abuts a residential district, the minimum rear setback shall be fifty (50) feet. These setbacks are minimum and are subject for review for each individual proposal.

4) Screening: where needed to enhance aesthetics or to ensure public welfare, the retreat facility shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.

5) Fencing: between the campground and any private property a non-climbable fence at least six (6) feet tall shall be constructed.

6. *Signs.*

a. Signs shall conform with type and size requirements governing signage within the OS Zoning District. Any additional identification signs shall be limited to one (1) square foot for each one (1) foot of building frontage.

7. *Parking requirements.*

a. There shall be at least three (3) off-street parking spaces designated in the retreat facility for each two (2) residential units, plus additional parking facilities as respectively required within § 902 of the County Rural Zoning Resolution for each nonresidential activity located within the retreat facility.

8. *Street requirements.*

a. Streets in retreat facilities shall be private, but shall be constructed with a stabilized travelway (gravel, paving, or other suitable material) and shall meet the following minimum stabilized travelway width requirements:

- 1) One-way, no parking, 14 feet;
- 2) One-way with parking on 1 side, or 2-way with no parking, 20 feet;

3) Two-way with parking on one side, 30 feet; and

4) Two-way with parking on both sides, 36 feet.

9. *Access requirements.*

a. Entrances and exits to retreat facilities shall be designed for safe and convenient movement of traffic into and out of the facility and to minimize marginal friction with free movement of traffic in adjacent streets. All traffic into and out of the facility shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the road within one hundred (100) feet where the speed limit is forty five (45) mph, or one hundred fifty (150) feet, where the speed limit exceeds forty five (45) mph of any portion of the approach lane of the access way within twenty five (25) feet of its intersection with the right-hand lane of the street. Entrance driveways shall be located not closer than one hundred fifty (150) feet from the intersection of public streets.

10. *Drainage requirements.*

a. Surface drainage plans for the entire tract shall be reviewed by the County Engineering Department which shall determine whether the proposed plan is compatible with the surrounding existing drainage plan, prior to issuance of final site plan approval and development permits. No such permit shall be issued in such instances where the County Engineering Department finds the plan to be incompatible with surrounding areas.

11. *Soil and ground cover.*

a. Exposed ground surface in all parts of the retreat facility shall be paved, or covered with stone screenings or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

F. *Operational standards.*

1. *Length of stay.*

a. No recreational type vehicle shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any 12-month period shall be presumed to be permanent occupancy.

b. Any action towards removal of wheels of such vehicles except for temporary purposes of repair or to attach to grounds for stabilizing purposes is hereby prohibited.

G. *Utilities and public services.*

1. *Water supply.*

a. The water supply shall be designed, constructed, and maintained in compliance with State Environmental Protection Agency regulations and recommendations to provide a safe, potable, and adequate supply of water.

b. The water supply shall not be connected to any non-potable water supply nor be subject to any backflow or back-siphonage.

c. No surface or stored water supply shall be used unless treated by a minimum of filtration and disinfection or under conditions approved by the State Environmental Protection Agency. When approved for use, transported water shall be obtained from an acceptable source, stored and dispensed in an approved manner, and shall contain a free chlorine residual of at least 0.2 p.p.m. at all points in the water system.

d. Wells equipped with a hand pump shall be of the enclosed self-priming or sealed interior type pump with a closed, downward-directed spout. The well casing shall be protected by extending the casing at least one (1) inch above the face of the pump flange and a concrete apron graded to drain wastewater away from the well. Open pitcher pumps are not permitted.

e. Where water is distributed under pressure, the water supply system shall deliver water at a minimum pressure of at least twenty (20) pounds per square inch and a minimum flow of at least one (1) gallon per minute at all outlets.

f. The water supply shall deliver the following minimum volumes:

1) One hundred (100) gallons per day per campsite with individual water connections and where flush toilets are used in the camping vehicle or in the service building;

2) Seventy-five (75) gallons per day per campsite where faucets are provided in common and centralized flush toilets in a service building are used;

3) Fifty (50) gallons per day per campsite where faucets are provided in common and privies are used;

4) Twenty-five (25) gallons per day per picnic site or five (5) gallons per person per day in recreational areas with common faucets and flush toilets; and

5) Three (3) gallons of water per person per day in a picnic or recreational area with common faucets and privies.

g. Water service lines, riser pipes, and valves shall be installed and protected from damage by freezing, ground movement, vehicles, or other damage sources. Shutoff valves and drain valves, installed for draining the system, and the water service distributing lines shall be so arranged that water will be available to those campsites being occupied during low temperature winter periods. Underground stop and waste valves are not permitted and shall not be installed on any water service.

h. Where water connections are provided at each campsite and there are individual sewer connections, the riser pipe shall be at least one-half (1/2) inch in size and shall extend at least four (4) inches vertically above the ground elevation. It shall be equipped with a one-half (1/2) inch valve outlet with a threaded male spigot for attaching a standard garden hose.

i. Where individual water connections are not provided, common use water faucets shall be conveniently accessible and located not more than one hundred fifty (150) feet from any campsite.

j. Drinking fountains, if provided, shall be approved angle jet types with adequate water pressure.

k. Spillage, overflow, drainage, or waste water from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes, or other nuisance conditions.

l. A water station for filling camping vehicle water storage tanks shall be provided at the rate of one (1) station for every one hundred (100) campsites. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material (not less than two (2) feet) which state: "Potable Water - Do Not Use to Flush Camping Vehicle Waste Tanks". Such water station shall consist of at least a three-fourths inch pipe and valve outlet and shall be protected against the hazards of backflow and back-siphonage by an approved vacuum breaker located downstream from the shutoff valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the ground. A sign shall be posted at the entrance indicating the provision of a sanitary station and water station.

## 2. Sewage disposal.

a. Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.

b. Where a public sewer system is available, all plumbing fixtures, building sewers, and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the State Environmental Protection Agency, the County Health Department, and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.

c. Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, open ditch, stream, lake, or reservoir.

## 3. Sewage collection.

a. Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, agricultural activity, or other sources of damage, and shall be separated from the water supply system by a horizontal distance of ten (10) feet and a vertical elevation of two (2) feet below water lines at crossing points unless pressure sewers are used.

b. The sewer lines shall be connected of approved materials with adequate vents, watertight joints, and sufficient cleanouts. All sewer lines shall have a minimum diameter of six (6) inches, except that a sewer lateral which serves no more than twenty five (25) individual sewer connections for individual camping vehicle lots or no more than five (5) toilet connections may be four (4) inches in diameter.

c. Sewers shall be installed at a grade of at least one-eighth inch per foot to ensure a velocity of two (2) feet per second when flowing full. Horizontal drainage lines connecting with other horizontal drainage lines shall enter through forty five (45) degree "Y" branches or other combinations of equivalent sweep.

d. Cleanouts or manholes shall be provided at the upper end of each main sewer line, at intersections of two (2) or more sewer lines, changes in grade or alignment of more than forty five (45) degrees, and at intervals of not more than four hundred (400) feet.

e. Individual sewer connections shall meet the following requirements:

1) A four-inch inside diameter sewer lateral and riser pipe with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.

f. Dependent camping vehicles with a drain hose less than three (3) inches in diameter shall be connected with reducers and a screw or clamp-type fittings.

g. Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, non-absorbent, corrosion-resistant drain hose having an inside diameter of not less than three (3) inches. The sewer service connection shall be installed and maintained with a grade not less than one-quarter inch per foot.

h. When the campsite is not occupied, the sewer riser pipe shall be adequately covered.

i. A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles, unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred (300) feet from any campsite. The sinks shall not be located in a room containing toilet, lavatory, or bathing facilities, and toilets shall not be used for disposal of liquid wastes. Common use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food, and washing dishes, utensils, clothing, or other articles of household use.

j. A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:

1) Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite;



2) Connection to the sewer system by a trapped four-inch sewer riser pipe and vented not more than ten (10) feet downstream from the trap by a four-inch vent, adequately supported and extending at least eight (8) feet above the ground surface;

3) The sewer inlet surrounded by a curbed concrete apron or trough of at least three (3) feet by three (3) feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tightly; and

4) A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two (2) feet above the ground with a three-fourths inch valved outlet and attached hose. The water outlet shall be protected against back-siphonage and backflow by an approved vacuum breaker installation located downstream from the shutoff valve.

#### 4. *Refuse disposal.*

a. The storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions.

b. Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) campsites or the equivalent thereof if containers are provided at individual sites.

c. Unless refuse is collected daily, the containers shall be covered with close-fitting, fly-tight covers.

d. Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly during the campground occupancy, and disposed of at a lawful disposal site.

#### 5. *Insect and rodent control.*

a. Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin-proofing of buildings, and other approved control methods.

#### 6. *Fires, cooking, and eating facilities.*

##### a. Fires.

1) Fires will be permitted only in facilities which have been provided for such purposes or where open fires are allowed.

2) Fireplaces, fire pits, charcoal braziers, wood-burning stoves, or other cooking facilities shall be located, constructed, maintained, and used to minimize fire hazard and smoke nuisance in the campground and the neighboring properties.

3) No fire shall be abandoned, left unattended, or allowed to become a hazard to trees, vegetation, camping equipment, or adjacent campsites.

4) Fires shall be completely extinguished before the campsite is vacated.

5) No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

6) Flammable liquids shall be stored in metal containers approved by the Underwriters Laboratories, Inc.

b. Tables shall be of durable, non-tip construction and finished with a smooth, readily cleanable, weather-resistant material.

c. Food service activities, requiring a license or certificate of inspection and the production, storage, and dispensing of ice shall be conducted in conformance with the physical and operational requirements of the *Rules and Regulations Governing the Maintenance of Food Service Establishments* in this state.

#### 7. *Sanitary facilities.*

a. Required toilet, lavatory, and bathing facilities shall be provided within permanent facilities as required by the County Building Code.

b. Such facilities shall be provided to serve temporary units as follows:

1) Where a retreat facility is designed and operated for exclusive use by independent or self-contained camping vehicles only, at least one (1) toilet and one lavatory shall be provided for each sex at the rate of one (1) for every one hundred (100) campsites or fractional part thereof;

2) Where a retreat facility accepts or accommodates dependent camping vehicles and camping equipment campers, at least one (1) toilet and one (1) lavatory shall be provided for each sex at the rate of one for every fifteen (15) campsites or fractional part thereof, and one (1) shower shall be provided for each sex for every thirty (30) campsites or fractional part thereof. Lavatories shall be provided at each building containing toilet facilities;

3) Toilets and lavatories shall be provided for each sex at the rate of one (1) for every thirty (30) picnic spaces and one (1) for each one hundred (100) persons in a recreational area having concentrated numbers of people; and

4) Urinals may be substituted for up to one-third (1/3) of the required number of toilets. Men's toilet rooms hereafter constructed shall include urinals where more than two (2) toilets are required.

#### 8. *Service buildings.*

a. Service buildings shall be constructed of easily cleanable, non-absorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) or more than four hundred (400) feet from any dependent camping vehicle lot of persons served in a retreat facility area.

b. Service building construction shall conform to applicable current provisions of the Uniform Building Code including pertinent specifications for making buildings and facilities accessible to and usable by the physically disabled.

9. *Safety.*

a. All electrical wiring, equipment, and appurtenances shall be installed and maintained in accordance with provisions of the current edition of the National Electrical Code.

b. Liquid petroleum gas, fuel oil, gasoline, and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five (5) feet of a door of a camping vehicle.

c. The grounds, buildings, and related facilities shall be constructed, maintained, and used in accordance with applicable local and state fire prevention regulations.

d. Play equipment, when provided for children, shall be designed for safety, maintained in good repair, and located in areas free from hazards.

e. The design and width of all interior roadways, access drive locations and building locations shall be appraised with reference to service accessibility by emergency vehicles.

(Res. 669-94-72, § 813.50, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018; Res. 59-18-182, effective 1-5-2018)

**§§ 813.51 – 813.59 [RESERVED].**

**§ 813.60 PC – PLANNED COMMERCIAL DISTRICT.**

A. *Policies underlying use of zone.* This district is provided in recognition that many commercial establishments seek to develop within a unified commercial area, usually under single ownership and control, and typically called “shopping centers”. Within the premises of the zone, such centers would have all necessary services and facilities comprehensively provided in accordance with an approved development plan. Provisions of this zone are formulated to achieve harmoniously designated structures upon a well-landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses.

B. *Permitted uses.* Those uses included as permitted and accessory uses in B-1, B-2, and HS Business Districts.

C. *Arrangement of commercial uses.*

1. Commercial buildings and establishments shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.

2. The plan of the project shall provide for the integrated and harmonious design of buildings, facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

D. *Area requirements.* The minimum land area for a planned commercial development shall be two (2) acres.

E. *Setback and screening.*

1. A setback of fifty (50) feet shall be provided along the entire perimeter of the development, except where it adjoins a business or industrial district in which case setback and screening requirements shall be at the discretion of the Planning Commission. Where situated adjacent to a residentially zoned area, a minimum of twenty (20) feet along the exterior property line shall be planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

2. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

3. Vehicular access through such landscaped strip when adjacent to residential areas shall be permitted only for convenience of residents of adjoining residential areas, and not for use by the general public.

F. *Private streets.* A private street where designated on a development plan shall meet all the design and construction requirements of the County Subdivision Regulations, with the exception of street width, and the requirements for curb and gutter, in which standards may be waived upon review by the Planning Commission and Board of County Commissioners upon recommendation of the County Engineer.

G. *Parking requirements.* See Article IX for off-street parking requirements.

H. *Signs.* See Article X for size and location of permitted signs.

I. *Supplemental district requirements.* See § 817 for any pertinent additional requirements.

(Res. 669-94-72, § 813.60, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§§ 813.61 – 813.69 [RESERVED].**

## § 813.70 PHS – PLANNED HIGHWAY SERVICE DISTRICT.

A. *Policies underlying use of zone.* The purpose of this district is to provide for commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. Such uses should be located adjacent to heavily traveled cross-country roadways, particularly new freeway interchanges. Development within the Highway Service District is pre-planned and controlled to assure that the operational characteristics are not in immediate and direct conflict with the function of adjacent land use areas or the adjacent thoroughfare system. Establishments within this district can and should be a visual asset to the community because of their size and prominent location. Parking, storage, and accessory operations are to be screened. The relationship among establishments within this district is to be compatible, each having adequate space for the operation performed.

B. *Permitted uses.*

1. Auto and truck rental;
2. New and used car and truck sales (cars in operable condition only);
3. Automobile and truck service, repair, and fuel;
4. Auto wash;
5. Trailer sale and rental;
6. Motel;
7. Restaurant;
8. Drive-in restaurant and fast-food establishments;
9. Bowling lanes;
10. Church and other buildings for the purpose of religious worship;
11. Farm equipment sales and service;
12. Drive-in theater;
13. Mobile home sales;
14. Governmentally or privately owned and/or operated parks, playgrounds, amusement and recreation facilities, golf course;
15. Governmentally owned or operated building or facility;
16. Accessory buildings incidental to the principal use which do not include any activity conducted as a business; and
17. Private or non-commercial solar energy systems (if conditions found in § 1103.02 TT. are met).

C. *Arrangement of commercial uses.* Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.

D. *Lot requirements.*

1. Minimum lot area: a minimum lot area for a Highway Service Development shall be forty thousand (40,000) square feet, exclusive of highway right-of-way; however, lot size shall be adequate to provide the yard space and buffering required by these regulations.

2. Minimum lot width: a minimum lot width of three hundred (300) feet is required at the front setback line.

E. *Structure spacing.* A minimum of twenty (20) feet shall be required between adjacent principal buildings.

F. *Setback and screening.*

1. A setback of fifty (50) feet shall be provided along the entire perimeter of the development, except where it adjoins a business or industrial district, in which case setback and screening requirements shall be at the discretion of the Planning Commission. Where situated adjacent to a residentially zoned area, a minimum of twenty (20) feet along the exterior property line shall be planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Open storage, service, and loading areas shall be screened by walls, fences, or other enclosures at least six (6) feet but not more than eight (8) feet in height. These walls, fences, or enclosures shall have an opaqueness of seventy-five (75) percent or more. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

2. Vehicular access through such landscaped strip when adjacent to residential areas shall be permitted only for convenience of residents of adjoining residential areas, or for access to dwelling units within the commercial district and not for use by the general public.

3. Said sight-proof screening provisions shall appear on the site plan submitted for a building permit, and shall be physically constructed when the business is occupied. These screening requirements may be waived if the business is effectively screened by natural topography. The Planning Commission shall determine by whatever means it deems necessary to make such determination, and grant such relief from this standard in writing to the proposed user of the land.

G. *Frontage regulations.*

1. A ten (10) foot wide planting strip shall be provided along the right-of-way line.

2. Driveways shall not be permitted within six hundred (600) feet of an interchange ramp.

3. a. Each business shall be limited to two (2) driveways. The maximum width of which shall not exceed thirty (30) feet and which shall be defined by concrete or rolled curbing. Driveways opening on traffic lanes leading to the intersection of surface street at which the business is situated shall be located as to provide not less than forty (40) feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveway. Driveways opening on traffic lanes leading away from the intersection shall be located so as to provide not less than twenty (20) feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveways, measured along the right-of-way line. In the event the lineal frontage of site exceeds three hundred (300) feet, three (3) driveways shall be permitted with one (1) additional drive permitted per one hundred (100) lineal feet thereafter.

b. Whenever feasible, the applicant is encouraged to design and construct a common service drive to accommodate individual access drives within the development. When located upon an arterial thoroughfare, the Planning Commission may require such service drives be incorporated within the plan, and be constructed or performance bonds in lieu of such construction be presented to the county prior to the issuance of a building permit for the proposed structures.

H. *Maximum building height.* Maximum building height shall be limited to thirty five (35) feet.

I. *Supplementary regulations.*

1. All public utilities shall be placed underground unless precluded by underground soil conditions.

2. Series of flags, flashing and moving signs, fluttering devices, strings of lights, and similar attention gathering devices shall be prohibited.

3. Exterior lighting shall be directed inward and away from abutting properties.

4. All driveways, customer parking areas, and service areas shall be paved with asphaltic or concrete surfacing and shall be so graded and drained as to dispose of all surface water accumulated within the area.

J. *Parking requirements.* See Article IX.

K. *Loading and unloading areas.* See Article IX.

L. *Signs.* See Article X for size and location of permitted signs.

(Res. 669-94-72, § 813.70, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 59-18-182, effective 1-5-2018)

**§§ 813.71 – 813.79 [RESERVED].**

**§ 813.80 POI – PLANNED OFFICE/INDUSTRIAL DISTRICT.**

A. *Policies underlying use of zone.* The provisions of this district are provided in recognition that many industrial establishments seek to develop within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a predetermined development plan. As in the Planned Commercial Zone, provisions of this zone are formulated to encourage a high degree of coordinated development upon well-landscaped premises. Particular attention is devoted to design of the periphery of the development with the objective of compatibility with surrounding land uses.

B. *Permitted uses.* Those uses included as permitted and accessory uses in the I-1, Limited Industrial District.

C. *Arrangement of industrial uses.* A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

D. *Area requirements.* The minimum land area for a planned industrial development shall be ten (10) acres.

E. *Structure spacing.* A minimum of fifty (50) feet shall be required between adjacent buildings.

F. *Maximum lot coverage.* No more than fifty (50) percent of the site shall be covered by buildings.

G. *Maximum building height.* No building shall exceed forty five (45) feet in height, although certain parts of buildings or types of structures may be permitted to exceed this height as per § 817.

H. *Setback and screening.*

1. The following setbacks shall be provided along the entire perimeter of the respective types of developments, except where it adjoins a business or industrial district, in which case setbacks and screening requirements shall be at the discretion of the Planning Commission:

Industrial park	100 feet
Mixed office/industrial park	75 feet

Office park	50 feet
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2. Where situated adjacent to a residentially zoned area, a minimum of other office/industrial parks along the exterior property line shall be retained in natural woods, or be suitably landscaped with a dense planting of evergreens not less than four (4) feet in height at the time of planting. Such landscaping shall be fifty (50) percent or more opaque when viewed horizontally between two (2) feet and eight (8) feet above average ground level. A suitably designed fence or wall may be substituted for such screen plantings at the discretion of the Planning Commission, if in certain cases natural plantings are deemed infeasible. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.

I. *Private streets.* A private street, where designated on a development plan, shall meet all the design and construction requirements of the County Subdivision Regulations, with the exception of street width and the requirement for curb and gutter, in which standards may be waived upon review by the Planning Commission and Board of County Commissioners upon recommendation of the County Engineer.

J. *Parking requirements.* See Article IX for off-street parking requirements.

K. *Parking and loading requirements.* See Article IX.

L. *Signs.* See Article X for size and location of permitted signs.

M. *Supplemental district requirements.* See § 817 for any pertinent additional requirements.

(Res. 669-94-72, § 813.80, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 814 FP – FLOODPLAIN OVERLAY STANDARDS.**

#### *A. General provisions.*

1. *Statutory authorization.* This section is adopted pursuant to authorization contained in R.C. §§ 307.37 and 307.85. This section adopts regulations for areas of special flood hazard that are necessary for participation in the National Flood Insurance Program.

2. *Findings of fact.* This county has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

3. *Statement of purpose.* It is the purpose of these regulations to promote the public health, safety, and general welfare, and to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- g. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- h. Have no adverse impact on adjacent properties within and near flood prone areas. No adverse impact (NAI) floodplain management is an approach that ensures the action of any community does not adversely impact the property and rights of others. An adverse impact can be measured by an increase in the flood states, flood velocity, flows, the potential for erosion and sedimentation, degradation of water quality, or increased cost of public services. No adverse impact floodplain management extends beyond the floodplain to include managing development in the watersheds where floodwaters originate. NAI does not mean no development. It means that any adverse impact caused by a project must be mitigated, preferably as provided for in the community or in a watershed-based plan;

- i. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- j. Minimize the impact of development on the natural, beneficial values of the floodplain;
- k. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- l. Meet community participation requirements of the National Flood Insurance Program.

4. *Methods of reducing flood loss.* In order to accomplish their purposes, these regulations include methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

5. *Lands to which these regulations apply.* These regulations shall apply to all areas of special flood hazard within the jurisdiction of the county as identified in subsection A.2 above, including any additional areas of special flood hazard annexed by the county.

6. *Basis for establishing the areas of special flood hazard.*

- a. For the purposes of these regulations, the following studies and/or maps are adopted:
  - 1) a) Flood Insurance Rate Maps, County of Preble, Ohio (Unincorporated Areas) dated January 17, 1991;
  - b) Flood Boundary and Floodway Maps, County of Preble, Ohio (Unincorporated Areas) dated January 17, 1991; and
  - c) Flood Insurance Study, County of Preble, Ohio (Unincorporated Areas) dated October 15, 1980.
- 2) Other studies and/or maps may be relied upon for establishment of the flood protection elevation, delineation of the one hundred (100) year floodplain, floodways, or delineation of other areas of special flood hazard, including but not limited to:
  - a) Information available from the Miami Conservancy District;
  - b) Corps of Engineers floodplain information reports;
  - c) U.S. Geological Survey flood prone quadrangles;
  - d) USDA Natural Resources Conservation Service - Flood Hazard;
  - e) Analyses, studies, and county soil surveys;
  - f) State Department of Natural Resources - flood hazard reports and flood profile charts; and
  - g) Other sources acceptable to the Planning Commission.
- 3) Any hydrologic and hydraulic engineering analysis authored by a registered professional engineer in this state which has been approved by the county as required by subsection C.3, subdivisions and large-scale developments.

b. Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. These maps and/or studies are on file at the County Building and Zoning Office, Courthouse, 101 East Main Street, Eaton, Ohio.

7. *Abrogation and greater restrictions.* These regulations are not intended to repeal any existing resolutions, including subdivision regulations, zoning, or building codes. In the event of a conflict between these regulations and any other resolution, the more restrictive shall be followed. These regulations shall not impair any deed restriction, covenant, or easement, but the land subject to such interests shall also be governed by the regulations.

8. *Interpretation.* In the interpretation and application of these regulations, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with such state or federal law, the state or federal law shall take precedence over these regulations.

9. *Warning and disclaimer of liability.* The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the county, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

10. *Severability.* Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

B. *Administration.*

- 1. *Designation of the Floodplain Administrator.* The County Department of Building, Planning, and Zoning is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.
- 2. *Duties and responsibilities of the Floodplain Administrator.* The duties and responsibilities of the Floodplain Administrator shall

include but are not limited to:

- a. Evaluate applications for permits to develop in special flood hazard areas;
- b. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information when available;
- c. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance;
- d. Inspect buildings and lands to determine whether any violations of these regulations have been committed;
- e. Make and permanently keep all records for public inspection necessary for the administration of these regulations, including flood insurance rate maps, letters of map amendment and revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations;
- f. Enforce the provisions of these regulations;
- g. Provide information, testimony, or other evidence as needed during variance hearings;
- h. Coordinate map maintenance activities and FEMA follow-up; and
- i. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3. *Floodplain development permits.* It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in subsection A.6 above, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

4. *Application required.* An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include but not be limited to:

- a. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing;
- b. Elevation of the existing natural ground where structures are proposed;
- c. Elevation of the lowest floor, including basement, of all proposed structures;
- d. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with and provide enforcement of these regulations; and
- e. Technical analyses conducted by the appropriate design professional registered in this state and submitted with an application for a floodplain development permit when applicable:
  - 1) Floodproofing certification for nonresidential floodproofed structure as required in subsection C.5 below;
  - 2) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of subsection C.4 below are designed to automatically equalize hydrostatic flood forces;
  - 3) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in subsection C.9.c below;
  - 4) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood by more than one (1) foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by subsection C.9.b below;
  - 5) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by subsection C.9.a below;
  - 6) Generation of base flood elevation(s) for subdivision and large scale developments as required by subsection C.3 below;
  - 7) A hydrologic and hydraulic engineering analysis to develop base flood elevations and identify base flood elevation changes as a result of the proposed development in any area where no base flood elevations currently exist; and
  - 8) Volumetric calculation demonstrating compensatory storage have been provided as required by subsection C.10 below.

5. *Review and approval of a floodplain development permit application.*

- a. *Review.*

1) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection B.4 above has been received by the Floodplain Administrator.

2) The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining the permits as required including permits issued by the U.S. Army Corps of Engineers under § 10 of the Rivers and Harbors Act, being 33 U.S.C. § 403, § 404 of the Clean Water Act, being 33 U.S.C. § 1344, and the State Environmental Protection Agency under § 401 of the Clean Water Act, being U.S.C. § 1341.

b. *Approval.* Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

6. *Inspections.* The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

7. *Post-construction certifications required.* The following as-built certifications are required after a floodplain development permit has been issued:

a. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency elevation certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by a registered surveyor or registered engineer; and

b. For all development activities subject to the standards of subsection B.10.a below, a letter of map revision.

8. *Revoking a floodplain development permit.* A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Zoning Appeals in accordance with subsection D of this section.

9. *Exemption from filing a development permit.*

a. An application for a floodplain development permit shall not be required for:

1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000;

2) Development activities in an existing or proposed manufactured home park that are under the authority of the State Department of Health and subject to the flood damage reduction provisions of O.A.C. § 3701;

3) Major utility facilities permitted by the State Power Siting Board under R.C. § 4906;

4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under R.C. § 3734; and

5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

b. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

10. *Map maintenance activities.* To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the county's flood maps, studies, and other data identified in subsection A.6 above accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

a. Requirement to submit new technical data.

1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six (6) months of the date such information becomes available. These development proposals include:

a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with subsection C.3 below.

2) It is the responsibility of the applicant to have technical data, required in accordance with this subsection B.10.a, prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.



3) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to subsection B.10.a.1) above.

b. *Right to submit new technical data.* The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the County Commissioners, and it may be submitted at any time.

c. *Annexation/detachment.* Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the county have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the county's flood insurance rate maps accurately represent the county boundaries, include within such notification a copy of a map of the county suitable for reproduction, clearly showing the new corporate limits or the new area for which the county has assumed or relinquished floodplain management regulatory authority.

11. *Data use and flood map interpretation.* The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

a. In areas where FEMA has not identified special flood hazard areas, or in FEMA- identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

b. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

c. When preliminary flood insurance rate maps and/or flood insurance study have been provided by FEMA:

1) Upon the issuance of a letter of final determination by the FEMA, the preliminary flood hazard data shall be used and replaces all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.

2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist, or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

d. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection D, appeals and variances, below.

e. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, and the like) shall prevail.

12. *Substantial damage determinations.*

a. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, and the like. After such a damage event, the Floodplain Administrator shall:

1) Determine whether damaged structures are located in special flood hazard areas;

2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

b. Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with increased cost of compliance insurance claims.

C. *Use and development standards for flood hazard reduction.* The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in subsections A.6 or B.11.a above.

1. *Use regulations.*

a. *Permitted uses.* All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the county are allowed, provided they meet the provisions of these regulations.

b. *Prohibited uses.*

1) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under R.C. § 3701;

2) Infectious waste treatment facilities in all special flood hazard areas, permitted under R.C. § 3734; and

3) Critical development in all special flood hazard areas.

2. *Water and wastewater systems.* The following standards apply to all water supply, sanitary sewerage, and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- b. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- c. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

3. *Subdivisions and large developments.*

- a. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
- d. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least fifty (50) lots or five (5) acres, whichever is less; and
- e. The applicant shall meet the requirement to submit technical data to FEMA in subsection B.10.a above when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection C.3.d above.

4. *Residential structures.*

- a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (this subsection C.4.a) and construction materials resistant to flood damage (subsection C.4.b below) are satisfied.
- b. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- c. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- e. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls (crawl spaces), with openings sufficient to allow unimpeded movement of flood waters, may have an enclosure below the lowest floor, provided the enclosure meets the following standards:
  - 1) Be used only for the parking of vehicles, building access, or storage; and
  - 2) a) Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or  
b) Have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- f. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors.
- g. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, [and] shall be exempt from the development standards of this subsection C.4.
- h. In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

5. *Nonresidential structures.*

- a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of subsections C.4.a through C.4.c and C.4.e through C.4.g above.
- b. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility

and sanitary facilities, shall meet all of the following standards:

- 1) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
- 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- 3) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management floodproofing certificate, that the design and methods of construction are in accordance with subsection C.5.b.1) and 2) above.

c. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.

6. *Accessory structures.* Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than six hundred (600) square feet. Such structures must meet the following standards:

- a. They shall not be used for human habitation;
- b. They shall be constructed of flood resistant materials;
- c. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;
- d. They shall be firmly anchored to prevent flotation;
- e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- f. They shall meet the opening requirements of subsection C.4.e.3) above.

7. *Recreational vehicles.* Recreational vehicles must meet at least one of the following standards:

- a. They shall not be located on sites in special flood hazard areas for more than one hundred eighty (180) days;
- b. They must be fully licensed and ready for highway use; or
- c. They must meet all standards of subsection C.4 above.

8. *Above-ground gas or liquid storage tanks.* All above-ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

9. *Assurance of flood carrying capacity.* Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

a. *Development in floodways.*

1) In order to promote health, safety, and welfare of the citizens of the county, no development that is for human habitation will be permitted in floodways.

2) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation.

b. *Development in riverine areas with base flood elevations but no floodways.*

1) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one (1) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or

2) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, causing more than one (1) foot increase in the base flood elevation, may be permitted, provided all of the following are completed by the applicant:

a) An evaluation of alternatives which would result in an increase of one (1) foot or less of the base flood elevation and an explanation why these alternatives are not feasible; and

b) Subsections C.9.a.1) and C.9.a.2) above.

c. *Alterations of a watercourse.* For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of bankfull stage shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a federal, state, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1) The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be

altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished. Maps are required showing location and volume of these areas;

2) Adjacent communities, the U.S. Army Corps of Engineers, and the State Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency;

3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the county specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit; and

4) The applicant shall meet the requirements to submit technical data in subsection B.10.a above when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

10. *Fill.* The following standards apply to all fill activities in special flood hazard areas and must be approved by the County Engineer:

a. Fill sites, upon which structures will be constructed or placed, must be compacted to ninety five (95) percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method;

b. Fill slopes shall not be steeper than one (1) foot vertical to two (2) feet horizontal;

c. Adequate protection against erosion and scour is provided for fill slopes. When expected velocities during the occurrence of the base flood of more than five (5) feet per second, armoring with stone or rock protection shall be provided. When expected velocities during base flood are five (5) feet per second or less, protection shall be provided by covering them with vegetative cover;

d. Fill shall result in no net loss of natural floodplain storage. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of permanent flood storage by excavation or other compensatory measures at or adjacent to the development site. Maps are required showing location and volume of these areas. Compensatory storage areas must be:

1) Open to the Floodplain Administrator for inspection;

2) A permanent component of the property receiving the variance and must be repaired or replaced by the owner of the property, if silted in or otherwise compromised;

3) Above the water table, i.e., the storage cannot hold water other than in times of flooding; and

4) In the same drainage system.

#### D. *Appeals and variances.*

##### 1. *Powers and duties.*

a. The Board of Zoning Appeals, herein referred to as the Appeals Board, shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

b. Authorize variances in accordance with subsection D.3 of this section.

##### 2. *Appeals.*

a. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board, provided that the person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Board of Zoning Appeals.

b. Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

3. *Variances.* Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

##### a. *Application for a variance.*

1) Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

2) Such application at a minimum shall contain the following information: name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

b. *Public hearing.*

1) At such hearing the applicant shall present such statements and evidence as the Board of Zoning Appeals requires. In considering such variance applications, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations, and the following factors:

- a) The danger that materials may be swept onto other lands to the injury of others;
- b) The danger to life and property due to flooding or erosion damage;
- c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- d) The importance of the services provided by the proposed facility to the community;
- e) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- f) The necessity to the facility of a waterfront location, where applicable;
- g) The compatibility of the proposed use with existing and anticipated development;
- h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2) Variances shall only be issued upon:

- a) A showing of good and sufficient cause;
- b) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant;
- c) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws;
- d) A determination that the structure or other development is protected by methods to minimize flood damages; and
- e) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3) Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

c. *Other conditions for variances.*

1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsections D.3.b.I.1) to D.3.b.I.11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

d. *Appeal to the Court.* Those aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the County Court of Common Pleas, as provided in R.C. Chapter 2506.

E. *Enforcement.*

1. *Compliance required.*

a. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in subsection B.9 above.

b. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with subsection E.3 below.

c. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator

authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection E.3 below.

2. *Notice of violation.* Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefor and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- a. Be put in writing on an appropriate form;
- b. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of these regulations;
- c. Specify a reasonable time for performance;
- d. Advise the owner, operator, or occupant of the right to appeal; and
- e. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

3. *Violations and penalties.* Violation of the provisions of these regulations or failure to comply with any of its requirements or lawful orders issued pursuant thereto, shall be deemed to be a strict liability offense. Any person who violates these regulations or fails to comply with any of its requirements or lawful orders pursuant thereto, shall, upon conviction thereof, be fined not more than \$300 and, in addition, shall pay all costs and expenses involved in the case as provided by the laws of Preble County. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Preble County from taking such other lawful action as is necessary to prevent or remedy any violation. Preble County shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Res. 669-94-72, § 814, effective 4-5-1995; Res. effective 3-3-2006; Res. 80-13-159, effective 7-5-2013; Res. 190-14-164, effective 8-1-2014; Res. 56-18-182, effective 1-5-2018) Penalty, see § 511

## § 815 ACCESSORY USES.

### § 815.01 PERMITTED ACCESSORY USES (RESIDENTIAL DISTRICTS).

The following accessory uses are permitted in each of the county's residential districts:

A. Private garages or carports or outbuildings not to exceed the following area:

1. For a single-family dwelling:

On lots of 1 acre – less than 2 acres	800 sq. ft.
On lots of 2 acres – less than 3 acres	1,200 sq. ft.
On lots of 3 acres – less than 5 acres	1,800 sq. ft.

2. For multiple-family dwellings, six hundred (600) square feet per unit.

B. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed one hundred (100) square feet in gross floor area;

C. A swimming pool, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than two (2) feet, bath house, and other recreational facilities intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located and subject to required provisions under § 815.04J;

D. Patios and open porches subject to required provisions under § 815.04I;

E. Earth satellite stations as regulated under § 815.04L;

F. A child's playhouse, tree house, birdhouse;

G. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, non-mechanical laundry drying equipment, walls, and hedges;

H. Fallout shelters;

I. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use; and which meets the definition of accessory use as stated in this code; and

J. Recreational equipment subject to the following conditions:

1. Parked or stored camping and recreational equipment shall not be connected to electricity, water, gas, or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes;

2. If the camping and recreational equipment is parked or stored outside a garage, it shall be parked or stored to the rear of the house;

3. Notwithstanding the provisions of § 815.03A, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty eight (48) hours; and

4. All camping and recreational equipment must be kept in good repair and carry a current year's license and/or registration. The ground area under and immediately surrounding where such camping and recreational equipment is stored must be maintained free of noxious weeds or overgrowth and debris.

(Res. 669-94-72, § 815.01, effective 4-5-1995; Res. effective 10-5-2007; Res. 190-14-164, effective 8-1-2014; Res. 57-18-182, effective 1-5-2018)

#### **§ 815.02 PERMITTED ACCESSORY USES (AGRICULTURAL, BUSINESS, AND INDUSTRIAL DISTRICTS).**

A. In an agricultural, business, or industrial district, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principal use which meets the definition of accessory use as stated in the resolution, and which complies with the applicable standards of the district in which it is located, is permitted. (See § 815.04M for additional standards for ground satellite stations within nonresidential areas.)

B. Outdoor vending machines, facilities for recycled goods or materials, etc.: these facilities may be permitted in all business and industrial districts upon obtaining a certificate of use subject to the following requirements.

1. No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required driveway sight distance.

2. Placement of the facility will not result in the reduction of the number of parking spaces required to serve the principal use(s) on the site.

3. The subject facility or use shall be maintained in good operating order and appearance.

(Res. 669-94-72, § 815.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 815.03 ACCESSORY USES NOT PERMITTED (RESIDENTIAL AND OFFICE DISTRICTS).**

None of the following shall be permitted as an accessory use in a residential or office district:

A. Overnight parking or outdoor storage of buses, mobile homes, or trucks (over one-half (1/2) ton rated capacity), except pickup trucks; or

B. Outdoor storage, unless specifically permitted by the specific zoning district regulations.

(Res. 669-94-72, § 815.03, effective 4-5-1995)

#### **§ 815.04 STANDARDS FOR ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS.**

A. An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure, provided that no such accessory building may be erected or used as a stable or primarily for the keeping of animals or birds.

B. An accessory building may be erected detached from the principal building. No detached accessory building shall be erected in any required yard except a rear yard, and shall not occupy more than thirty-five (35) percent of the area of the required rear yard. For computing the percentage of occupancy of a rear yard, as required herein, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and be included in the computation.

C. A detached accessory building shall not exceed fifteen (15) feet in height.

D. A detached accessory building shall be at least ten (10) feet from any dwelling situated on the same lot.

E. A detached accessory building not integrally joined to another accessory building shall be located at least ten (10) feet from such other accessory structure.

F. A detached accessory storage structure as defined by § 815.01 B. shall be at least three (3) feet from the side and rear lot lines.

G. Any accessory building, if not located in the rear yard, shall be an integral part of or connected with the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as such accessory building.

H. On a corner lot abutting in the rear of the side lot in a residential district, any accessory building or part thereof within twenty five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street, and in no case shall any part of such accessory building be closer to the side street lot lines than the least width of the side yard required for the principal building to which it is accessory.

I. 1. No accessory use or structure in any R District except an off-street parking area shall be nearer to any front lot line than sixty (60) feet, unless such use or structure is contained within or constitutes an integral part of the principal building. However, if the owner of a corner lot, with approval of the Board of Zoning Appeals, designates the longer street lot line as the front lot line, then the

requirement of this section shall apply to establish the permitted distance of an accessory building from only the shorter street lot line.

2. Patios, open porches, and carports may be located in side and rear yards, provided they are not closer than three (3) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened by an evergreen hedge or fence not less than four (4) feet in height and maintained in good condition. In case of a corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard.

J. Swimming pools: no private swimming pool, exclusive of pools less than two (2) feet in depth and portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any residential district, except as an accessory use, and unless it complies with the following conditions and requirements.

1. The pool is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

2. a. The pool may not be located closer than ten (10) feet to any property line, and such location shall be in accordance with all pertinent provisions of this section and shall be measured from the water line.

b. Accessory buildings shall maintain the minimum side yard required. Any walks or paved areas adjacent to the pools shall be considered as patios for the purpose of this code and shall conform to the provisions of subsection I of this section.

3. Any fence or wall shall be in accordance with the provision of the property owner or home owner insurance policy.

K. Tennis courts: tennis courts and other similar playing courts may be located in any rear yard with the fence located no closer than five (5) feet of any property line, provided the location of such courts is in accordance with all pertinent provisions of this section. Such courts may be fenced with a chain link fence located around the perimeter of the court, but any fence over six (6) feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view of the fence from neighboring properties.

L. Earth satellite stations in residential districts: within the residential districts, the following provisions shall apply to ground satellite stations.

1. Such ground stations or antennas shall be for the personal use of residents.

2. Such ground stations or antennas shall contain no graphic message or advertising.

3. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

a. Such stations or antennas not mounted on the roof of a primary or accessory structures shall be located to the rear of the principal building or structure and shall not exceed an above-grade height of fourteen (14) feet;

b. Such stations or antennas shall be subject to the side and rear yard setback requirements as applicable to accessory buildings contained in this section;

c. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of galvanized construction shall be used;

d. Wiring between such station and any other structure shall be placed underground in accordance with applicable county codes and standards; and

e. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) mph without the use of supporting guy wires.

4. Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

a. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers, or spires;

b. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than three (3) feet above the roof on which they are mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof;

c. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed three (3) feet; and

d. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) mph without the use of supporting guy wires.

M. Earth satellite stations in nonresidential districts: within nonresidential districts, the following shall apply to ground satellite stations:

1. Such ground stations or antennas shall contain no graphic messages or advertising.

2. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

a. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure on the property where the station is located and shall not exceed an above-ground height of fourteen (14) feet;



b. Such stations or antennas shall not be located within fifty (50) feet of a public right-of-way or within thirty (30) feet of a rear or side lot line and shall be not closer than fifty (50) feet from a lot line or a residential district;

c. Such stations or antennas shall be mounted in a concrete base in line with grade and only metal supports of galvanized construction shall be used;

d. Wiring between such stations and any other structure shall be placed underground in accordance with applicable county codes and standards; and

e. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) mph without the use of supporting guy wires.

3. Roof-mounted stations or antennas shall comply with the following conditions and requirements:

a. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers, or spires;

b. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than twelve (12) feet above the roof on which they are mounted. The height shall be measured vertically from the point at which such station or antenna is mounted on the roof; and

c. Such stations or antennas shall be designed to withstand a wind force of up to seventy (70) mph without the use of supporting guy wires.

N. Accessory fences, walls, and hedges: the intent of these provisions is to outline the regulations for accessory fences, walls, and hedges in residential districts. Such structures are permitted in order to provide for orderly transition between land uses; protect and screen private property; give security and privacy to residents; provide a physical and visual barrier; reduce wind and modify climate; define property lines; create and define outdoor living space; and generally improve the aesthetic appearance of a site. Where buffer yard or other screening requirements pursuant to the provisions of § 817.11 differ from the provisions of this section, the more stringent requirements shall apply.

1. *Front yards.*

a. Hedges not to exceed four (4) feet in height may be located in any front yard, but shall be subject to the traffic visibility requirements of § 817.02, visibility at intersections for a corner lot.

b. An ornamental fence or ornamental wall may be located in any front yard or court, as follows.

1) The height of the ornamental fence or wall may not exceed four (4) feet above the ground at any point.

2) Any ornamental fence or wall, as permitted in this subsection N.1.b, shall be so constructed as to provide a ratio of solid portion to open portion not to exceed one to one, the proportion of solid area to open area to be determined in elevation.

3) Such fence or wall may not be located closer than three (3) feet to the front lot lines.

4) Such ornamental fence or wall on a corner lot shall be subject to the traffic visibility requirements of § 817.02.

2. *Rear and side yards.* A fence, wall, or hedge may be located in any rear or side yard, provided that:

a. The height of the fence, wall, or hedge may not exceed six (6) feet above the ground at any point;

b. A fence or wall not to exceed ten (10) feet in height may be permitted surrounding tennis courts in any rear yard, provided the provisions of subsection K of this section are met; and

c. Any such fence or wall shall be so constructed as to provide a ratio of solid portion to open portion not to exceed six (6) to one, the portion of solid area to open area to be determined in elevation.

3. *Retaining walls.* Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements of this section.

4. *Security fences.* No barbed wire, other sharp-pointed material, or electrically charged material shall be used in the construction of a fence, except to fence potentially hazardous areas or for security proposed in high risk areas, and only upon approval of the County Sheriff's Department. In no case shall such materials be used for fences for single-family homes.

5. *Other permissible locations.* Fences, walls, or hedges may be erected on public recreation areas, school grounds and in industrial districts, and are not subject to the requirements of this section, but no such fence, structure, or planting shall be erected or maintained within twenty (20) feet of the corner so as to interfere with traffic visibility across the corner.

O. Garage sales: temporary garage sales in residential districts in order to allow residents to sell excess personal property are permitted, provided that a garage sale permit is obtained and the following conditions are met:

1. Each garage sale shall not exceed four (4) calendar days in length from start to finish. The only exception to this rule is participation in a regional sponsored yard sale;

2. There shall be at least a one-month time lapse between each garage sale. The only exception to this rule is participation in a regional sponsored yard sale;

3. Only three (3) garage sales shall be permitted per calendar year at any individual location. The only exception to this rule is

participation in a regional sponsored yard sale;

4. No person conducting a garage sale under the provisions of this article shall sell or offer for sale any food or beverage for such consumption on the premises unless a permit has been obtained in advance from the Board of Health;

5. No fee or other charge shall be imposed upon members of the public attending such sale;

6. One non-illuminated sign not exceeding four (4) square feet in size, no more than three (3) feet in height above grade may be displayed on the property where the sale is being held;

7. Off-premises directional type signs may be used in conjunction with such garage sale providing they do not exceed four (4) square feet per sign, are not more than three (3) feet in height, and are limited in number to not more than one such directional sign per collector or arterial type roadway. All signs shall be removed within twenty four (24) hours following the conclusion of the garage sales;

8. Special lighting or noise-making devices or similar advertising displays or notices shall not be used to call attention to the garage sale. Balloons or streamers may be used; and

9. Public auctions and moving sales shall be permitted for not more than one (1) week per calendar year.

(Res. 669-94-72, § 815.04, effective 4-5-1995; Res. effective 8-1-2007; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

## **§ 816 TEMPORARY USES.**

### **§ 816.01 INTENT.**

Temporary uses shall be permitted in applicable zone districts by the grant of any occupancy permit issued by the Zoning Administrator in accordance with the requirements of this section.

(Res. 669-94-72, § 816.01, effective 4-5-1995)

### **§ 816.02 GENERAL PROVISIONS.**

A. The duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested.

B. Temporary uses shall be subject to all the regulations of the applicable zone district.

(Res. 669-94-72, § 816.02, effective 4-5-1995; Res. effective - -1995)

### **§ 816.03 PERMITTED USES.**

A. Temporary office, model home or apartment, and incidental signs necessary for the sale, rental, or lease of real property in the zone district. Maximum: 18 months.

B. Noncommercial concrete batching plant, both incidental and necessary to construction in the zone district. Maximum: 18 months.

C. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the zone district. Maximum: 18 months.

D. Parking lot designated for a special event in the zone district. Maximum: 30 days.

E. Temporary signs in connection with a special event. Maximum: 10 days.

F. Announcement signs necessary to explain the character of a building enterprise. Maximum: 18 months.

G. Subdivision or development signs, both incidental and necessary to advertise the sale, rental, or lease of real property in the zone district. Maximum: 18 months.

H. Bazaars, carnivals, rummage or garage sales, and similar temporary uses.

I. Sale of Christmas trees, outdoor tent or theater, sale of seasonal fruits and vegetables from roadside stands, tent sales. Maximum: 60 days.

J. Parking of recreational vehicles for visitation. Maximum: 7 days.

K. Mobile home as a temporary office during the period of construction and development. Maximum: 18 months.

L. Emergency or temporary parking or stopping of a recreational vehicle is permitted on any street or highway for not longer than twenty four (24) hours, subject, however, to any prohibitions or limitations imposed by the traffic and parking regulations for that street or highway.

M. A recreational vehicle may be temporarily parked or stored, upon the grant of an occupancy permit, in the open in connection with:

1. A public health program sponsored by the Department of Health;

2. A program sponsored by any unit of government; or

3. A carnival or other public affair or function authorized by proper authority.

N. Mobile home as a temporary residence during the construction, renovation, or rebuilding of the principal dwelling unit on a lot, or for medical purposes for the care of sick or elderly family members. Any permit shall be for the duration of one (1) year. Once the original need for the mobile home no longer exists during the one (1) year period, the permit expires and the mobile home shall be removed within thirty (30) days after the permit's expiration.

O. Any other use not specified above deemed temporary by the Board of Zoning Appeals and attached with any time period, conditions, and safeguards as the Board may deem necessary.

(Res. 669-94-72, § 816.03, effective 4-5-1995; Res. effective - -1995; Res. effective 5-30-2003; Res. effective 7-4-2003; Res. 80-13-159, effective 7-5-2013)

#### **§ 816.04 STANDARDS.**

A. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.

B. No public address systems or other noise-producing devices shall be permitted in a residential district.

C. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

D. No banners, pennants, or unnecessary signs shall be permitted in a residential district.

E. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

(Res. 669-94-72, § 816.04, effective 4-5-1995; Res. effective - -1995)

#### **§ 817 SUPPLEMENTAL REGULATIONS.**

In addition to all regulations specified in §§ 801 to 814 and in other sections of this code, the provisions of §§ 817.01 through 817.14 inclusive shall be used for interpretation and clarification.

(Res. 669-94-72, § 817, effective 4-5-1995)

#### **§ 817.01 SETBACK REQUIREMENTS FOR CORNER BUILDINGS.**

On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(Res. 669-94-72, § 817.01, effective 4-5-1995)

#### **§ 817.02 VISIBILITY AT INTERSECTIONS.**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along such street lines fifty (50) feet from the point of intersection.

(Res. 669-94-72, § 817.02, effective 4-5-1995)

#### **§ 817.03 FRONT YARD EXCEPTIONS (RR, RR-1, SR, AND UR DISTRICTS ONLY).**

Within any R District, as identified above, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this zoning resolution, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that such depth of a front yard on any lot shall be at least ten (10) feet including all projections but not required to be more than fifty (50) feet.

(Res. 669-94-72, § 817.03, effective 4-5-1995)

#### **§ 817.04 SIDE YARD EXCEPTIONS.**

Side yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than six (6) feet in any case.

(Res. 669-94-72, § 817.04, effective 4-5-1995)

#### **§ 817.05 CORNER LOTS.**

A. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.

B. A corner lot as defined in this code shall have no rear yard.

(Res. 669-94-72, § 817.05, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

### § 817.06 DOUBLE FRONTAGE LOTS.

Buildings on lots having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

(Res. 669-94-72, § 817.06, effective 4-5-1995)

### § 817.07 YARD REQUIREMENTS FOR MULTIFAMILY DWELLINGS.

Multifamily dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

(Res. 669-94-72, § 817.07, effective 4-5-1995)

### § 817.08 FENCES, WALLS, AND HEDGES (RR, RR-1, SR, UR, OS, B-1 DISTRICTS ONLY).

Fences, walls, and hedges, except where otherwise provided by this zoning resolution, may be located in yards as provided by the following requirements.

A. *Front yards.* No fence or wall of any height may be located in any front yard except according to the following standards:

1. Hedges not to exceed four (4) feet in height may be located in any front yard, but shall be subject to the traffic visibility requirements of provision of § 817.02, visibility at intersections for a corner lot; and
2. An ornamental fence or ornamental wall may be located in any front yard or court, as follows:
  - a. The height of any ornamental fence or wall may not exceed four (4) feet above the ground at any point;
  - b. Any ornamental fence or wall, as permitted in this subsection A.2, shall be so constructed as to provide a ratio of solid portion to open portion not to exceed one to one, the proportion of solid area to open area to be determined in elevation;
  - c. Such fence or wall may not be located closer than three (3) feet to the front lot lines;
  - d. The total length may not exceed fifty (50) percent of the lot frontage;
  - e. No wire type fence may be used; and
  - f. Such ornamental fence or wall on a corner lot shall be subject to the traffic visibility requirements of the provisions of § 817.02.

B. *Rear and side yards.* A fence, wall, or hedge may be located in any rear or side yard, provided that:

1. The height of the fence, wall, or hedge may not exceed six (6) feet above the ground at any point;
2. Any such fence or wall shall be so constructed as to provide a ratio of solid portion to open portion not to exceed six (6) to one (1), the portion of solid area to open area to be determined in elevation; and
3. On a corner lot abutting in the rear of the side lot line of a lot in an RR, RR-1, SR or UR District, such fence, wall, or hedge within twenty five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street; provided, however, that this subsection B shall not apply to hedges not exceeding four (4) feet in height.

C. *Other permissible locations.* Fences, walls, or hedges may be erected on public recreational areas, school grounds, and in industrial districts, and are not subject to the requirements of this section; but no such fence, structure, or planting shall be erected or maintained within fifty (50) feet of the corner so as to interfere with traffic visibility across the corner.

D. *Retaining walls.* Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements in this section.

(Res. 669-94-72, § 817.08, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

### § 817.09 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in Article VIII, district requirements, do not apply to any structures in an A or AB District, except as permitted by R.C. § 303.21, nor to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of an aircraft at an established airport.

(Res. 669-94-72, § 817.09, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

### § 817.10 PROJECTIONS INTO REQUIRED YARDS.

A. Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required side yard a minimum of eighteen (18) inches.

B. Front yard: no structure may project into a required front yard; however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet.

C. No structure may project into a required side yard except that, where a single lot under one (1) ownership existed in a residential district at the time of passage of this code, and such lot is of insufficient width to meet the side yard requirements of this code, the Board of Appeals may grant a minimum variance to permit the construction of a one-family residence.

(Res. 669-94-72, § 817.10, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 817.11 SCREENING.**

Hereafter no buildings or structures shall be erected, altered, or enlarged, nor shall land be used for any nonresidential use on a lot that adjoins or faces any residential district until a plan for screening has been submitted and approved.

A. *Purpose.* Screening shall be provided for one (1) or more of the following purposes:

1. A visual barrier to partially or completely obstruct the view of structures or activities;
2. As an acoustic screen to aid in absorbing or deflecting noise; or
3. For the containment of debris and litter.

B. *Types.* Screening may be one (1) of the following or a combination of two (2) or more:

1. A solid masonry wall;
2. A solidly constructed decorative fence;
3. Louvered fence; and/or
4. Dense evergreen plantings.

C. *Side and rear yard requirement for nonresidential uses abutting residential districts.* Nonresidential buildings or uses shall not be located nor conducted closer than fifty (50) feet to any lot line of a residential district. Screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility and is permitted within fifty (50) feet of an intersection.

D. *Height of screening.*

1. Visual screening walls, fences, or planting shall be at least five (5) feet, six (6) inches high except in required front yards, where the height shall not exceed four (4) feet;

2. Height of screening should be sufficient to accomplish its design, purpose, i.e., sound, visual, or debris without exceeding the above limitations and without conflicting with § 817.02, Visibility at Intersections.

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

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

G. *Plantings.* All tree plantings and planting screens required by this code shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay, but shall issue no permanent zoning compliance certificate of occupancy until completion of all required plantings.

(Res. 669-94-72, § 817.11, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

#### **§ 817.12 CONVERSION OF DWELLING TO MORE UNITS.**

A residence may not be converted to accommodate an increased number of dwelling units unless:

- A. The district is zoned for two-family or multifamily use as applicable;
- B. The yard dimensions still meet the yard dimensions required by the new structures in that district;
- C. The lot area per family equals the lot area requirements for new structures in that district;
- D. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- E. The conversion is in compliance with all other relevant codes and resolutions.

(Res. 669-94-72, § 817.12, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 817.13 PARKING OF DISABLED VEHICLES.**

A. The parking of a disabled vehicle within a residential or agricultural district for a period of more than one (1) week shall be prohibited except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be

conducted in connection therewith while such vehicle is parked or stored.

B. No junk motor vehicle shall remain on the premises in any districts uncovered for more than a period of one (1) week except in an authorized junk yard or scrap metal processing facility.

C. All junk motor vehicles, except as noted in subsection B. above, shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

D. After receipt of notice no junk or disabled motor vehicle shall remain uncovered for a period of more than ten (10) days. Each subsequent day constitutes a separate violation of this code.

E. See also § 902.01 C.8. and 902.02 B.1. in further reference to off-street parking.

(Res. 669-94-72, § 817.13, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

#### **§ 817.14 ENVIRONMENTAL REQUIREMENTS.**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this code may be undertaken and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits, as established by the following requirements.

A. *Air pollution.* Air pollution shall be subject to the requirements and regulations established by the State Environmental Protection Agency and the Regional Air Pollution Control Agency of the Montgomery County, Ohio Combined General Health District, which includes this county.

B. *Erosion.* No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

C. *Fire and explosion hazards.* Adequate safety devices shall be provided where there are activities involving burning or storage of flammable or explosive materials, adequate safety devices shall be provided at any point. Adequate safety devices against the hazards of fire and explosion and adequate firefighting and fire suppression equipment and devices, standard in the industry shall be provided. Burning of waste materials in open fire is prohibited.

D. *Radioactivity.* No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems, and no activities shall be permitted which emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbances.

E. *Glare and heat.*

1. Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the premises.

2. Welding that is required for exterior construction of a structure shall be exempt from these regulations.

3. No exterior lighting shall be positioned so as to extend glare onto an adjacent property or a public right-of-way.

F. *Liquid or solid wastes.*

1. No discharge at any point into any public sewer, private sewerage disposal system, stream, or into the ground, or any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements shall be permitted, except in accordance with minimum standards approved by the County Health Department, the State Department of Health, the State Environmental Protection Agency, or such other governmental agency as shall have jurisdiction over such activities.

2. The use of dumpsters or other types of reasonably accessible waste containers for the disposal of potentially dangerous liquid or solid waste materials shall not be permitted.

3. The storage of large quantities of toxic material shall be prohibited.

G. *Noise.* Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement as are farm-related activities and temporary construction noise during the daytime.

H. *Vibration.* No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are discernible without instruments at the property lines of the subject premises. Farming, excavation activities, and temporary construction activities conducted during the daytime are exempt from this requirement.

I. *Enforcement provisions.* The Zoning Enforcement Officer, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

J. *Standards and measurement procedures.* Standards and measurement methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standards and measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists Association, Inc., Washington, D.C., the United States Bureau of Mines, the State Environmental Protection Agency, County Health Department, and other similarly recognized

organizations.

K. *Storm water drainage.*

1. *General.* Due consideration shall be given to provisions for drainage, with particular reference to the effect on adjoining and nearby properties and on general drainage systems in the area. Where major drainage volumes appear likely and capacity of available systems is found marginal or inadequate, consideration shall be given to possibilities for recharge of ground water supply on the property, temporary retention with gradual discharge, or other remedial measures.

2. *Standards.* Storm water drainage improvements for lots shall be in accordance with the standards and criteria contained in the "Improvements" chapter of the Subdivision Regulations of this county, and all other applicable ordinances.

L. *Exotic animals.* No person shall own, harbor, keep, breed, sell, or import any exotic animals or reptiles. The term **EXOTIC ANIMAL OR REPTILES** shall mean other wild animals/ reptiles not indigenous to southern Ohio. Example: lions, tigers, alligators, crocodiles, bears, cougars, etc.

1. *Exemptions and special provisions.* Exotic animals purchased or adopted and housed on the subject property prior to the adoption of this amendment, providing:

a. That a bill of sale or notarized statement which verifies this data is provided; and

b. That such exotic animal be confined in a house, building, or other enclosure in such a way that human contact, other than the owner(s) cannot occur.

2. *Exemption.* Wild animals held for exhibit or use by research institutions and other governmental agencies having legal authority to possess wild animals, publicly supported zoos, circuses, or extensions thereof.

3. *Exemption.* Any animal which is commonly sold by a bona fide commercial pet shop.

(Res. 669-94-72, § 817.14, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

## ARTICLE IX: PARKING AND LOADING REGULATIONS

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### Section

901 Scope and application

901.01 Scope of regulations

901.02 Existing parking and loading facilities

902 Off-street parking

902.01 General requirements

902.02 Parking space requirements

903 Off-street loading

903.01 General requirements

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### § 901 SCOPE AND APPLICATION.

#### § 901.01 SCOPE OF REGULATIONS.

The off-street parking and loading requirements of this code shall apply as follows.

A. For all buildings and structures erected and all uses of land established after the effective date of this code, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this code and provided that construction is begun within six (6) months of such effective date and diligently pursued to completion, parking and loading facilities in the amount required for the issuance of said building permit may be provided in lieu of any different amounts required by this code.

B. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking and loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least fifty (50) percent of any existing deficiency in parking and loading facilities.

C. Whenever the existing use of a building structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this code, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this code.

(Res. 669-94-72, § 901.01, effective 4-5-1995)

## § 901.02 EXISTING PARKING AND LOADING FACILITIES.

A. Off-street parking and loading facilities in existence on the effective date of this code and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this code.

B. Any area once designated as required off-street parking or loading shall never be changed to any other use unless and until equal facilities are provided elsewhere.

(Res. 669-94-72, § 901.02, effective 4-5-1995)

## § 902 OFF-STREET PARKING.

### § 902.01 GENERAL REQUIREMENTS.

A. *Parking requirements.* The off-street parking required by this article shall be provided in accordance with the following requirements.

1. *One- and two-family dwellings.* The off-street parking facilities required for one- and two- family dwellings should be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this article.

2. *Multiple-family.* The off-street parking facilities for multifamily dwellings shall consist of a parking lot as defined elsewhere in this article. In no event shall any uncovered parking space in a multifamily district be located nearer than ten (10) feet to any main building.

3. *Mobile home parks.* The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site.

4. *Other land uses.* The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Such off-lot spaces shall be located only in districts in which similar off-street parking is permitted.

5. *Control of off-site parking facilities.* In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of said lease to be determined by the Building Inspector; and such deed or lease shall be filed with the County Recorder. The deed or lease shall require such owner or his heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

B. *Construction requirements.*

1. Vehicle accommodation areas that either include lanes for drive-in windows or contain parking areas that are required to have more than ten (10) parking spaces and that are used regularly at least five (5) days per week shall be graded and surfaced with asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.

2. Vehicle accommodation areas that are not provided with the type of surface specified in subsection B.1 above shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets) shall be paved as provided in subsection B.1 above for a distance of fifteen (15) feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one (1) or two (2) parking spaces.

3. Parking spaces in areas surfaced in accordance with subsection B.1 above shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection B.2 above shall be demarcated whenever practicable.

4. Parking facilities shall be completely constructed prior to a certificate of occupancy being issued. Each parking facility must meet any other engineering standards deemed necessary by the Zoning Enforcement Officer and County Engineer.

C. *Parking lot plans.* Plans for the development of any parking lot must be submitted to the Zoning Enforcement Officer and County Engineer, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, dimensions of parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing, and base materials to be used. The plans of the proposed parking lot layout shall be prepared in a presentable form by person or persons competent in such work and shall reflect conformance with the following provisions.

1. *Off-street parking spaces.*

a. Off-street parking spaces, open to the sky, may be located in any yard if the parking facility is located within a commercial or industrial zone, except that when a required nonresidential parking lot or parking area designed for ten (10) or more vehicles is situated on a parcel which adjoins a residential district or a residential use, provisions stated in subsection C.2 below shall apply.

b. Parking facilities in commercial and industrial districts are encouraged to be located behind the front yard setback line whenever possible.



2. *Parking space dimensions.*

- a. Subject to subsections C.2.b and C.2.c below, each parking space shall contain a rectangular area at least nineteen (19) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
- b. In parking areas containing ten (10) or more parking spaces, up to fifteen (15) percent of the parking spaces need contain a rectangular area of only eight (8) feet in width by sixteen (16) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- c. Wherever parking areas consist of space set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty two (22) feet by nine (9) feet.

3. *Required width of parking area aisles and drainage.*

- a. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

<b>Parking Angle</b>					
<b>Aisle Width</b>	0	30	45	60	90
<b>One-Way Traffic</b>	13	11	13	18	24
<b>Two-Way Traffic</b>	19	20	21	23	24

- b. Driveways shall be not less than ten (10) feet in width for one-way traffic and eighteen (18) feet in width for two-way traffic, except that ten (10) foot wide driveways are permissible for two-way traffic when:

- 1) The driveway is not longer than fifty (50) feet;
- 2) It provides access to not more than six (6) spaces; and
- 3) Sufficient turning space is provided so that vehicles need not back into a public street.

4. *Screening and landscaping.*

- a. All open vehicle parking areas containing more than ten (10) parking spaces shall be effectively screened on each side which adjoins or faces premises situated in any residential district, or institutional premises, by a fence or vegetative screening of acceptable design. Such fence shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises in any R District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.
- b. When located adjacent to a dedicated public right-of-way, screening shall not be permitted to obstruct clear vision so as to create a potential traffic hazard.

5. *Access and circulation.*

- a. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one (1) or two (2) dwelling units, although backing onto arterial streets is discouraged.
- b. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- c. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- d. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- e. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- f. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty five (25) feet distant from adjacent property located in any single-family residential district.

- 6. *Lighting.* All illumination for or on all such parking lots shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of

illumination in all parking lots abutting a residential area shall not be more than sixteen (16) feet above the parking lot surface.

7. *Cleaning and maintenance.* The parking facility shall be kept free from refuse and debris and in good structural condition through periodic maintenance by the owner or his agent, who shall also be responsible for snow removal.

8. *Disabled vehicles.* The parking of an unlicensed and disabled vehicle within any district for a period of more than one (1) week shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building. See also § 817.13 in reference to disabled vehicles.

(Res. 669-94-72, § 902.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

## § 902.02 PARKING SPACE REQUIREMENTS.

### A. *Collective provision.*

1. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is no less than the sum of the separate requirements governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Planning Commission.

2. Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial or industrial establishments, lying within five hundred (500) feet of a church measured along lines of public access; and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays; and that are made available to the respective church for parking use, may be used to meet not more than seventy five (75) percent of the off-street parking requirements of such church.

### B. *Parking restrictions.* Off-street parking of vehicles shall be restricted by the following requirements.

1. *Parking duration.* Except when land is used as storage space in connection with the business of a repair or service garage, a twenty four (24) hour time limit for parking in nonresidential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets; but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district of wrecked or junked cars, or for creating a junk yard or a nuisance in such areas. See also § 817.13 and § 902.01 C.8. in reference to disabled vehicles.

2. *Restriction on parking on private property.* It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use of said private property as parking space, without the express or implied consent, authorization, or ratification of holder, owner, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent, or trustee of such property.

3. *Open storage.* After the effective date of this code, it shall be unlawful for the owner, tenant, or lessee of any lot, parcel, or tract of land in a residential district or in the residential area of any other district, to permit or allow the open storage or parking, either day or night, thereon of trucks, semi-trucks and trailers, mobile homes (exclusive of recreational vehicles), bulldozers, earth carriers, drag lines, cranes, steam shovels and/or any other equipment or machinery. It is provided, however, that the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and it is further provided that equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.

C. *Number of parking spaces required.* Off-street parking spaces shall be provided in accordance with the space requirements for respective types of land use as follows.

#### 1. *Residential uses.*

- a. Single-family or two-family residential: two (2) spaces per dwelling unit; and
- b. Multifamily residential: two (2) spaces per dwelling unit.

#### 2. *Special residential uses.*

- a. Dormitory, convent, or monastery: one (1) space per six (6) residents plus one (1) space per employee;
- b. Corporate guest house: one (1) space per two (2) bedrooms, plus one (1) space per employee;
- c. Residence family or group home: one (1) space per four (4) residents plus one (1) space per employee; and
- d. Retirement village or senior citizen housing: one-half (1/2) space per dwelling unit, plus one (1) space per employee.

#### 3. *Institutional and recreational uses.*

- a. Cemetery: one (1) space per employee, plus one (1) space per four (4) seats in any chapels;
- b. College, university, or seminary: one (1) space for every three (3) student classroom seats, plus one (1) space per employee;
- c. Community center, library, museum, art gallery, botanical garden, or other establishment of historical, educational, and cultural interest: one (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space per employee on the largest work shift;
- d. Day care, kindergarten, nursery: one (1) space per employee, plus one (1) space per five (5) children at capacity, plus a drop-off area consistent with the provisions of this code;

- e. Elementary or junior high school: one (1) space per employee, plus one (1) space per two (2) classrooms;
- f. High school: one (1) space per employee, plus one (1) space per six (6) students at capacity;
- g. Hospital or medical center: one (1) space for every two (2) beds, plus one (1) space for every staff and employee on the largest work shift;
- h. Place of worship: one (1) space per four (4) seats at maximum capacity in the main auditorium;
- i. Public office or building: one (1) space for every two hundred fifty (250) square feet of gross floor area;
- j. Nursing or personal care facility, including a nursing home, extended care facility, rest home, or convalescent home: one (1) space per six (6) beds, plus one (1) space for each staff and employee on the largest work shift; and
- k. Recreational uses, indoor and outdoor.

1) In addition to the following requirements, all recreational uses shall provide one (1) space for every two (2) employees on the largest work shift.

2) All recreational uses shall provide the total number of spaces required for the specific combination of recreational facilities provided, based on the following:

- a) Auditorium, arena, stadium, gymnasium, or a playing field with stands: one (1) space for every four (4) seats at capacity;
- b) Golf course: ten (10) spaces per hole, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g., a bar, restaurant, pro shop);
- c) Park, playground, nature area or open space: one (1) space for every five (5) users at maximum capacity. The Director of Development or his designee may waive any portion or all of this requirement for neighborhood parks, nature areas, and open space, providing there is adequate on street parking;
- d) Recreation center: one (1) space for every two hundred fifty (250) square feet of floor area, except those designed for use exclusively by senior citizens or youth under age sixteen (16), in which case there shall be one (1) space for every seven hundred fifty (750) square feet;
- e) Game rooms: one (1) space for every two (2) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift;
- f) Skating rink: one (1) space per three hundred (300) square feet of gross floor area;
- g) Swimming pool: one (1) space for every seventy five (75) square feet of water surface area; and
- h) Tennis, racquetball, or handball court, indoor: four (4) spaces for each playing court; outdoor tennis courts, two (2) spaces for each court.

#### 4. *Business and professional offices.*

- a. Animal hospital or veterinary clinic: three (3) spaces for each examination room, plus one (1) space for each staff and employee.
- b. Business, professional office, or association: one (1) space per three hundred (300) square feet of gross floor area, but not less than two (2) spaces per office.
- c. Medical office or clinic: three (3) spaces per treatment or examination room or chair, plus one (1) space per staff and employee, but not less than five (5) spaces per practitioner.

#### 5. *Retail commercial and service uses.*

- a. Commercial school or studio: one (1) space for every three (3) students at capacity and one (1) space for each employee.
- b. Commercial stable: one (1) space for every two (2) horses (or other riding animals), based on the number of horse stalls or maximum number of horses permitted on the property, plus one (1) space for each employee on the largest shift.
- c. Cleaning service: one (1) space for every three hundred (300) square feet of sales and office area, plus one (1) space for every employee on the largest work shift, plus one (1) space for every company or service vehicle regularly parked on the premises.
- d. Financial establishment, bank, or savings and loan association: one (1) space per two hundred (200) square feet of gross floor area, plus one (1) space per employee on the largest work shift, plus five (5) stacking spaces per drive-in window or drive-through machine.
- e. Funeral home or mortuary: one (1) space for every fifty (50) square feet of public floor area, plus one (1) space for each employee, plus one (1) space for each business vehicle.
- f. General merchandise store or supermarket: one (1) space for each one hundred fifty (150) square feet of gross floor area used for sales and display, and one (1) space for every two hundred fifty (250) square feet of storage, warehouse, and office area.
- g. Home furnishing, home improvement or equipment store: one (1) space for each four hundred (400) square feet of indoor and outdoor sales and display area and one (1) space for each eight (8) hundred (800) square feet of office, storage, and warehouse area.

h. Nursery or garden supply store: one (1) space for each employee on the largest shift, one (1) space for each two hundred (200) square feet of gross floor area of inside sales or display, and one (1) space for each one thousand (1,000) square feet of exterior sales and display area.

i. Pet store: one (1) space for every two hundred (200) square feet of gross floor area.

j. Restaurant, table service or cafeteria-style: one (1) space per two (2) seats, plus one (1) space per two (2) employees on the largest shift with a minimum of fifteen (15) total spaces.

k. Specialty retail commercial, specialty food store, personal service and commercial center, shopping center: one (1) space for every two hundred (200) square feet of gross floor area less than two thousand (2,000) square feet and one (1) space for every two hundred fifty (250) square feet of gross floor area greater than two thousand (2,000) square feet, except that commercial entertainment uses in commercial centers shall provide additional parking as required in the road service and commercial entertainment uses listed below.

6. *Road service and commercial entertainment uses.*

a. Automobile accessories sale or installation: two (2) spaces for every service bay, plus one (1) space for each employee, plus one (1) space for every four hundred (400) square feet of sales area.

b. Automobile filling station and auto repair, painting and body shop: two (2) spaces for each service bay, plus one (1) space for each employee and service vehicle, with a minimum of six (6) spaces, plus one (1) space for every one hundred twenty five (125) square feet of retail floor area if a convenience store is an accessory use.

c. Automobile washing facility: one (1) space for each employee with a minimum of four (4) spaces, plus five (5) off-street waiting spaces for each car washing device or stall, or fifteen (15) off-street waiting spaces for an assembly-line type washing establishment, and two (2) parking spaces at the end of each washing bay for drying and hand-finishing vehicles.

d. Commercial entertainment:

1) Bowling alley: five (5) spaces for each alley, plus any additional spaces required for a bar, restaurant, or other accessory use;

2) Assembly or exhibition hall: one (1) space for every fifty (50) square feet of floor area;

3) Game room: one (1) space for every two (2) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift;

4) Golf driving range: one (1) space per tee, plus one (1) space per employee on the largest work shift;

5) Miniature golf: one and one-half (1-1/2) spaces per hole, plus one (1) space per employee on the largest work shift;

6) Other outdoor commercial entertainment: one (1) space for every four (4) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift; and

7) Theater, concert hall, or meeting and banquet hall: one (1) space for every two and one-half (2-1/2) seats at capacity.

e. Convenience food store, mini-market, or carry-out: one (1) space for every one hundred twenty five (125) square feet of floor area.

f. Drive-through store, including a photo kiosk or freestanding automatic teller machine: one (1) space for each employee, plus stacking space for five (5) vehicles, plus one (1) space for each two hundred (200) square feet of sales area open to the public.

g. Fraternal and social association or private club: one (1) space for every fifty (50) square feet of floor area in assembly or meeting rooms, plus one (1) space for every two hundred (200) square feet of other floor area.

h. Hotel or motel: one (1) space per room or suite, plus one (1) space for every three (3) employees on the largest work shift, plus one (1) space per three (3) persons to the maximum capacity of each public meeting and/or banquet room, plus fifty (50) percent of the spaces otherwise required for accessory uses (e.g., restaurant and barns).

i. Restaurant, fast-food: one (1) space per two (2) seats, plus one (1) space per two (2) employees on the largest shift with a minimum of fifteen (15) total spaces, plus stacking space for eight (8) vehicles shall be provided for each drive-in window, with such stacking spaces to be located behind the point where a drive-in order is placed.

j. Tavern, barn, or nightclub: one (1) space for every fifty (50) square feet of gross floor area, plus one (1) space for each employee on the largest work shift.

k. Vehicle sale or service: one (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) space for each three thousand (3,000) square feet of open lot area devoted to the sale and display of motor vehicles.

7. *Limited industrial uses.*

a. Construction trade, contractor office, or industrial craft shop: one (1) space for every three hundred (300) square feet of floor area, plus one (1) space for every business vehicle.

b. Lumberyard or building materials sale: one (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) space for every three thousand (3,000) square feet of lot area devoted to the storage and display of building materials.

c. Manufacturing, printing and publishing establishment, and laundry and dry cleaning plant: one (1) space for each employee on

the largest work shift, plus one (1) visitor parking space for every ten thousand (10,000) square feet of floor area, plus one (1) space for every company vehicle regularly stored on the premises.

d. Recycling center: one (1) space for each employee or volunteer on the largest work shift, plus one (1) parking space for each collection vehicle and two (2) drop-off spaces for each bay and/or collection vehicle and container.

e. Warehouse or mini-warehouse: one (1) space for every four thousand (4,000) square feet of gross floor area, plus one (1) space per employee on the largest work shift.

f. Wholesaling facility: one (1) space for every three hundred (300) square feet of office and sales area, plus one (1) space for every four thousand (4,000) square feet of warehouse and storage area, plus one (1) space per employee on the largest work shift.

g. Service yard or garage: one (1) space for each employee on the largest work shift, plus one (1) space for each business vehicle.

8. *Parking for disabled persons.*

a. Parking spaces specifically designed, located, and reserved for vehicles licensed by the state for use by the disabled shall be provided in each parking facility of twenty five (25) or more spaces according to the following table:

<i>Total Spaces Required</i>	<i>Minimum Number of Handicapped Spaces Required</i>
1 - 24	0
25 - 99	1
100 - 199	2
200 - 299	3
300 or greater	4

b. Each parking space for the handicapped shall consist of a rectangular area not less than twelve (12) feet wide by eighteen (18) feet long, with a vertical clearance of seven and one-half (7-1/2) feet, shall be located in an area not exceeding a two (2) percent slope, and shall be located near or convenient to a level or ramped entrance, not exceeding a five (5) percent slope, to the facility served by the parking space. Parking spaces for the disabled shall be signed and restricted for use by the handicapped only.

(Res. 669-94-72, § 902.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

**§ 903 OFF-STREET LOADING.**

**§ 903.01 GENERAL REQUIREMENTS.**

On the same premises with every building or part thereof, erected and occupied for manufacturing, processing, storage, warehouse, goods display, department store, restaurant, wholesale, grocery, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, material, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with street or parking areas.

A. Such loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to Table 1 in § 903.02.

B. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks. No permitted or special loading zone shall be located within fifty (50) feet of the nearest point of intersection of any two (2) thoroughfares.

C. No loading space shall be located within a required front or side yard when adjacent to any R District. No permitted or required loading space shall be closer than fifty (50) feet to any lot in any R District unless wholly enclosed within a building.

D. All loading areas in view of any residential district shall be screened from such view in a manner satisfactory to the Planning Commission.

E. All open loading spaces shall be graded and improved with bituminous concrete or portland cement concrete.

F. All loading spaces shall be provided with adequate drainage facilities as approved by the Zoning Enforcement Officer.

G. Off-street loading space areas shall not be construed as, or counted towards, the supplying of area required as off-street parking space area.

(Res. 669-94-72, § 903.01, effective 4-5-1995)

**§ 903.02 SPECIFIC OFF-STREET LOADING REQUIREMENTS.**

A. In connection with every building or part thereof hereafter erected, except dwellings, there shall be provided, on the same lot with such buildings, off-street loading spaces or berths, for uses which customarily receive or distribute material or merchandise by vehicle, in accordance with the following requirements:

**Table 1**

1. Retail/service/office establishments	1 per first 10,000 sq. ft. of floor area; 1 per next 30,000 sq. ft., and 1 per every additional 20,000 sq. ft.
2. Truck terminal/warehouse/wholesale establishments	1 per every 7,500 sq. ft. of floor area
3. Industrial plant	1 per first 10,000 sq. ft. of floor area, and 1 per every additional 20,000 sq. ft.

B. Where receiving and shipping goods are not an integral part of the business of industry, the above requirements may be waived by the Zoning Enforcement Officer.

(Res. 669-94-72, § 903.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

## **ARTICLE X: SIGN REGULATIONS**

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Section

- 1000 Purpose
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- 1002 Scope of regulations
- 1003 General limitations
- 1004 Prohibited signs
- 1005 Temporary signs
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- 1007 Total sign area permitted for residential districts
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- 1009 Specific requirements by zoning district
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  - 1010.09 Signs associated with nonconforming uses
- 1011 Nonconforming signs

- 1011.01 General
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**§ 1000 PURPOSE.**

It is the intent of this article to establish reasonable regulations governing the size, character and location of signs within the unincorporated area of this county, in the interest of the safety and general welfare of its citizens, business concerns, and other affected sectors of the county. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the county, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign distractions and sight obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance county development.

(Res. 669-94-72, § 1000, effective 4-5-1995)

**§ 1001 [RESERVED].**

**§ 1002 SCOPE OF REGULATIONS.**

A. The regulations herein set forth shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, unless such sign is otherwise specifically regulated by conditional use provision or provisions relating to variances.

B. Any sign already established on the effective date of this code and which sign is rendered nonconforming by the provisions herein, and any sign which, as a result of subsequent amendments hereto, shall be rendered nonconforming and shall be subject to the regulations of §§ 1011 through 1011.03.

(Res. 669-94-72, § 1002, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 1003 GENERAL LIMITATIONS.**

The provisions of this article shall not apply to the following:

A. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way;

B. Miscellaneous traffic and other official signs of any public government agency, such as railroad crossing signs, trespassing signs, signs indicating danger, or signs used as aids to service or safety;

C. Non-advertising public interest or directional signs authorized by the Board of County Commissioners. These signs shall not exceed two (2) square feet per sign face;

D. No trespassing signs or other such signs regulating the use of a property, such as no hunting, no fishing, etc., of no more than two (2) square feet in area;

E. Real estate signs not extending outside the property line and not more than six (6) square feet per face in area which indicate the sale, rental, or lease of the premises upon which said signs are located. No more than one real estate sign per lot, except that a corner lot may have one such real estate sign per street front;

F. Identification signs mounted flat against a structure, containing no advertising and not exceeding one (1) square foot in area;

G. Signs of historical societies containing no advertising and not more than six (6) square feet in area;

H. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays. Such decorations may not be used for advertising purposes;

I. Signs on a truck, bus, trailer, or other vehicle while operated in the normal course of a business which is not primarily the display of such signs;

J. Any identification or display of any official court or public office notices thereof, or any flag, emblem or insignia of a nation, political unit, school, or religious group;

K. Tablets, grave markers, headstones, statuary, or remembrances of persons or events that are noncommercial in nature;

L. Works of fine art when not displayed in conjunction with a commercial enterprise which enterprise may benefit commercial gain from such display; and

M. Neighborhood identification signs. In any zone, a sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name.

(Res. 669-94-72, § 1003, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1004 PROHIBITED SIGNS.**

The following signs are prohibited:

A. Any sign located in any manner or place so as to constitute a hazard to traffic;

B. Any moving sign or device to attract attention, all or any part which moves or appears to move by any means, including fluttering, rotating, or otherwise moving devices, or set in motion by movement of the atmosphere or changing light intensity, including but not limited to pennants, flags, propellers, discs, etc., except as may be permitted under provisions of §§ 1005 B. and 1005 F.;

C. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time or temperature, with changes alternating on not less than a five-second cycle;

D. Any illuminated tubing or strings of lights outlining property lines or open sales areas, roof lines, doors, windows, or wall edges of any building; provided that perimeter-shielded down lighting may be used to illuminate open sales areas;

E. Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building;

F. All advertising signs, painted bulletins, and poster panels except within the A, HS, and I Districts and in any case within six hundred sixty (660) feet from the nearest edge of the right-of-way of I-70;

G. Roof signs;

H. Bare bulb illuminations;

I. Flame as a source of light;

J. Any sign attached or otherwise applied to trees, bus shelters, benches, trash receptacles, newspaper vending machines, or other unapproved supporting structure, or otherwise placed in the public right-of-way, with the exception of those signs permitted under § 1005 B.;

K. The following designated portable signs are prohibited:

1. Any sign painted on or displayed on vehicles or trailers parked in public places and used primarily for the purpose of advertising; and

2. Any sign which is not permanently attached to a building or like structure, or which is not permanently mounted in the ground, which can be transported to other locations, and which indicates the name of a business, or indicates the product, services, or entertainment offered by a business or indicates the cost or price thereof, including any sign composed in whole or in part of movable or temporary letters or numerals; except as may be permitted under provisions of §§ 1005 B., 1005 F.

L. Any sign which is a copy or imitation of an official sign, or which purports to have official status;

M. All temporary signs and banners, except as specifically permitted under provisions of §§ 1005 B. and 1005 F.;

N. Any sign located within a public right-of-way, unless permitted by the appropriate agency; and

O. Any other sign not expressly permitted by this article.

(Res. 669-94-72, § 1004, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)



## **§ 1005 TEMPORARY SIGNS.**

The following temporary signs are permitted with a permit in any district.

A. *Construction signs.* A construction sign may be erected on site under the following conditions:

1. In R Districts for single-family unit construction, a sign shall not exceed six (6) square feet per side, shall not be erected more than two (2) weeks prior to the start of construction, and must be removed two (2) weeks after completion of construction;

2. In R Districts when the construction effort involves two (2) or more units, the sign shall not exceed six (6) square feet per unit, not to exceed a total of thirty two (32) square feet, shall not be erected more than four (4) weeks prior to the start of construction, and must be removed within two (2) weeks after completion of the construction; and

3. In commercial, industrial and office districts, the sign shall not exceed forty eight (48) square feet, shall not be erected for more than sixty (60) days prior to the start of construction, and must be removed within two (2) weeks after completion of construction.

B. *Special event signs.* Temporary banners or signs, advertising special events or holidays to be observed within the county may be permitted in the public rights-of-way for not exceeding thirty (30) days; provided, that the entity placing the signs has liability insurance protection provided which the county deems adequate. Only those signs sponsored by a nonprofit agency/organization shall qualify for this privilege. These requests shall be administered through the normal permit process with proposed size, type, and location of signs to be approved by the county.

C. *Political signs.* Political signs or posters concerning candidates for elective office or public issues to be decided by public election shall be displayed not more than sixty (60) days prior to election and are to be removed no later than seven (7) days after said election. Such signs shall not exceed eight (8) square feet in R Districts and thirty two (32) square feet (single-faced) in other districts, shall not exceed eight (8) feet in height, shall not be illuminated, and shall not create a safety or visibility hazard, nor be affixed to any public utility pole. No permit nor fee will be required for political signs.

D. *Window signs.* Temporary window signs may be attached to the interior side of a window in any commercial district. Such window signs may not cover more than fifty (50) percent of the surface area of the transparent portion of the window or door to which they are attached.

E. *Domestic advertising signs.* Domestic advertising signs are permitted in any zoning district. The total message area of domestic advertising signs on a lot may not exceed four (4) square feet. Because domestic advertising signs are often incompatible with the character of the surrounding neighborhood, they are permitted on a temporary basis only. No person shall display a domestic advertising sign more than two (2) times within each calendar year for periods no longer than four (4) days' duration each. Signs may be considered domestic advertising signs only if they are located on the same lot as the goods which are offered for sale.

F. *Business openings.* Temporary signs, advertising the initial openings of business establishments, may be permitted for not exceeding ten (10) days, provided the location of such signs are approved by the Zoning Administrator.

G. *Directional signs.* Directional signs placed on private property with permission of the owner and not exceeding six (6) square feet in area, directing the public to a property for sale. No fee is required for such signs; however, the applicant must apply for a permit for such signs describing the location of all such signs he is responsible for as well as the dates during which the sign(s) will be placed. Open house signs may be permitted with the right-of-way subject to locational review of the Zoning Administrator, but can only be displayed from 12:00 noon Friday to 12:00 noon on the following Monday.

(Res. 669-94-72, § 1005.07, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

## **§ 1006 TOTAL SIGN SURFACE AREA – GENERAL PROVISIONS.**

Unless otherwise provided in this article, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.

(Res. 669-94-72, § 1006, effective 4-5-1995)

## **§ 1007 TOTAL SIGN AREA PERMITTED FOR RESIDENTIAL DISTRICTS.**

Total is dictated by the total of respective types of signs permitted. See § 1009.01.

(Res. 669-94-72, § 1007, effective 4-5-1995)

## **§ 1008 TOTAL SIGNAGE AREA PERMITTED FOR COMMERCIAL AND INDUSTRIAL DISTRICTS.**

The total sign area as established by this section shall be calculated along all frontages of a building with public entrances and intended as front elevations. Total sign area shall not exceed the following for each building or occupant thereof, as specified within each respective zoning district grouping with the exception of any additional signage exempted from such overall signage area limitations as may be specified elsewhere in this section, i.e., permitted area of freestanding signs is exclusive of the maximum signage area specified for the following zoning districts.

(Res. 669-94-72, § 1008, effective 4-5-1995)

### **§ 1008.01 TOTAL SIGN AREA PERMITTED WITHIN THE OS, PRD, AND B-1 ZONING DISTRICTS.**

A. On buildings having a total building frontage of twenty five (25) feet or less, one and one-half (1-2) square feet of sign area for

each linear foot of building frontage.

B. On buildings having a total building frontage of more than twenty five (25) feet, fifty (50) square feet of sign area plus an additional one (1) foot of building wall frontage over twenty five (25) feet.

C. In no case shall the total area of all signs on any individual freestanding sign structure exceed thirty two (32) square feet per face (exclusive of reader boards permitted in B-1 districts only) or any other individual sign exceed seventy five (75) square feet, unless otherwise permitted in these regulations.

D. In buildings where some occupants have no street frontage with public entrances, such as in mixed office and commercial buildings, the total sign area for the building may be increased by 36 square feet, with the additional sign area to be divided proportionately among those occupants with no frontage, based on the proportion of the total floor area occupied.

(Res. 669-94-72, § 1008.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1008.02 TOTAL SIGN AREA PERMITTED WITHIN THE B-2, HS, PC, AND I ZONING DISTRICTS.**

A. On buildings having a total building frontage of twenty five (25) feet or less, two (2) square feet of sign area for each linear foot of building frontage.

B. On buildings having a total building frontage of more than twenty five (25) feet, fifty (50) square feet of sign area plus ten (10) times the square root of the amount of frontage in which the building exceeds twenty five (25) feet.

C. In buildings where some occupants have no street frontage with public entrances, the total sign area for the building may be increased by fifty (50) square feet, with the additional sign area to be divided proportionately among those occupants with no frontage, based on the proportion of the total floor area occupied.

(Res. 669-94-72, § 1008.02, effective 4-5-1995)

#### **§ 1009 SPECIFIC REQUIREMENTS BY ZONING DISTRICT.**

All signs permitted in this county shall be erected and maintained in accordance with the following specifications by district or types of districts.

(Res. 669-94-72, § 1009, effective 4-5-1995)

#### **§ 1009.01 RESIDENTIAL DISTRICTS.**

A. The following structure types of signs shall be permitted:

1. Freestanding; and
2. Wall.

B. The following functional types of signs shall be permitted in addition to those previously identified:

1. Bulletin board;
2. Temporary;
3. Identification; and
4. Domestic advertising.

C. Standards for specific types of signs are as follows.

1. Identification sign, subject to the following.

a. *Area and content; nonresidential.* For nonresidential buildings, a single identification sign, not exceeding twelve (12) square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two (2) such signs, one facing each street shall be permitted. Such sign or signs may be illuminated, but only from a concealed light source and only until 10:00 p.m.

b. *Height.* No signs shall project higher than eight (8) feet above curb level.

2. Subdivision, multifamily, mobile home park, retreat complex, or estate identification signs, subject to the following.

a. *Content.* The signs shall bear only the name of the subdivision, multifamily complex, park, or estate.

b. *Area and number.* There shall be not more than one (1) sign located at each entrance to the facility. No such sign shall exceed seventy five (75) feet in area.

c. *Height.* No sign shall project higher than fifteen (15) feet above curb level.

3. Church bulletin boards, subject to the following.

a. *Area and number.* There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs, one (1) facing each street, shall be permitted. No signs shall exceed thirty two (32) square feet in area.

b. *Location.* No sign shall be located less than ten (10) feet from any property line.

c. *Height.* No sign shall project higher than eight (8) feet above the curb level.

(Res. 669-94-72, § 1009.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

### § 1009.02 OFFICE DISTRICT.

A. The following structural types of signs shall be permitted:

1. Freestanding;
2. Projecting;
3. Window; and
4. Wall.

B. The following functional types of signs shall be permitted:

1. Business;
2. Bulletin board;
3. Identification;
4. Temporary; and
5. Domestic advertising.

C. Standards for specific types of signs: in the OS District the sign regulation established for the residential districts shall apply, and, in addition, the following business signs shall be permitted.

1. *Area and content.* A single business sign, not exceeding thirty two (32) square feet in area, per side, and indicating only the name of business, name and address of the building, the name of the management, and the names of each of the tenants, may be displayed. On a corner zoning lot two (2) signs, one (1) facing each street shall be permitted.

2. *Height.* If freestanding, such signs may not exceed ten (10) feet in height.

(Res. 669-94-72, § 1009.02, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

### § 1009.03 COMMERCIAL DISTRICTS.

A. The following structural types of signs shall be permitted:

1. Awning, canopy, and marquee;
2. Freestanding;
3. Projecting;
4. Wall; and
5. Window.

B. The following functional types of signs shall be permitted:

1. Business;
2. Bulletin board;
3. Identification;
4. Temporary; and
5. Advertising (HS District only).

C. Areas of special control include the following:

1. Shopping center: shopping centers in a single ownership or under unified control with a minimum frontage of two hundred (200) feet shall be entitled to the following freestanding sign provisions by respective size of the center in addition to the total signable area permitted for the commercial complex as a whole, provided no other freestanding signs (with the exception of service station signs) are utilized.

a. Neighborhood shopping center (one which contains 20,000 to 99,999 square feet of floor space) shall be entitled to one (1) freestanding sign not to exceed one hundred (100) square feet per face. Such a sign shall be permitted to display both the name and address of the shopping center, the names of its individual tenants, and periodically changing information relative to activities, events, and/or sales occurring within the shopping center; and

b. County shopping center (one which contains 100,000 to 399,999 square feet of floor space) shall be entitled to one (1) freestanding sign not to exceed two hundred (200) square feet per face. Such signs shall be permitted the same contents as indicated for neighborhood center signs.

(Res. 669-94-72, § 1009.03, effective 4-5-1995)

**§ 1009.04 INDUSTRIAL DISTRICTS.**

A. The following structural types of signs shall be permitted:

1. Awning, canopy, and marquee;
2. Freestanding;
3. Projecting;
4. Wall; and
5. Window.

B. The following functional types of signs shall be permitted:

1. Business;
2. Identification;
3. Temporary; and
4. Advertising.

C. Areas of special control include the following:

1. For industrial parks, one (1) additional sign on each frontage other than those regulated in subsection B above shall be permitted, subject to the following:

a. *Content.* Such sign shall advertise only the name and location of such industrial park and the name and type of business of each occupant of the park;

b. *Area.* The gross area in square feet of the additional sign on a zoning lot shall not exceed one-half (1/2) times the lineal feet of frontage of such zoning lot; however, the gross surface area of such additional sign shall in no case exceed two hundred (200) square feet;

c. *Setback.* Such sign shall be set back a minimum of twenty five (25) feet from the front lot line of such industrial park; and

d. *Height.* No sign shall project higher than twenty (20) feet above curb level, except as may be provided by special use.

(Res. 669-94-72, § 1009.04, effective 4-5-1995)

**§ 1009.05 AGRICULTURAL AND FLOODPLAIN DISTRICTS.**

A. *Structural types.* The following structural types of signs shall be permitted:

1. Freestanding;
2. Projecting;
3. Wall; and
4. Window.

B. *Functional types.* The following functional types of signs shall be permitted:

1. Directional;
2. Domestic advertising;
3. Temporary;
4. Identification;
5. Business; and
6. Advertising.

C. *Number permitted.*

1. One (1) business or identification sign will be permitted for each agricultural or horticultural business, farm, or ranch.

D. *Area.*

1. Sign area shall not exceed fifty (50) square feet.

(Res. 669-94-72, § 1009.05, effective 4-5-1995)

**§ 1010 DESIGN STANDARDS FOR SPECIFIC TYPES OF SIGNS.**

Signs should be designed as to be similar in character with regard to materials, color, and size to conforming signs designed or located on the same building and one adjoining building in order to equalize the attention they are meant to attract, and to produce an overall unified effect all in accordance with the other requirements of this article.

(Res. 669-94-72, § 1010, effective 4-5-1995)

**§ 1010.01 FREESTANDING (NON-ADVERTISING).**

A. *General conditions.* Any establishment may display a freestanding sign of the area and height indicated within the respective district sign standard, provided:

1. This functional type of sign is permitted within the respective zoning district;
2. The establishment is accessible by automobile and has off-street parking on the premises; and
3. Area, height, setback chart:

<i>District</i>	<i>Area * , ** (Per Side Sq. Ft.)</i>	<i>Height (Ft.)</i>	<i>Setback (Ft.)</i>
<i>District</i>	<i>Area * , ** (Per Side Sq. Ft.)</i>	<i>Height (Ft.)</i>	<i>Setback (Ft.)</i>
RR, RR-1, SR	12	8	10
UR, PR, PMH, PRD	16	10	10
OS, PRD, B-1	32	10	10
B-2, HS, PC, I-2	50	25	20
I-1, POI	32	15	20
A, FP	25	12	20
* Maximum sign area exclusive of reader boards, which are permitted in the B-1, HS, B-2, and PC Districts, not to exceed 15 square feet.			
** These standards do not pertain to church and school bulletin boards, which are regulated under provision of § 1009.01C.3.			

B. *Special sign controls.*

1. See provisions of subsection B.6 below for freestanding sign provisions for service stations.
2. See provisions of § 1009.03C.1 for freestanding sign provisions for shopping centers.
3. One (1) oversized freestanding sign may be displayed by any industrial, office, or institutional establishment, provided:
  - a. The establishment has a minimum frontage of three hundred (300) feet on the street or highway to which the sign is displayed; and
  - b. The oversized sign is located in a well-landscaped area free from any building or structures for a minimum of one hundred (100) feet in all directions.
4. Oversized freestanding signs are subject to the following restrictions.
  - a. Selling slogans or other non-identification messages are not permitted.
  - b. The area of the sign shall be part of the area composition based upon square footage but shall not exceed two hundred (200) square feet in any case.
  - c. The maximum height limit is twelve (12) feet in industrial or commercial areas.
  - d. Oversized signs must be at least three hundred (300) feet apart.
  - e. Oversized signs must be set back at least fifty (50) feet from the property line.
5. Identification signs within five hundred (500) feet from the centerline of an interstate highway system, subject to the following provisions:
  - a. Must conform to federal and state highway standards;
  - b. Limited to one (1) sign not to exceed one hundred fifty (150) square feet in area per face per principal business use;
  - c. Only highway-oriented uses such as service stations, motels, and restaurants shall qualify for these provisions; and
  - d. Sign height may be increased to fifty (50) feet measured from the elevation of the freeway in which oriented, but may not exceed one hundred (100) feet in any case measured from the base of the sign.

6. Service station signs.

a. Freestanding signs shall be restricted to no more than fifty (50) square feet per sign face; however, if only one such sign is created on the parcel, the total sign area may be increased to seventy five (75) square feet.

b. Sign height shall conform to the height permitted for freestanding signs in the district in which located, with the exception of subsection B.5 above.

c. Wall identification signs shall:

1) Be limited to seventy five (75) square feet in area.

d. Other types of service station signs.

1) Signs limited to the identification of the brand name, logo, or type of fuel sold in an approved automobile service station shall be permitted on the gasoline pumps, and no sign permit shall be required for these signs.

2) One (1) sign not to exceed twenty (20) square feet in size is permitted for each set of pumps or each side of a canopy identifying "self-service" or "full service".

3) Up to two (2) price signs, not to exceed a total aggregate sign area of thirty two (32) square feet for each site shall be permitted.

4) Temporary advertising signs are permitted, located as an integral part of an outdoor display of merchandise, provided that such signs are not larger than twelve (12) square feet in area and are limited to one such sign per display or type of merchandise and a total of four (4) signs per site at any one time. Such signs shall be permitted only at such times as the merchandise is being displayed.

5) All other temporary signs at service stations shall be subject to the provision set forth in §§ 1005 through 1005.07.

6) Signs for a food market ancillary to a service station shall be included within the total area provided as per § 1008.

e. Exempted signs.

1) Signs of instructive nature, information or otherwise required by other enforcement agencies are determined as not being a sign by definition herein and shall be exempt from the previous provisions.

2) The following are specifically exempted, but not necessarily limited to: telephone booth, gas pump instructions, instructions for recreational vehicle dump stations, rest room identification, no smoking, propane tank identification, gas pump identification, air and water, drive to forward pump, cashier, full- and self-service signs at each island not exceeding four (4) square feet, and traffic directory signs as approved by enforcement agencies for necessary traffic control and direction, provided that they do not exceed four (4) square feet each and do not exceed thirty (30) inches in height in front or side street yard, and no symbol, name, or other message is on said signs.

(Res. 669-94-72, § 1010.01, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

## § 1010.02 ADVERTISING SIGNS.

Advertising signs and structures, including billboards, painted bulletins, and poster panels, shall be regulated as follows.

### A. Location.

1. Off-site advertising signs and structures shall be permitted in the A, HS, and I Districts and only when oriented to U.S. 40, or to an arterial street or freeway as designated by the County Thoroughfare Plan and in no case within six hundred sixty (660) feet from the nearest edge of the right-of-way of I-70.

2. Off-site advertising signs and structures where permitted, shall be set back from the ultimate right-of-way line of the arterial at least fifty (50) feet. In addition, at street intersections, the setback of any off-site advertising sign or structure shall not be less than one hundred (100) feet from the ultimate right-of-way. No part of any sign structure shall be closer to any street line of the nearest building within one hundred (100) feet. When a sign is erected between two (2) buildings that are within one hundred (100) feet of the structure, no part of the structure shall be erected closer to any street line than a line drawn from the nearest front corner of the two (2) buildings.

3. No off-site advertising sign or structure shall be permitted within one thousand (1,000) feet of the front, side, or rear lot line of any lot in any R or any Planned District other than Planned Highway Service or within five hundred (500) feet of any entrance to any public park, school, library, church, or similar institutional use.

4. Signs on the same street facing the same traffic flow direction shall not be placed closer together than one thousand (1,000) feet.

5. The signs can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.

6. At the intersection of two (2) streets, double- or single-faced signs at right angles to and facing traffic on one (1) street may be situated closer than one thousand (1,000) feet to a similarly positioned sign across the street at right angles to and, therefore, facing traffic on the second street.

B. Area. Off-site advertising signs and structures, where permitted, shall have a display area per sign face of no more than two hundred fifty (250) square feet, exclusive of border and trim, with the total sign area of the sign face not to exceed three hundred (300) square feet, including border and trim. No off-site advertising sign or structure shall exceed 36 feet in height from ground level to the highest point of the structure. However, no advertising sign shall extend above the roof line of any existing building located within five

hundred (500) feet.

C. *Structural specifications.* Off-site advertising signs and structures, where permitted, shall be constructed to meet the following standards.

1. There shall be no more than four (4) steel channel or pipe uprights visible to the motorist or pedestrian.
2. All exposed surfaces of wood and metal, except galvanized metal, shall be painted or otherwise maintained at all times so as to prevent rust and/or other forms of deterioration.
3. Double-faced advertising structures shall be considered as one (1) structure, provided such signs are back-to-back, mounted on the same structure, so that only one (1) sign face is visible from any given direction.
4. The copy area of the advertising sign shall either be painted or paper, and painted a solid color when display board contains no copy.
5. Structures for billboards shall be of vertical (cantilever) construction and where the back of the sign is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.
6. The area around the sign structures shall be kept clean and all scrub brush, tall grass, etc. shall be cleared away to a distance of at least five (5) feet to the rear and sides of the structure as well as to the front property line and if on a corner, to both property lines.

(Res. 669-94-72, § 1010.02, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

### **§ 1010.03 WALL SIGNS.**

- A. Wall signs shall not extend above the roof line of the structure to which attached.
- B. Premises located on corner lots may place wall (fascia) signs on the front of the building, the side of the building facing a public street, or both the front and side of the building, providing that the total signage does not exceed the total signage allowed for the places of business.
- C. Area.

1. Wall signs shall be limited in area to one (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.

(Res. 669-94-72, § 1010.03, effective 4-5-1995)

### **§ 1010.04 PROJECTING SIGNS.**

A. Any place of business with frontage on a public right-of-way is permitted to have one (1) projecting sign along that public street if this type of freestanding sign is permitted within the respective zoning district. The projecting sign may exist instead of, but not in addition to, a freestanding sign. Where a premises is allowed two (2) freestanding signs, the occupant may elect to substitute a projecting sign for one of the freestanding signs.

B. Subject to an absolute limit of four (4) feet from the building to which the sign is attached and two (2) feet back from the public right-of-way including sidewalks, projecting signs are limited to three (3) inches for each linear foot of building front measured from the sign location to the nearest side line of the business frontage. Subject to the absolute limit of four (4) feet from the building, signs on corner properties at forty five (45) degrees to the corner are permitted a twenty (20) percent increase on the formula of three (3) inches for each linear foot of building front.

- C. Projecting signs shall not be higher than the top of the parapet.
- D. Projecting signs shall have a minimum clearance of ten (10) feet between the bottom of the sign and the finished grade.
- E. All projecting signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure above a roof, building face, or wall.
- F. Projecting signs are permitted in business, office, and industrial districts only.
- G. The total signage (copy area) allowed shall be as specified in § 1010.01A.3.

(Res. 669-94-72, § 1010.04, effective 4-5-1995)

### **§ 1010.05 CANOPY AND MARQUEE SIGNS.**

- A. Canopy signs shall be limited to two (2) faces.
- B. Area of copy may be three (3) square feet per linear foot of canopy, front and side.
- C. Copy area of any part of copy area allowed for one (1) facing cannot be added to that allowed for other facings. Subject to minimum height limit of nine (9) feet from the sidewalk, copy may be installed above, on the face of, or below the canopy proper, provided that where such sign is installed above or below, copy area will be computed on the total of the sign face and the canopy apron proper.
- D. No portion of a canopy sign can be closer than one (1) foot to a vertical line from the curb face.

E. On places of public entertainment such as theaters, arenas, meeting halls, etc., where one (1) or more changeable copy signs are allowed, the copy area allowance will be five (5) square feet per linear foot of canopy with a maximum total height limit of no more than five (5) feet at any point.

F. In local commercial zones, the maximum copy area of canopy signs shall be two (2) square feet subject to the same conditions as in subsection B above.

G. A freestanding sign supported by a sign structure which is embedded in the ground and independent of a canopy for structural support may project above and over a canopy. A freestanding sign which projects over a canopy shall comply with all other applicable regulations of this code.

H. Under canopy signs: signs attached to the underside of a canopy shall have a copy area no greater than six (6) square feet, with a maximum letter height of nine (9) inches, subject to a minimum clearance of eight (8) feet from the sidewalk, and shall be mounted as nearly as possible to right angles of the building face.

(Res. 669-94-72, § 1010.05, effective 4-5-1995)

#### **§ 1010.06 SIGNS ON AWNINGS.**

A. Signs consisting of one (1) line of letters not exceeding nine (9) inches in height may be painted, placed, or installed upon the hanging border of any awning erected and maintained in accordance with this code.

B. An identification emblem, insignia, initial, or other similar feature not exceeding an area of eight (8) square feet may be painted, placed, or installed elsewhere on any awning, provided that the sign, emblem, insignia, or such similar item shall comply with all other provisions of the code.

C. Signs on awnings may be used in lieu of but not in addition to freestanding signs, projecting signs, and roof signs.

(Res. 669-94-72, § 1010.06, effective 4-5-1995)

#### **§ 1010.07 WINDOW SIGNS.**

A. Permanent window signs.

1. Subject to the requirements of this section, any industrial, commercial, or institutional establishment may display permanent window signs. Permanent window signs are not permitted in a residential area.

2. If an establishment displays no wall sign, then no window shall contain more than thirty (30) percent or thirty (30) square feet of permanent window signs, whichever is less.

3. If an establishment displays a wall sign, then no window shall contain more than twenty (20) percent or twenty (20) square feet of permanent window signs, whichever is less.

(Res. 669-94-72, § 1010.07, effective 4-5-1995)

#### **§ 1010.08 REAL ESTATE SIGNS (LARGER THAN SIX (6) SQUARE FEET IN AREA).**

Real estate signs are permitted in all zoning districts. In manufacturing and business districts, the maximum total message area for real estate signs shall be computed in the same manner as that for commercial identification signs. In residential districts, the total message area of real estate signs located on one (1) lot may not exceed ten (10) square feet. Real estate signs less than ten (10) square feet in area have no setback requirements but may not be located within the right-of-way of any public street or on any public lands or easements, nor in any location which would create a public hazard. Real estate signs larger than ten (10) square feet in area must meet the setback requirements of the district wherein located as if the sign were a building.

(Res. 669-94-72, § 1010.08, effective 4-5-1995)

#### **§ 1010.09 SIGNS ASSOCIATED WITH NONCONFORMING USES.**

In the case of legal, nonconforming land uses (such as a business located in a residentially zoned district), the total sign area of all signs associated with such land use shall be no greater than that which would be allowed if the business were located in the most restrictive zoning district allowing such land use. Further, no new signs associated with nonconforming land uses may be erected, except replacements which are the same or smaller in size than the sign being replaced. In the event that a sign associated with a nonconforming land use is moved, its new location must conform to the setback requirements of the district in which it is located as if it were a building.

(Res. 669-94-72, § 1010.09, effective 4-5-1995)

#### **§ 1011 NONCONFORMING SIGNS.**

##### **§ 1011.01 GENERAL.**

Any sign erected prior to the enactment of the amendment to the zoning resolution and not conforming to the provisions of this amended code shall be deemed to be nonconforming.

(Res. 669-94-72, § 1011.01, effective 4-5-1995)

##### **§ 1011.02 DEFINITION OF NONCONFORMING SIGN.**



A. Any sign located within this county on the date of adoption of this code which does not conform with the provisions of this code is eligible for classification as a “nonconforming” sign, provided it also meets the following requirements:

1. The sign was covered by a sign permit or variance on the date of adoption of this code; or
2. If no sign permit was required for the sign in question, the sign was in all respects in compliance with the resolution in effect on the date of adoption of this amended code.

(Res. 669-94-72, § 1011.02, effective 4-5-1995)

### **§ 1011.03 RULES FOR NONCONFORMING SIGNS.**

A. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or demountable material on nonconforming signs shall be permitted through the period prescribed by this article.

B. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article.

C. If a nonconforming sign is damaged to more than one-half (1/2) of its replacement value, then it shall be removed and shall not be repaired or replaced.

D. Any nonconforming sign which is altered, relocated, or replaced shall comply with all provisions of this code as if it were a new sign.

E. Signs which were illegally erected, established, or maintained with respect to the applicable requirements of prior resolutions shall be removed or brought into compliance with this code.

F. Nonconforming signs made of paper, cloth, or other nondurable material, and any signs that are not affixed to a building or the ground or are located within a public right-of-way, shall be removed within thirty (30) days from the effective date of this code.

(Res. 669-94-72, § 1011.03, effective 4-5-1995)

### **§ 1012 CONSTRUCTION SPECIFICATIONS.**

All signs shall comply with the appropriate detailed provision of the County Building Code relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable Electrical Code.

(Res. 669-94-72, § 1012, effective 4-5-1995)

### **§ 1013 MAINTENANCE, REMOVAL, AND DISPOSAL OF SIGNS.**

#### **§ 1013.01 MAINTENANCE AND REPAIR.**

Every sign shall be maintained in a safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said signs. The Zoning Inspector shall inspect and require compliance with all standards of this code. For signs not complying with the resolution, the Zoning Inspector shall require the removal in accordance with this section.

(Res. 669-94-72, § 1013.01, effective 4-5-1995)

#### **§ 1013.02 ABANDONED SIGNS.**

Except as otherwise provided in this code, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been **ABANDONED**. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

(Res. 669-94-72, § 1013.02, effective 4-5-1995)

#### **§ 1013.03 REMOVAL OF SIGNS BY THE ZONING INSPECTOR.**

A. The Zoning Inspector shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically, or structurally defective sign or a sign for which no permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.

B. All notices mailed by the Zoning Inspector shall be sent by certified mail. Any time period provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

C. For all signs, that notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll, if known, or with reasonable care should be known. The notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

D. Any person having an interest in the sign or the property may appeal the determination of the Zoning Inspector ordering removal

of compliance by filing a written notice of appeal with the Board of Zoning Appeals within thirty (30) days after the date of mailing the notice, or thirty (30) days after receipt of the notice if the notice was not mailed.

(Res. 669-94-72, § 1013.03, effective 4-5-1995)

#### **§ 1013.04 DISPOSAL OF SIGNS.**

Any sign removed by the Zoning Inspector pursuant to the provisions of this section shall become the property of this county and, after thirty (30) days, may be disposed of in any manner deemed appropriate by the Board of County Commissioners. See § 1015.02C.

(Res. 669-94-72, § 1013.04, effective 4-5-1995)

#### **§ 1014 PERMITS, FEES, AND INSPECTIONS.**

##### **§ 1014.01 PERMITS.**

A. Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, move, or alter any sign in this county, or cause the same to be done, without first obtaining from the Zoning Inspector a sign permit for each such sign.

B. A permit is not required for a change of copy on any change panel sign, nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

C. No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is altered or relocated.

D. Every sign permit issued by the Zoning Inspector shall become null and void if erection is not completed within one hundred eighty (180) days from the date of such permit.

E. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(Res. 669-94-72, § 1014.01, effective 4-5-1995)

##### **§ 1014.02 APPLICATION FOR PERMIT.**

Application for a permit shall be made to the Zoning Inspector upon a form provided by the Inspector and shall be accompanied by such information as may be required to assure compliance with all appropriate provisions of this code. As a minimum, the application shall contain the following information:

A. Name and address of the owner of the sign;

B. Name and address of the owner or the person in possession of the premises where the sign is located or to be located; and

C. Clean and legible drawings with description definitely showing the location and dimensions of the sign which is the subject of the permit and location of all other existing signs on the same premises. In the case of billboard signs, the location of all other billboard signs within one thousand (1,000) feet must be indicated.

(Res. 669-94-72, § 1014.02, effective 4-5-1995)

##### **§ 1014.03 ISSUANCE – DENIAL.**

A. The Zoning Inspector shall issue a permit for the erection, alteration, or relocation of a sign within the county when an application has been properly made and the sign complies with all other provisions of this code. The Zoning Inspector must formally grant or deny a sign application within thirty (30) days of the date an application is filed. Appeal may be taken to the Board of Appeals from the Zoning Inspector's denial of sign permit.

B. The Zoning Inspector shall, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Zoning Inspector, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(Res. 669-94-72, § 1014.03, effective 4-5-1995)

##### **§ 1014.04 FEES.**

Applications for permits shall be filed with the Zoning Inspector, together with a permit fee. The permit fee shall be as established by the Board of County Commissioners. In addition, when any sign is hereafter erected, placed, installed, or otherwise established on any property prior to obtaining permits as required by this section, the fees specified hereunder shall be doubled, but the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed herein. The fee for all signs shall be calculated on a square-foot basis.

<i>Area</i>	<i>Cost</i>
Up to 20 square feet	\$20

Each additional 10 square feet or part thereof	\$5
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(Res. 669-94-72, § 1014.04, effective 4-5-1995)

#### § 1014.05 PERMIT LIFE.

Whenever there is a change in the sign user, owner, or owner of the property on which the sign is located, the new sign owner, user, or new property owner shall forthwith notify the Zoning Inspector of the change. No new sign permit is required, unless the sign is altered or relocated.

(Res. 669-94-72, § 1014.05, effective 4-5-1995)

#### § 1014.06 INSPECTION.

The person erecting, altering, or replacing a sign shall notify the Zoning Inspector upon completion of the work for which permits are required.

A. *Inspections.* All freestanding signs shall be subject to a footer inspection and all signs to a final inspection by the Zoning Inspector.

(Res. 669-94-72, § 1014.06, effective 4-5-1995)

### § 1015 ADMINISTRATION AND ENFORCEMENT.

#### § 1015.01 GENERAL.

The Zoning Inspector shall enforce and carry out all the provisions of this section of the zoning resolution, both in letter and spirit, with vigilance and with all due speed. The Zoning Inspector is responsible for the inspection of signs, any building, or structure, or to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.

(Res. 669-94-72, § 1015.01, effective 4-5-1995)

#### § 1015.02 VIOLATIONS.

A. If any sign is erected or maintained in violation of any of the provisions of this article, the Zoning Inspector shall provide the owner with written notice of such violation, said notice to include a brief statement of the particulars, in which this article is violated and the manner in which such violation is to be remedied. If a sign has been registered with the Zoning Inspector, notice to the registered owner or to the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing of a copy of the notice to the sign, sign structure, or building for a period of ten (10) days shall constitute official notification of the violation.

B. If such violation is not remedied within thirty (30) days after such notice, the owner shall remove the sign and supporting structure immediately.

C. If the sign is not removed by the owner, the Zoning Inspector shall have the right to remove such sign and supporting structure at the expense of the owner thereof and to destroy or otherwise dispose of the sign and supporting structure.

(Res. 669-94-72, § 1015.02, effective 4-5-1995)

## ARTICLE XI: PROCEDURE AND REQUIREMENTS FOR ADMINISTRATION OF CONDITIONAL USES

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### Section

- 1101 General
- 1102 Procedures for making application
  - 1102.01 Contents of application for conditional use permit
  - 1102.02 Review by Board of Zoning Appeals
  - 1102.03 Action by the Board of Zoning Appeals
  - 1102.04 Issuance and revocation of conditional use permit
  - 1102.05 Expiration of conditional use permit
  - 1102.06 Re-application
- 1103 Standards and requirements for conditional uses

1103.01 General requirements

1103.02 Specific guidelines for conditional uses and selected permitted uses

Conditional uses shall conform to the procedures and requirements of §§ 1101 through 1103.02, inclusive, of this code.

(Res. 669-94-72, Art. XI, effective 4-5-1995)

**§ 1101 GENERAL.**

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses pose characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses, as they are specially permitted under the provisions of Article VIII, shall follow the procedures and requirements set forth in §§ 1102 through 1103.02, inclusive.

(Res. 669-94-72, § 1101, effective 4-5-1995)

**§ 1102 PROCEDURES FOR MAKING APPLICATION.**

**§ 1102.01 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT.**

An application shall be submitted to the Board of Zoning Appeals and it shall contain the following data:

- A. Name, address, and phone number of applicant;
- B. Legal description of property;
- C. Description of existing use;
- D. Zoning district;
- E. Description of proposed conditional use;
- F. The location and dimensions of all proposed drives, service and access roads, sidewalks, curb openings, signs, exterior lighting, parking lot areas (show dimensions of a typical parking space), unloading areas, walls, fences and landscaping;
- G. Proposed land uses and proposed height, bulk and location of principal structures sufficient to permit an understanding of the style of the development. In this regard, typical elevation views of the front and side of each type of building should be provided. Proposals containing residential units shall specify the number of housing units by size, type, and respective location upon the site;
- H. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Zoning District Map;
- I. The fee payment for the conditional zoning permit; and
- J. The Zoning Administrator may waive certain required submission items identified in subsections F and G above if he determines that their inclusion in any individual application is unnecessary.

(Res. 669-94-72, § 1102.01, effective 4-5-1995)

**§ 1102.02 REVIEW BY BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this code. Such review shall be completed and a public hearing may be held according to the procedures specified in §§ 1407 through 1410 within a following the submission of such application.

(Res. 669-94-72, § 1102.02, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

**§ 1102.03 ACTION BY THE BOARD OF ZONING APPEALS.**

Within thirty (30) days after the review described in § 1102.02, the Board shall either approve, approve with supplementary conditions as specified in §§ 1103 through 1103.02, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval.

(Res. 669-94-72, § 1102.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 1102.04 ISSUANCE AND REVOCATION OF CONDITIONAL USE PERMIT.**

Only upon conclusion of review procedures relative to a particular application may the Board of Zoning Appeals issue a conditional use permit. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted, and shall constitute a violation of this zoning resolution. Such violation shall be punishable as specified in § 511.

(Res. 669-94-72, § 1102.04, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

**§ 1102.05 EXPIRATION OF CONDITIONAL USE PERMIT.**

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

(Res. 669-94-72, § 1102.05, effective 4-5-1995)

#### **§ 1102.06 RE-APPLICATION.**

No application for a conditional use permit which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.

(Res. 669-94-72, § 1102.06, effective 4-5-1995)

#### **§ 1103 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES.**

A. The Board of Zoning Appeals shall establish beyond reasonable doubt that both the general standards and the specific requirements pertinent to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use.

B. Wherever no specific areas, frontage, and setback requirements are specified in provision for specific conditional uses, then the area, frontage, and setback requirements in the applicable zone shall apply; provided, that the Board of Zoning Appeals shall be authorized to waive or modify certain requirements as necessary to achieve compatible development with adjacent land areas as well as in the interest of the community in general. The Board of Zoning Appeals may also impose such additional conditions, guarantees, and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this code will be observed.

(Res. 669-94-72, § 1103, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1103.01 GENERAL REQUIREMENTS.**

The Board of Zoning Appeals shall review the particular facts and circumstance of each proposed use in terms of the following standards and shall find adequate evidence that such use on the proposed location:

- A. Is in fact a conditional use as established under the provision of Article VIII, district requirements, for the zoning district involved;
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the county and/or this zoning resolution(see § 201 A.1. through 5.);
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(Res. 669-94-72, § 1103.01, effective 4-5-1995; Res. effective - -1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1103.02 SPECIFIC GUIDELINES FOR CONDITIONAL USES AND SELECTED PERMITTED USES.**

Following is a list of standards for conditional and permitted uses as specified in the respective district regulations contained within Article VIII of this code. These standards shall be used in conjunction with other standards as required in the respective zoning district in which the conditional use is proposed. In the event of conflicting standards, the conditional use standard shall prevail.

##### *A. Adult entertainment facility.*

- 1. No adult entertainment facility shall be established within one thousand (1,000) feet of any area zoned for residential use.
- 2. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
- 3. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- 4. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any other adult entertainment

facility or within a radius of two thousand (2,000) feet of any two (2) of the following establishments:

- a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises;
- b. Pawn shops;
- c. Pool or billiard halls;
- d. Pinball palaces, halls, or arcades; or
- e. Dance halls or discotheques.

5. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.

6. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semiprivate.

7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public areas.

8. No employees of the subject establishment shall conduct themselves outside the confines of the structure in such attire and/or by actions in a manner distracting, distasteful, and/or detrimental to adjacent business interests, residents, or passers-by.

9. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

10. In granting any such conditional use, the Board may prescribe any conditions that it deems necessary in the public interest. However, no conditional use shall be approved by the Board unless it finds that the use for which such approval is sought is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation or improvement, either residential or nonresidential, or be contrary to the public safety, morals, and general welfare of the county.

*B. Agricultural services.*

1. Agricultural services shall include commercial activity that primarily serves the farming community, such as tractor and farm implement sales, welding shops, grain elevators, doctor and dentist offices, saw sharpening, farming machinery and repair (including automobiles and trucks), and grocery stores, if determined by the Board of Zoning Appeals to be needed and appropriate.

2. Structures used for agricultural services and/or related storage shall be minimum distance of:

- a. One hundred (100) feet from any dwelling; or
- b. One hundred (100) feet from any residential district.

3. The site shall have adequate access onto a hard-surfaced state highway or county road, that is regularly maintained and adequate to handle the additional traffic generated by the use.

4. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.

5. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

6. No outdoor disassembly or repair of farm machinery shall be permitted.

7. All equipment used in the operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.

8. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining residence or property in a residential district.

*C. Airports and landing strips.*

1. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

2. The proposed facility shall meet the appropriate standards and requirements of the Federal Aviation Administration.

3. The airport, in accordance with the standards and requirements of the Federal Aviation Administration, will not require the heights of structures on adjacent land to be less than the height limit specifically prescribed for the district in which such land is situated.

4. All runways and service aprons shall have a dustless surface.

5. No area used by any aircraft under its own power shall be located within a distance of two hundred (200) feet from any property line; one thousand (1,000) feet from any public or private institution; or one thousand (1,000) feet from any residential or commercial district on the approach and departure ends of the runway. Buildings, hangars, or other structures shall be at least two hundred (200) feet from any property line, and no parking of vehicles shall be allowed within one hundred (100) feet from any property line.

6. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or any adjacent public street.

*D. Animal hospitals, veterinary clinics, and kennels.*

1. Principal permitted uses:

- a. The care of ill and/or injured household animals;
- b. The overnight boarding of ill and/or injured household animals; and
- c. The sale of goods used in the care of household animals.

2. Care and boarding shall be limited to small animals and may not include cattle, horses, or swine except in the Agricultural District.

3. All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure. Outside runs shall be permitted only in the agricultural and commercial districts where they shall be at least two hundred (200) feet from any lot in a residential district.

4. Structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions which could result in unpleasant odor or vermin nuisance.

5. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented, so that animal noises will not be audible at any point on the perimeter of the property.

6. A solid wood fence or masonry wall six (6) feet high shall be constructed where an animal hospital, veterinary clinic, or kennel is located adjacent to a residential district. The applicant shall also meet the requirements of § 817.11.

E. *Automobile service stations, repair and body shops.*

1. Automobile service stations doing no major repair work shall have a minimum lot size of fourteen thousand (14,000) square feet. All other uses shall have a minimum lot size of twenty thousand (20,000) square feet.

2. Minimum front yard:

Buildings	40 feet
Canopies	10 feet
Gasoline pumps	20 feet

3. All outdoor display areas shall be located a minimum of twenty-five (25) feet from any adjacent residential property, and any buildings used for service and repair work shall be located at minimum of fifty (50) feet from any adjacent residential property.

4. Outdoor display of merchandise on the site shall be restricted to the following:

- a. Small supplies at the pump island of lubricating oils, additives, antifreeze, windshield wiper blades, and similar items;
- b. Tire displays and vending machines, if located within or immediately adjacent to the perimeter of the service station building; and
- c. All other merchandise shall be located completely within the enclosed service station building.

5. All hydraulic hoists, oil pits, and all lubricants, greasing, automobile washing and repair equipment shall be enclosed entirely within a building.

6. A solid wood fence or masonry wall at least six (6) feet high shall be provided on any side of the site adjacent to a residential property.

7. Activities at automobile service stations shall be limited to:

- a. The sale of petroleum fuel, primarily to passenger vehicles;
- b. The servicing of motor vehicles with minor repair work;
- c. The following accessory uses:
  - 1) Machine vending of merchandise;
  - 2) Washing automobiles, provided that no chain conveyer, steam cleaner, or other mechanical device is used;
  - 3) Retail sale of miscellaneous products relating to minor repair work (oil, grease, antifreeze, tires, batteries, windshield wipers, and similar items);
  - 4) Rental of trucks and trailers, provided that no more than ten (10) percent of the total site shall be devoted to such activity; no rental units over thirty (30) feet in length shall be permitted to be stored either in required off-street parking spaces or within required front building setback; and a minimum of one hundred sixty (160) square feet of lot area shall be provided for every trailer to be stored and three hundred twenty (320) square feet for every truck to be stored.

d. Specifically prohibited is major repair work, including automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work.

8. For all uses regulated by this subsection E, all hydraulic hoists, oil pits, and all lubricants, greasing, and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.

9. All areas not paved or covered by the buildings shall be landscaped, and all landscaped areas shall be separated from all paved areas by a six-inch high curb.

10. Ingress and egress drives shall not be more than thirty (30) feet as measured at the property line.

11. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street, with a maximum of two (2) per frontage.

12. Driveways opening on traffic lanes leading to the intersection at which the business is situated shall be located as to provide not less than seventy five (75) feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveway. Driveways opening on traffic lanes leading away from the intersection shall be located so as to provide not less than fifty (50) feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of such driveways, measured along the right-of-way line.

13. Exterior lighting shall be directed inward and away from abutting properties.

14. External areas for storage of rubbish and other discarded materials shall be completely screened by the use of a properly maintained, rigid fence.

F. *Automobile wrecking and metal salvaging, sales, and storage.*

1. Automobile wrecking and metal salvaging, sales, and storage shall be effectively screened on all sides by means of a masonry wall or solid fence not less than six (6) feet high.

2. Immediate access to a major thoroughfare shall be required.

3. The site shall be a minimum distance of six hundred (600) feet from any property zoned for residential purposes.

G. *Banks, with drive-through facilities.*

1. A minimum lot area of twenty thousand (20,000) square feet is required.

2. Drive-in windows and lanes shall be located at least fifty (50) feet from any residential property, and a solid wood fence, hedge, or masonry wall at least six (6) feet in height shall be provided where a drive-in window is located adjacent to a residential property.

3. In addition to the off-street parking spaces required within Article IX of this code, five (5) off-street parking spaces per drive-in window or drive-through teller machine shall be provided for stacking purposes.

4. Customer and employee parking shall be separated from drive-in activities, and customer parking shall be located in the area with highest accessibility to the principal building.

5. The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.

H. *Bars and taverns.*

1. Minimum lot area shall be ten thousand (10,000) square feet.

2. The structure shall be set back at least thirty five (35) feet from any residential property, and a solid fence, wall, or hedge six (6) feet in height shall be provided on any side of the site adjacent to a residential property.

3. No bar or tavern shall be located closer than two hundred fifty (250) feet to a church, school, or similar institution.

4. Access shall be from an arterial street or shall be provided in a manner that does not cause heavy traffic on residential streets.

5. An assessment shall be made of the probable effects of the proposed facility's parking provisions and evening operations on the surrounding area.

I. *Bed and breakfast facilities.*

1. No restaurant shall be permitted. Food service shall be limited to breakfast and to resident guests only.

2. The establishment shall be owner-occupied and -managed.

3. No amplified music or outdoor parties shall be permitted.

4. One (1) off-street parking space shall be provided for each guest room.

5. The parking area shall not be located within the setbacks of the required yards.

6. Parking lots for bed and breakfast inns shall be located at least fifty (50) feet from any adjacent, single-family zoned property.

7. All parking shall be adequately screened as per provisions in § 902 of this County Zoning Resolution.

8. All requirements of the County Health Department, Fire Marshal's Office, Building Code as well as any required state codes shall be certified before an occupancy permit is issued.



9. Where allowed in single-family zones, the principal building must appear outwardly to be a single-family dwelling, giving no appearance of a business use other than permitted signs and off-street parking.

10. Signage shall be discreet and unobtrusive. For facilities located in residentially zoned areas, such signage may consist of a flat wall sign not over six (6) square feet mounted on the principal building; or as a freestanding sign up to five (5) square feet. Such sign may also be affixed to a front yard fence.

*J. Bowling alley, indoor skating, and similar uses.*

1. The structure shall be set back at least fifty (50) feet from any residential property, and a solid fence, wall, or hedge six (6) feet in height shall be provided on any side of the site adjacent to a residential property.

2. Access shall be from an arterial street or should be provided in a manner that does not cause heavy traffic on residential streets.

3. An assessment shall be made of the probable effects of the proposed facility's parking provisions and evening operations on the surrounding area.

*K. Building materials sales yards.*

1. Immediate access to a major thoroughfare shall be required.

2. All storage that is not totally enclosed by a building shall be enclosed by a six (6) foot fence and gate that provides both security and a visual barrier. Where this outdoor storage is located adjacent to a residential district, there shall be planted, along the outside face of the required fencing, mature evergreens at thirty (30) foot intervals.

*L. Car washes.*

1. Minimum lot area shall be twenty thousand (20,000) square feet.

2. All structures shall be located at least fifty (50) feet from any adjacent residential property.

3. All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.

4. Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the yard adjoining a residential district. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.

5. A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the streets.

6. A solid fence, wall, or hedge six (6) feet high shall be required when a car wash is adjacent to a residential district.

7. The following hard-surfaced, dust-free, off-street parking spaces shall be provided:

a. Six (6) waiting spaces and two (2) storage spaces for each car washing device or stall; or ten (10) off-street waiting spaces for an assembly line type washing establishment where vehicles await entrance to the washing process;

b. Two (2) employee parking spaces for every three (3) employees; and

c. Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.

8. Access shall be from an arterial street or major collector street.

*M. Cemeteries.*

1. Cemetery, general

a. For purposes of this section, an office, crematorium, mausoleum, and other buildings or structures necessary to the operation of a cemetery shall be permitted as accessory uses thereto.

b. Minimum site area for a commercial cemetery shall be twenty (20) acres.

c. Location: the site shall be located with at least three hundred (300) feet of frontage on a street designated as a secondary arterial or higher.

d. Minimum setback lines of at least fifty (50) feet shall be provided along all street right-of-way lines and adjoining property lines; provided, however, internments, markers, and gatehouses may be located not closer than thirty (30) feet to any adjoining property line when not in excess of fifteen (15) feet in height.

e. Mausoleums or crematoriums shall be a distance of at least two hundred (200) feet from adjacent property lines and street right-of-way lines.

f. Maximum height shall be fifty (50) feet.

2. Private church cemetery

a. A church located in an appropriately zoned district may have a private cemetery to be used solely by those members of the church. The designated cemetery plot shall be an accessory to the church. Said area may not exceed thirty five percent (35%) of the entire tract of land upon which the church is located.

b. All setback and height restrictions in the general provisions above shall apply.

c. No crematoriums shall be permitted.

N. *Churches, libraries, community, and recreation centers.*

1. Minimum lot area shall be one (1) acre.

2. All sites shall have access only from an arterial or collector street or shall provide access in a manner that does not cause heavy traffic on residential streets.

3. All structures and active outdoor recreation uses shall be set back a minimum of fifty (50) feet from any residential property; however, any outdoor recreation area with night lighting shall be set back one hundred (100) feet from any residential property.

4. Parking spaces for church buses shall be located as far a distance from any adjacent residential property line as possible. A minimum of fifty (50) feet shall be required in any case.

O. *Clinics.*

1. A medical or dental clinic may be allowed upon a finding by the Board that the use will not constitute a nuisance because of the traffic, noise, or physical activity, and that such use will not affect adversely the present character or future development of the surrounding residential community, subject to the following specific conditions:

a. Minimum area, 40,000 square feet;

b. Minimum frontage, 200 feet;

c. Minimum setback, 40 feet from all property lines;

d. Maximum building height, as specified in the zone;

e. Maximum building coverage, 15%; and

f. Location of access on business district street, arterial, or major highways.

2. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:

a. All entrances to parts of the building in which these accessory services are provided shall be from within the building, and any direct access from the street is prohibited; and

b. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.

P. *Clubs, private and public, golf and country clubs, and lodges operated by educational, social, or fraternal organizations.*

1. Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools, and similar activities, shall be permitted; provided, however, such uses where the conduct of business is the principal activity shall not be permitted.

2. The lot shall be located so as to abut a collector street, secondary thoroughfare, or major thoroughfare with at least one (1) property line.

3. Adequate lot areas shall be provided for the use contemplated.

4. Minimum setback lines shall be one hundred (100) feet from an adjoining property line; provided, however, the distance from the center and centerline of all greens and fairways shall be at least one hundred fifty (150) feet from an adjoining property line.

5. When any softball, baseball, soccer, or football field, tennis court, structured play area, or parking area is located less than one hundred fifty (150) feet from any residential property, a continuous planting screen not less than six (6) feet in height shall be provided.

Q. *Community-based residential social service facilities.*

1. *Submission requirements.* The operator or agency applying for a conditional use permit to operate a community-based residential social service facility shall submit the following information to aid the Board of Zoning Appeals in its review of the requested facility:

a. A site plan showing the location of all structures and the floor plan of the principal structure. This plan shall indicate any proposed exterior and/or interior alterations and/or additions. In the event any exterior alterations and/or additions are proposed, elevations of the structure shall be submitted;

b. A license or evidence of ability to obtain a license, if such is required, from the pertinent governmental unit prior to operation. Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for this proposed conditional use on the subject property. If licensing is not available, a verified affidavit so stating shall be presented;

c. The occupancy and staffing standards that will be utilized in operating the home; and

d. The care, services, and programs provided for the clientele by the facility.

2. *Facility requirements.*

a. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable

room area for one (1) occupant, and when occupied by more than one (1) shall contain at least sixty (60) square feet of habitable room area for each occupant. Living rooms, dining rooms, kitchens, corridors, closets, basements, or porches shall not be used as sleeping rooms.

b. Suitable space shall be provided for indoor and/or outdoor recreational activities for the clientele served, based upon generally accepted recreational standards or those specified by the licensing authority.

c. No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures prepared shall be of compatible residential design with the surrounding neighborhood, to the degree possible.

d. Off-street parking requirements: one (1) space per every three (3) persons residing in a family or community-based residential social service facility except for facilities prohibiting ownership or operation of automobiles by occupants of such facilities. In any case, suitably screened off-street parking shall be provided on a one-to-one ratio to the number of autos operated out of the facility. Within neighborhoods in which on-street spaces directly abut the subject lot, those spaces may substitute for a proportion of the required off-street spaces if approved by the Board of Zoning Appeals.

e. Resident density shall not exceed that density permitted within the respective zoning district in which the facility is proposed.

f. The facility shall have twenty four (24) hour supervision consistent with pertinent supporting agency standards subject to review and final approval by the Board of Zoning Appeals.

3. *Findings by the Board of Zoning Appeals.* In its review of each proposed facility, the Board of Zoning Appeals shall make specific findings of fact relative to the following criteria. The proposed facility:

a. Is in fact a community-based, residential social service facility licensed by the appropriate authority to provide such service within this state and county. If such licensing is not available, a certified affidavit so stating has been presented to document this statement;

b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing officially planned uses in the general vicinity, and that such use will not change the essential character of the same area;

c. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

d. Will not involve uses, activities, and conditions of operation that will be detrimental to any persons, property, or the general welfare; or

e. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

R. *Congregate housing.*

1. Licensing or approval of facility by the central licensing body.

2. The facility shall not be used to house more residents than can be housed therein consistent with the health, safety, and welfare of residents, as determined by the central licensing body.

3. Every room occupied for sleeping purposes within the house shall contain a minimum of eighty (80) square feet of habitable floor area for one (1) occupant, and when occupied by more than one (1) individual, shall contain at least sixty (60) square feet of habitable floor area for each occupant.

4. 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.

S. *Day care centers and nursery schools.*

1. Day care centers for seven (7) or more children shall have a minimum lot area of seven thousand five hundred (7,500) square feet, or five hundred (500) square feet per child, whichever is greater. Home child care of six (6) or fewer children is considered a home occupation and is regulated by provisions of subsection Y below.

2. There shall be provided a minimum of one hundred (100) square feet of fenced outdoor play area per child.

3. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles for facilities with twenty (20) or fewer children, plus one (1) additional vehicle for each additional ten (10) children served.

4. Access to an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.

5. All outdoor play areas shall be enclosed by a fence or wall a minimum of five (5) feet in height, except that a minimum six (6) foot high wall, solid wood fence or chain link fence planted with a continuous evergreen screen shall be provided around all outdoor play areas abutting a residential property.

6. Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

7. The Zoning Administrator has the power to require additional fencing, screening, and/or other measures deemed necessary to protect the health, safety, and welfare of children using day care centers in commercial, industrial, or other high hazard areas, or to deny a

request to locate a facility in such areas based on health and safety considerations.

T. *Drive-in, fast-food and carry-out restaurants.*

1. All points of entrance or exit should be located no closer than one hundred (100) feet from the intersection of two (2) arterial thoroughfares, or no closer than fifty (50) feet from the intersection of an arterial street and a local or collector street.
2. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
3. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed forty (40) feet in width at the curbline, nor thirty (30) feet in width at the property line. No such driveway shall be located closer than twenty five (25) feet to an adjacent property line in a residential district, nor ten (10) feet to an adjacent property line in any other zoning district; and on corner lots shall not be located closer than forty (40) feet to an adjacent intersection.
4. Wherever feasible, the applicant is encouraged to design and construct a common service drive to accommodate individual access drives within the development. When located upon an arterial thoroughfare, the Board of Zoning Appeals may require such service drives by construction or performance bonds in lieu of such construction be presented to the County Commission prior to the issuance of a building permit for the proposed structures.
5. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
6. a. A setback of fifty (50) feet shall be provided along the entire perimeter of the development, except where it adjoins a business or industrial district, in which case setback and screening requirements shall be at the discretion of the Board of Zoning Appeals. Where situated adjacent to a residentially zoned area, a minimum of twenty (20) feet along the exterior property line shall be planted with evergreen shrubs not less than four (4) feet in height at the time of planting. Open storage, service, and loading areas shall be screened by walls, fences, or other enclosures at least six (6) feet in height. These walls, fences, or enclosures shall have an opacity of seventy five (75) percent or more. Screening facilities shall not obscure traffic visibility within fifty (50) feet of an intersection.  
b. Said sight-proof screening provisions shall appear on the site plan submitted for a building permit, and shall be physically constructed when the business is occupied. These screening requirements may be waived if business is effectively screened by natural topography. The Board of Zoning Appeals shall determine by whatever means it deems necessary to make such determination, and grant such relief from this standard in writing to the proposed user of the land.
7. Parking may be located in the front yard in the case of fast-food or carry-out restaurants only.

U. *Drive-in theater.*

1. The lot location shall be such that at least one (1) property line abuts a major thoroughfare and shall be at least one thousand (1,000) feet from any residentially zoned district.
2. The premises shall be enclosed with a solid screen fence seven (7) feet in height.
3. All points of entrance or exit shall be located no closer than two hundred fifty (250) feet to any intersection (as measured to the nearest intersection right-of-way line).
4. The interior of the premises shall be designed with respect to lighting, drainage, and the like, to the satisfaction of the Board of Zoning Appeals.
5. Space shall be provided, on-premises, for a reasonable amount of waiting vehicles to stand at the entrance of the facility.
6. The theater screen shall not face, directly, or obliquely by less than seventy five (75) degrees, a major thoroughfare.
7. Acceleration and deceleration lanes shall be provided at points of public ingress and egress to the site.
8. Individual loudspeakers for each car shall be provided and no central loudspeaker shall be permitted.
9. Exits and aisles and passageways leading to them shall be kept adequately lighted at all times when open to the public. Artificial lights shall be provided whenever natural light is inadequate.

V. *Elderly housing facility.*

1. In any zone where authorized, housing and related facilities for elderly or disabled persons may be permitted upon a finding by the Board of Zoning Appeals that:
  - a. The proposed use will not produce adverse effects on the use or development of the surrounding area because of noise, traffic, type of physical activity, or any other reason;
  - b. The site has adequate accessibility to transportation, medical service, shopping areas, recreational, and other community services frequently desired by elderly and disabled persons; and/or
  - c. The site is reasonably well protected from excessive noise, air pollution, and other harmful physical influences.
2. The following development standards shall apply.
  - a. Minimum area of the lot shall be one and one-half (1-1/2) acres, provided that in no case shall the minimum lot area be less

than that specified in the zone in which the land is classified.

b. Minimum setbacks and lot coverage shall be as specified for the zone.

c. The Board of Zoning Appeals may permit a greater height than specified in the zone provided that the height shall not exceed fifty (50) feet, unless an additional setback of one (1) foot is provided for each additional foot of height above fifty (50) feet.

d. Maximum density shall be as follows: one (1) residential unit per one thousand five hundred (1,500) square feet of net lot area in UR (Urban Residential) Districts.

e. Ancillary facilities, such as dining rooms, workshops, and retail stores serving exclusively the occupants of the building, may be included, if loading areas serving these facilities are not visible from any property line and if there is no exterior announcement or other evidence of retail facilities.

W. *Extraction activities.*

1. The applicant shall secure a permit from the State Department of Natural Resources, Division of Reclamation, in addition to any requirements imposed herein. Such permit shall be secured by the applicant prior to the granting of a conditional use certificate by the Board of Zoning Appeals.

2. a. An application for such operation shall set forth the following information:

- 1) Name of the owner or owners of land from which removal is to be made;
- 2) Name of the applicant making request for such permit;
- 3) Name of the person or corporation conducting the actual removal operation;
- 4) Location, description, and size of the area from which the removal is to be made;
- 5) Location of processing plant to be used;
- 6) Type of resources or materials to be removed;
- 7) Proposed method of removal and whether or not blasting or other use of explosives will be required;
- 8) Description of equipment to be used; and
- 9) Method of rehabilitation and reclamation of the mine area.

b. Applications shall be submitted and hearings shall be conducted in the manner set forth in § 1102.01 and in Article XIII.

3. A permit for any quarrying may be issued for any period of from one (1) to five (5) years, at the discretion of the Board of Zoning Appeals, but shall not be issued until after the applicant shall have filed with the County Clerk a bond as described in subsection W.15 below.

4. The applicant must demonstrate that such operations will not be detrimental to the vicinity or surrounding properties.

5. All equipment used in these operations shall be constructed, maintained, and operated in such a manner as to eliminate, so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.

6. No mining, quarrying, gravel or sand extraction, or stockpile, shall be permitted nearer than fifty (50) feet to the boundary of the property being utilized for such use, or such greater distance as specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property. Such distance requirements may be reduced to twenty five (25) feet by written consent of the owner or owners of abutting property.

7. In order to ensure adequate lateral support, all sand and gravel excavations shall be located at least one hundred fifty (150) feet, or backfilled to at least one hundred fifty (150) feet, and all quarrying or blasting shall be located at least fifty (50) feet from the right-of-way line of any existing or platted street, road, highway, or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, highway, or railway.

8. Whenever the floor of a mine or quarry is more than five (5) feet below the average grade of the highway, road, street, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6) foot mound of earth planted with suitable dense planting or other suitable material, sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least twenty five (25) feet from any street, road, highway, or boundary of the quarry property. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals, such fencing or barrier is necessary for the protection of the public safety, and shall be of a type specified by the Board.

9. All quarrying, blasting, drilling, or mining shall be carried out in a manner and on such scale as to minimize dust, noise, and vibrations and to prevent adversely affecting the surrounding properties.

10. All means of access to the property from any street shall be so located and so designed as to avoid the creation of dangerous or otherwise undesirable traffic conditions and so as to avoid the routing of vehicles to and from the property over streets that primarily serve abutting residential development.

11. All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.

12. When any quarrying has been completed, such excavated areas shall either be left as a permanent spring-fed lake if such lake has an average depth of twenty (20) feet or more, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide property drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of not less than a six (6) foot mound of earth planted with a double row of multiflora rose bushes or other equally effective planting.

13. The bans of all excavations not backfilled shall be sloped to the water line at a grade of not less than three (3) feet horizontal to one (1) foot vertical, and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grassed revegetation if possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as prescribed herein.

14. All equipment and structures shall be removed from the mined area when all mining has been completed.

15. There shall be filed with the County Clerk, a bond, payable to the county and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by resolution of the County Commissioners. The bond shall be released upon written certification of the Zoning Administrator that the restoration is completed and in compliance with the restoration plan.

*X. Funeral homes and mortuaries.*

1. The property and building shall conform to the following:

- a. The percentage of lot covered by buildings shall not exceed 15%;
- b. Minimum lot area, 1 acre;
- c. Minimum front yard setback, 75 feet;
- d. Minimum side yard setback, 25 feet each side;
- e. Minimum rear yard setback, 25 feet;
- f. Building height limit, same as specified in the applicable zone; and
- g. Minimum frontage at the building line, 100 feet.

2. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use.

3. The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.

4. The following additional requirements shall also be met. Special conditions, such as provisions for additional fencing or planting or other landscaping, additional setback from property lines, location and arrangement of lighting and other reasonable requirements deemed necessary to safeguard the general community interest and welfare, as may be invoked by the Board of Zoning Appeals as requisites to the granting of a conditional use.

*Y. Gaming arcades.*

1. Gaming arcades shall be located no closer than one-half (1/2) mile from any elementary, junior, or senior high school; no closer than five hundred (500) feet of any church, no closer than three hundred (300) feet of any tavern or cocktail lounge.

2. Minimum lot area shall be ten thousand (10,000) square feet.

3. All structures shall conform with the lot and screening requirements of the respective zoning district in which located and shall conform to the following when located adjacent to a residential structure. All structures shall be located at least fifty (50) feet from any residential property, and a solid fence, wall, or hedge six (6) feet in height shall be provided on any side of the site adjacent to a residential property.

4. Access shall be from an arterial or a commercial collector street, or shall be provided in a manner that does not cause excessive traffic on residential streets.

5. No game arcade shall be open for business except between the hours of 10:00 a.m. and 10:00 p.m. on Sundays through Thursdays; and between the hours of 10:00 a.m. and 12:00 midnight on Fridays and Saturdays; except that no person under eighteen (18) years of age may enter, be, or remain in any part of a game arcade during such times as the County School System is conducting its regular education program.

6. Such activities shall be conducted entirely within an enclosed building.

7. Gaming arcades shall have an adult who is twenty one (21) years of age or older on the premises, and supervising at all times the activities within the arcade during all hours of operation.

*Z. Guest house.*

1. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy.

*AA. Home occupations.*

1. *General provisions.*

- a. A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the primary use of the premises as a residence, and not construed as a business.
- b. Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional service, including but not limited to:
  - 1) Such domestic crafts as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishing work, carpentry work, and furniture repair; and
  - 2) Such professions as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring; provided, however, the service is limited to advice and consultation and the premises are not used for the general practice of the profession.
- c. For the purposes of this code, real estate and insurance offices, clinics, doctor's offices, barber shops and beauty parlors, dress shops, millinery shops, tourist homes, animal hospitals and kennels, and trailer rentals, among others, shall not be deemed to be permitted home occupations unless such home occupations meet the requirements of this section.
- d. Permitted home occupations shall be subject to all the regulations of the applicable zone district.
- e. Permitted home occupations shall not affect adversely the residential character of the zone district or interfere with the reasonable enjoyment of adjoining properties.

2. *Standards.*

- a. The primary use of the structure of the dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
- b. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.
- c. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
- e. No more than twenty five (25) percent of the floor area of any one (1) story of the dwelling unit shall be devoted to such home occupations.
- e. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
- f. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
- g. No provision for extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and no additional driveway to serve such home occupation shall be permitted.
- h. No display of goods or external evidence of the home occupation shall be permitted, except for one (1) non-animated, non-illuminating, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed one (1) square foot in total surface area.
- i. No stock-in-trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
- j. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of § 817 of this code.

BB. *Hospitals.*

1. Minimum lot size shall be five (5) acres or one thousand five hundred (1,500) square feet per bed, whichever is greater.
2. Minimum frontage shall be two hundred (200) feet.
3. Setback: no portion of a building shall be nearer to the lot line than a distance equal to the height of that portion of the building, where the adjoining or the nearest adjacent land is zoned single-family detached residential or is used solely for single-family detached residences, and in all other cases not less than fifty (50) feet from a lot line.
4. Off-street parking shall be located so as to achieve a maximum of coordination between the proposed development and the surrounding uses and a maximum of safety, convenience and amenity for the residents of neighboring areas. Parking shall be limited to a minimum in the front yard. Subject to prior Board approval, a hospital may charge a reasonable fee for the use of off-street parking. Green area shall be located so as to maximize landscaping features, screening for the residents of neighboring areas, and to achieve a general effect of openness.
5. Access shall be from an arterial street.
6. The applicant shall request a recommendation from the Board with respect to a site plan, submitted by the applicant, achieving and conforming to the objectives and requirements of this subsection BB for off-street parking and green area.

7. Building height limit shall be sixty five (65) feet.

8. A resolution by the Health Services Planning Board approving the establishment of the hospital shall be filed with the petition for a conditional use.

CC. *Intensive agricultural uses.*

1. No new slaughter area, area for commercial storage or processing of manure or garbage, or the raising of livestock housing more than fifty (50) animal units shall be permitted within five hundred (500) feet of any existing residence located on an adjacent property or one thousand (1,000) feet from a residential yard area, school, or church.

2. Such operations shall certify that the operation shall adhere to accepted farming practice as currently recognized in the industry.

DD. *Motels.*

1. Any lot to be used for a motel or hotel shall be at least two (2) acres in area and shall contain at least one thousand (1,000) square feet per sleeping unit.

2. All structures shall be located at least thirty five (35) feet from any residential property, and a solid fence, wall, or hedge six (6) feet in height shall be provided on any side of the site adjacent to a residential property.

3. Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.

EE. *Reserved.*

FF. *Nursing homes, convalescent homes (other than those facilities regulated by provisions under subsection P above.)*

1. Minimum lot size shall be two (2) acres.

2. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.

3. The main and accessory buildings shall be set back at least seventy five (75) feet from the front property line, providing a minimum of twenty (20) foot side yards on both sides.

4. The facility shall be designed to provide a minimum of five hundred (500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may not include off-street parking areas, driveways, required yard setback, and accessory uses.

GG. *Riding academies, stables.*

1. Minimum lot area shall be ten (10) acres.

2. Minimum setback lines for any structures, pens, or corrals housing animals shall be two hundred (200) feet from an adjoining property line, except where animals are kept in soundproof, air-conditioned buildings, in which case the required setback line is one hundred (100) feet.

3. Fencing shall be provided adequate to enclose the activities therein, and landscape screening shall be provided whenever such use abuts a residential zone district.

4. Sanitation facilities shall be approved by local Health District.

HH. *Sanitary landfill.*

1. The applicant must secure both a permit and an operating license from the State Department of Health.

2. The sanitary landfill site shall have adequate access onto a hard-surfaced state highway, county, or township road, that is regularly maintained.

3. The sanitary landfill site shall be a minimum distance of:

- a. One thousand (1,000) feet from any state highway frontage;
- b. One thousand, five hundred (1,500) feet from any residence; and
- c. One thousand (1,000) feet from any residential district.

4. The sanitary landfill site shall be properly screened for vector control so that refuse does not spill over onto adjacent property.

II. *Land application of municipal sewage sludge.*

1. *Application.* Application for such municipal sludge disposal sites shall be accompanied by all comments and recommendations resulting from respective reviews by the local office of the OEPA, County Health Department, County Engineer, and the Soil and Water Conservation District. Reviews must be made within thirty (30) days of applicant's request.

2. *Review.* Review of the Soil and Water Conservation District shall be initiated by the submission of a management plan and a site plan of the proposed site. Management plan approval shall be based upon but not limited to the satisfaction of the following operation and physical criteria.



- a. Stockpiling of municipal sludge within the county shall meet the following conditions:
    - 1) Site location has to be identified;
    - 2) All polluting factors must be addressed;
    - 3) Time frame not to exceed sixty (60) days;
    - 4) Size of stockpile must be specified; and
    - 5) Emergency/spill control plan must be filed.
  - b. Disease vectors (flies and rodents), pathogens, and odors must be controlled at the land application site and at the stockpiling site.
  - c. Application of the sludge must be controlled to avoid surface water runoff and the contravention of surface and ground water standards.
  - e. Sludge application rates must be based upon nutrient values of the sludge, i.e., sludge, soils, and the specified crop to be grown.
3. *Site location shall be guided by the following criteria.*
- a. Sites shall be a minimum of six hundred (600) feet from residentially zoned land and/or existing residences unless a notarized waiver is signed by the affected parties.
  - b. Priorities shall be given to prospective land application sites whose soils rate low to medium in nutrient value as determined by soil tests performed by a recognized independent testing facility. Such test results shall be submitted by the applicant as part of the application process.
  - c. Priorities shall be given to land areas used for the production of food chain crops to which municipal sludge is applied under the conditions and restrictions relative to annual and cumulative additions of metals and the treatment of the sludge by processes to reduce pathogens as set forth in the U.S. EPA "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 C.F.R. § 257.3-5, September 21, 1979) and the State EPA *Land Application of Sludge Manual* dated August 1985.
  - d. All municipal sludge application sites shall conform to the standards for preventing contamination of underground drinking water sources as set forth in the U.S. EPA regulations on "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 C.F.R. § 257.3-5, September 21, 1979).
4. *Truck routing plan.* In addition to other pertinent submission items for review, the application for land application of municipal sewage sludge shall include a map depicting the roads within the county which the sludge trucks would use to and from the site, days of delivery, and time of delivery. The County Engineer and township trustees from the township involved shall review the proposed routing and forward their comments to the County Board of Zoning Appeals.

#### JJ. *Schools.*

1. For the purposes of this section, **SCHOOLS** are deemed to include public and private schools. Accessory uses and buildings necessary for the carrying out of the school program are permitted.
  - a. *Elementary schools.* Five (5) acres for two hundred (200) pupils or less, plus one (1) acre for each additional one hundred (100) pupils of maximum anticipated enrollment; provided, however, if an elementary school is located contiguous to a public park or other public open space of a perpetual nature of at least five (5) acres and the responsible agencies, therefore, have provided for the continuing joint usage of both the school and the open space, then the minimum lot area for such elementary school shall be three (3) acres for two hundred (200) pupils or less, plus one (1) acre for each additional one hundred (100) pupils of maximum anticipated enrollment.
  - b. *Junior high school.* Ten (10) acres for three hundred (300) pupils or less, plus one (1) acre for each additional one hundred (100) pupils of maximum anticipated enrollment.
  - c. *High school.* Twelve (12) acres for three hundred (300) pupils or less, plus one (1) acre for each additional one hundred (100) pupils of maximum anticipated enrollment.
2. Location: an elementary school site shall be located with at least two hundred (200) feet of frontage on a street designed as a collector street or higher. Junior high and high schools shall be located with at least two hundred (200) feet of frontage on a street designed as a secondary arterial or higher.
3. Minimum setback lines of at least fifty (50) feet shall be provided along all street right-of-way lines and adjoining property lines.

#### KK. *Temporary and/or outdoor sales of plants and garden supplies.*

1. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with vehicle sight distance.
2. Placement of the use will not result in the reduction of the number of parking spaces required to serve the principal use(s) on the site.
3. The subject use shall be maintained in good order and appearance.
4. Signage shall be controlled by the provisions of the specific zoning district in which located.

5. A specific schedule of operation shall be filed and approved as part of the submitted application for conditional use.

LL. *Towers, radio, television, telecommunications, transmission lines (sixty nine thousand (69,000) volts or over). This section does not include ham radio towers which are governed by Article XI, § 1103.02 SS.*

1. Evidence shall be submitted that such facilities are in compliance with applicable state and federal regulations.

2. Minimum lot area shall be adequate for the uses contemplated.

3. In no instance shall a transmission and/or receiving tower extend higher than two (2) times the distance between such structure and any lot line of the parcel or tract upon which such structure is located.

4. Distance of any guy anchorages from an adjoining property line shall be at least twenty five (25) feet.

5. Fencing and landscape screening shall be provided enclosing storage areas, treatment areas, guy anchorages, high voltages, or other danger-producing equipment or structures.

MM. *Townhouses.*

1. Minimum lot areas shall be 3,000 square feet per unit.

2. Minimum front yard shall be 20 feet.

3. Minimum rear yard shall be 35 feet.

4. A minimum of 15 feet shall be maintained between principal structures.

5. There shall be no continuous structure of townhouses containing more than 6 dwelling units side by side.

6. All other requirements as specified for multifamily structures.

NN. *Two-family dwelling.*

1. Minimum lot area shall be 9,000 square feet.

2. Minimum lot width shall be 80 feet.

3. Minimum front yard shall be 25 feet.

4. Minimum rear yard shall be 40 feet.

5. Minimum side yard width on each side shall be 8 feet.

6. All other standards shall be as provided within the respective zoning district in which the site is located.

OO. *Wind projects.*

1. Wind projects of 5 MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

2. Small wind projects less than 5 MW and used solely for agriculture will be exempt from these zoning regulations as an agricultural use. Any proposed construction, erection, or siting of a small wind project less than 5 MW including the wind turbine generator or anemometer of any parts thereof shall be a permitted use in all Preble County Zoning Districts if the following conditions are met:

a. Height - The maximum height of any turbine shall be 125 feet. For purposes of this resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the ground level of the tower. However, if the height is over 125 feet, it will require a conditional use permit be granted by the Preble County Board of Zoning Appeals.

b. Setbacks - The following shall apply in regards to setbacks.

1) Any turbine erected on a parcel of land shall be setback to establish a "clear fall zone", from all road right-of-way lines, overhead utility lines, neighboring property lines, and any inhabited structures on the parcel intended for the turbine. Hence, a turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at and would not strike any structures including the primary dwelling, and any inhabited structures. The setback shall be a minimum of 1.1 times the height of the turbine.

2) Any turbine erected shall be no closer to the front property line than the primary dwelling; this § 1103.02 OO.2.b.2) shall not apply to any property that is zoned Agricultural under § 801.

c. Maintenance - Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 90 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within 30 days of issuance of zoning violation. Removal includes removal of all apparatuses, above ground supports, and or other hardware associated with the existing wind turbine.

d. Decibel levels - All units shall operate within a decibel range of 50 to 70 decibels. This information shall be included in the engineering report described below in subsection 3. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.

e. Wiring and electrical apparatuses - All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

f. Warning signs - Appropriate warning signs to address voltage shall be posted as required by the National Electrical Code.

g. Building permits and electrical permits - All small wind projects and parts thereof shall obtain all applicable building permits and electrical permits from the State of Ohio and county building and electrical permits where required.

### 3. Permits.

a. A zoning permit shall be required before construction can commence on an individual wind turbine project.

b. As part of the permit process, the applicant shall inquire with the County Building and Zoning Office as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.

c. Applicant shall then provide the Zoning Inspector with the following items and or information when applying for a permit:

1) Location of all public and private airports in relation to the location of the wind turbine.

2) An engineering report signed and sealed by a professional engineer that shows:

a) The total size and height of the unit.

b) The total size and depth of the unit's foundation structure, as well as soil and bedrock data.

c) A list or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring and anchors.

d) Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit. Documentation from the utility company should also be included that outlines what will happen to any excess power that may be generated.

e) The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.

3) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, overhead utility lines, and neighboring property lines. In addition, the site drawing should include evidence of established setbacks that meet the "clear fall zone" with manufacturer's recommendation attached to the engineering report.

4) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

#### PP. *Zero lot line residences.*

1. Minimum lot areas shall be 3,500 square feet per dwelling.

2. Minimum lot width shall be 40 feet.

3. Minimum front setback shall be 10 feet from street right-of-way line, regardless of whether this front setback is part of an individual lot or part of the common open space.

4. Minimum side setback: none, except that there shall be a minimum clearance of 20 feet between buildings.

5. Minimum rear yard depth: none, except that there shall be a minimum clearance of 20 feet between buildings.

6. Maximum height shall be 35 feet or 2-1/2 stories.

7. Maximum lot coverage shall be 75 percent of the lot area.

8. Zero lot dwellings shall be constructed against the lot line on the side of the lot and no windows, doors, or other opening shall be permitted on this side unless the zero line abuts plazas, parks, malls, or other permanent, public, open green space, in which case openings shall be permitted. Where adjacent zero lot line dwellings are not constructed against a common lot line, the builder or developer must provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall.

9. An attached or detached garage or carport may abut a side property line or another structure, provided no openings are located on the abutting surfaces.

#### QQ. *The following standards and criteria shall apply to conditional uses in any residential district not previously listed within this section.*

1. The location and size of the use, the nature, and intensity of the operations involved in or conducted within it, its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient, or conflict with the normal traffic on residential streets, both at the time and as the same may be expected to increase with any prospective increase in the population of the area, taking into account convenient routes

of pedestrian traffic, particularly of children, in relation to main traffic, thoroughfares, and to street intersections, and the general character and intensity of development of the area.

2. The location and heights of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

RR. *The following standards and criteria shall apply to conditional uses in any commercial or industrial district not previously listed within this section.*

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its size layout, and its relation to streets giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development of the municipality, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

2. The nature, location, size, and site layout of the use shall be such that it will be a harmonious part of the business or industrial district in which it is situated, taking into account prevailing shopping habits, convenience of access by perspective patrons, the physical and economic relationships of one (1) type of use to another, and characteristic groupings of uses in a commercial or industrial district.

SS. *Ham Radio Towers.*

1. Evidence shall be submitted that such facilities are in compliance with applicable state and federal regulations.

2. Setbacks - The following shall apply in regards to setbacks.

a. Any ham radio tower erected on a parcel or tract of land shall have a setback of at least one point one (1.1) times the height of the ham radio tower and any lot line of the parcel or tract upon which the ham radio tower is located.

b. Any ham radio tower erected shall be no closer to the front property line than the primary dwelling. This § 1103.02 SS.2.b. shall not apply to any property that is zoned Agricultural under § 801.

3. Height - The maximum height of any ham radio tower shall be 125 feet.

4. Distance of any guy anchorages from an adjoining property line shall be at least twenty-five (25) feet.

5. Any deviation from these regulations in this section may be made by the Board of Zoning Appeals, upon an appeal from the property owner, with a finding that they unduly prevent effective amateur radio service communications.

TT. *Solar Energy Systems.*

1. General.

a. Solar energy systems with a generating capacity of fifty (50) megawatts (MW) or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

b. No system shall be constructed, installed, altered or expanded without first obtaining a building permit.

c. Private or non-commercial solar energy systems include building-mounted or ground-mounted systems that provide power for the principal use and/or accessory use of the property on which the system is located. These systems shall not be used for the generation of power for other users or for the sale of energy to other users. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

d. Solar energy systems shall not be used for the display of advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a property line.

e. "Solar Farm" shall not include private or non-commercial solar energy systems.

f. Solar energy systems established with appropriate building/electrical permits from Preble County prior to the effective date of this division shall be exempt from this division.

g. This section shall not be deemed to supersede any other provisions of local, state, or federal law.

2. Permits/requirements.

a. A building/electrical permit is required for all solar energy systems.

b. A scaled site plan showing location, size and design details of the proposed system demonstrating compliance with the Zoning Resolution shall be submitted to the Zoning Administrator for review. Approval of the site plan shall occur prior to issuing the building/electrical permit. Site plans for commercial systems shall be prepared by an Ohio registered professional surveyor and/or engineer.

c. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

d. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

- e. Power and utility lines shall be located underground to the extent practical.
- f. Power inverters and other sound producing equipment shall be no less than one hundred fifty (150) feet from any dwelling unit at the time of construction/installation.
- g. All systems shall be designed and located to prevent reflective glare toward any habitable buildings, as well as street rights-of-way.
- h. All systems shall be designed and located to be architecturally compatible with historic and/or surrounding structures as well as the natural setting and existing environment. Appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with each other and shall be screened, to the extent reasonably possible, from the view of persons not on the parcel.
- i. Solar energy systems must be maintained in good working order and must remain operable. Any private or non-commercial solar energy system that remains inoperable for more than six (6) months must be removed within ninety (90) days of issuance of a zoning violation.

3. Building-mounted (private or non-commercial) solar energy systems.

a. Location

- 1) Building-mounted solar energy systems are allowed on permitted principal and accessory structures.
- 2) Only building-integrated and/or flush-mounted solar energy systems shall be used when installed on the front building elevation.

b. Horizontal projection

- 1) Solar energy systems shall not extend four (4) feet beyond the exterior perimeter of the building on which the system is mounted or built, as measured horizontally from the facade or roof edge on which the system is mounted.
- 2) All setback restrictions shall apply, as regulated by the respective zoning district.

c. Height

- 1) Height shall be measured vertically from the lowest edge to the highest edge of the system.
- 2) A system shall not extend more than five (5) feet above the highest point on the roof line. The maximum height in the respective zoning district shall not be exceeded.

4. Ground-mounted (private or non-commercial) solar energy systems.

a. In addition to the application requirements above, the applicant shall also submit a scaled site plan drawing(s) which includes the following information:

- 1) Existing and proposed contours, at a minimum of two (2) foot intervals;
- 2) Location, setbacks, exterior dimensions and square footage of all existing and proposed structures;
- 3) Location and size of existing waterways, wetlands, 100-year floodplains, sanitary sewers, storm sewers, drain tiles and water distribution systems;
- 4) Location of any overhead or underground utilities and easements.

b. Setback;

- 1) In residential zoning districts, systems shall not be located in any front yard.
- 2) In all zoning districts, systems shall comply with the respective setback requirements, as measured from the property line to the closest edge of the system.

c. Lot coverage. The total solar panel surface area shall be included in the lot coverage calculations for the respective zoning district.

d. Height. The height shall not exceed the height limits for accessory structures in the respective zoning district, as measured from adjoining grade at base to the highest elevation of the equipment.

5. Solar farms (commercial or utility solar energy systems).

a. In addition to the application requirements above, the applicant shall also include with the site plan drawing(s) the following information:

- 1) Existing and proposed contours, at a minimum of two (2) foot intervals;
- 2) Location, setbacks, exterior dimensions and square footage of all existing and proposed structures;
- 3) Location and size of existing waterways, wetlands, 100-year floodplains, sanitary sewers, storm sewers, drain tiles and water distribution systems;
- 4) Location of any overhead or underground utilities and easements.

b. Setback;

1) Systems shall comply with the respective setback requirements, as measured from the property line to the closest edge of the system.

2) The above setback requirements may be modified by the Board of Zoning Appeals (BZA) if it is determined that such are inappropriate or not necessary. This includes cases with interior property lines or property lines between adjacent neighbors participating in a common solar energy system.

3) Every solar farm shall be setback at least one hundred (100) feet from the nearest bank of any lake, stream or other body of water that may be navigable or available for public use.

4) Except for bodies of water described above, perimeter fencing and screening are not subject to setback requirements.

c. Lot coverage. The total solar panel surface area shall be included in the lot coverage calculations for the respective zoning district.

d. Minimum lot area. The minimum size for a solar farm is five (5) acres.

e. Height. The height shall not exceed fifteen (15) feet in height, as measured from adjoining grade at base to the highest elevation of the equipment. A substation or switchyard, including poles and wires necessary to connect to public electric utility, shall not be subject to this requirement.

f. Fencing and screening required;

1) Systems shall be completely enclosed with a minimum of six (6) feet high chain link or security fence that restricts direct access by the public. Such fencing shall, at a minimum, encompass the entire systems facility, contain a locking mechanism, and be subject to the fence regulations of the Zoning Resolution. Failure to maintain the fencing shall constitute a violation of this code.

2) Systems shall be constructed with evergreen vegetative screening where existing buffers do not obscure solar energy system perimeters from dwelling units on adjacent parcels. At maturity required vegetative screening shall be not less than fifteen (15) feet tall, regardless of line-of-sight.

3) Fencing and screening requirements may be modified or waived by the Board of Zoning Appeals (BZA) if it is determined that such would result in an issue with health, safety or welfare, or are deemed not necessary.

4) Fencing and screening requirements do not apply to linear electrical lines and their appurtenances outside the boundary of fenced solar facilities.

g. Decommissioning;

1) A decommissioning plan shall be submitted to the Zoning Administrator as part of the permit approval process and filed with the Zoning Department. The decommissioning plan shall include the following provisions and requirements:

a) Defined conditions upon which decommissioning will be initiated (i.e., end of lease, condition of a potential public safety hazard, the system is no longer used to produce power, etc.);

b) Removal of all non-utility owned equipment, conduits, structures, fencing, roads, and foundations; and restoration of property to condition prior to development of the solar farm. A written waiver signed by the property owner is required in order to release any portion of this provision;

c) The timeframe for completion of removal and decommissioning activities;

d) Signed statement from the party responsible for completing the decommissioning plan acknowledging such responsibility.

2) Upon failure to accomplish the decommissioning plan, the Zoning Enforcement Officer may take action as authorized by Article XV of this code.

(Res. 669-94-72, § 1103.02, effective 4-5-1995; Res. effective - -1995; Res. effective 1-3-2003; Res. 81-13-159, effective 5-3-2013; Res. 80-13-159, effective 7-5-2013; Res. 302-13-160, effective 9-7-2013; Res. 187-14-164, effective 8-1-2014; Res. 188-14-164, effective 8-1-2014; Res. 58-18-182, effective 1-5-2018; Res. 59-18-182, effective 1-5-2018)

## **ARTICLE XII: NONCONFORMING LOTS, STRUCTURES, AND USES**

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Section

1201 Purpose

1202 Restrictions on nonconforming lots, structures, and uses

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1202.02 Single nonconforming lots of record

1202.03 Lots of record with buildings not in conformance; undivided parcel

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- 1202.07 Relocation of building or structure
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- 1202.13 Avoidance of undue hardships

## **§ 1201 PURPOSE.**

This code establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. Within such established districts as well as those which may be established by future amendments, there are and will be lots, uses of land, structures, and uses of structures and land in combination which were lawful before this code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this code or future amendments. Since such nonconformities are deemed incompatible with the districts in which they are located, it is the intent of this article to specify those circumstances and conditions under which such nonconformities shall be permitted to continue, but not to encourage their survival. Rather, it is the intent of this code to encourage either the conversion of nonconforming uses into conforming uses as soon as reasonably possible or encourage their eventual and equitable elimination.

(Res. 669-94-72, § 1201, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

## **§ 1202 RESTRICTIONS ON NONCONFORMING LOTS, STRUCTURES, AND USES.**

### **§ 1202.01 GENERAL.**

Any nonconforming lot, structure, or use which existed lawfully at the time of the adoption of this code and which remains nonconforming, as well as any which shall be nonconforming upon any subsequent amendments thereto, may be continued but shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. No additional signs intended to be seen from off the premises shall be utilized in conjunction with nonconforming uses of land or structures shall be permitted upon passage of this code.

(Res. 669-94-72, § 1202.01, effective 4-5-1995)

### **§ 1202.02 SINGLE NONCONFORMING LOTS OF RECORD.**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this code, notwithstanding limitations imposed by other provisions of this code. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lots is located. Variances of requirements listed in Articles VIII and IX of this code other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in §§ 1404 through 1409.

(Res. 669-94-72, § 1202.02, effective 4-5-1995)

### **§ 1202.03 LOTS OF RECORD WITH BUILDINGS NOT IN CONFORMANCE; UNDIVIDED PARCEL.**

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this code, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot widths and area requirements established by this code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this code.

(Res. 669-94-72, § 1202.03, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 1202.04 NONCONFORMING USES OF LAND.**

Where, at the time of adoption of this code, lawful uses of land exist which would not be permitted by the regulations imposed by this code, the uses may be continued so long as they remain otherwise lawful, provided:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code;

B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code;

C. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this code for the district in which such land is located; and

D. No additional structure not conforming to the requirements of this code shall be erected in connection with such nonconforming use of land.

(Res. 669-94-72, § 1202.04, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

#### **§ 1202.05 NONCONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date of adoption or amendment of this code that could not be built under the terms of this code by reasons of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provision of this code; and

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Res. 669-94-72, § 1202.05, effective 4-5-1995)

#### **§ 1202.06 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this code, but no such use shall be extended to occupy any land outside such building;

C. If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use, provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of the resolution;

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Res. 669-94-72, § 1202.06, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1202.07 RELOCATION OF BUILDING OR STRUCTURE.**

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

(Res. 669-94-72, § 1202.07, effective 4-5-1995)

#### **§ 1202.08 DISPLACEMENT.**

No nonconforming use shall displace a conforming use.

(Res. 669-94-72, § 1202.08, effective 4-5-1995)

#### **§ 1202.09 REPAIRS AND MAINTENANCE.**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became



nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order by such official.

(Res. 669-94-72, § 1202.09, effective 4-5-1995)

#### **§ 1202.10 RESTORATION.**

Whenever a building, the use of which does not conform to the provisions of this code, is damaged by fire, explosion, or act of God to the extent of sixty (60) percent or more of its assessed value, it shall not be restored except in conformity with the district regulations of the district in which it is located.

(Res. 669-94-72, § 1202.10, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1202.11 DISCONTINUANCE AND ABANDONMENT.**

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered legal abandonment of the nonconforming use. At the end of that two- year period, the nonconforming use shall not be reestablished, and any further use shall be in conformity with the provisions of this code.

(Res. 669-94-72, § 1202.11, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

#### **§ 1202.12 ELIMINATION OF NONCONFORMING SIGNS.**

Any sign which is nonconforming as to type, location, zoning district, size, setback, or for any other reason (except those signs that are an adjunct to the use of any valid nonconforming building or structure, in which case they shall be regulated by the provisions applicable to such structure) shall be altered, moved, converted, or removed within five (5) years of the date of adoption of this code.

(Res. 669-94-72, § 1202.12, effective 4-5-1995)

#### **§ 1202.13 AVOIDANCE OF UNDUE HARDSHIPS.**

To avoid undue hardship, nothing in this code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

(Res. 669-94-72, § 1202.13, effective 4-5-1995)

## **ARTICLE XIII: AMENDMENT**

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### Section

- 1301 General
- 1302 Initiation of zoning amendments
- 1303 Contents of application
- 1304 Transmittal to Zoning Commission
- 1305 Submission to County Planning Commission
- 1306 Public hearing by Zoning Commission
- 1307 Notice of public hearing in newspaper
- 1308 Notice to property owners by Zoning Commission
- 1309 Recommendation by Zoning Commission
- 1310 Public hearing by Board of County Commissioners
- 1311 Notice of public hearing
- 1312 Notice to property owners by Board of County Commissioners
- 1313 Action by Board of County Commissioners
- 1314 Effective date and referendum

#### **§ 1301 GENERAL.**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of County Commissioners may by resolution, after receipt of recommendation thereon from the County Rural Zoning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

(Res. 669-94-72, § 1301, effective 4-5-1995)

### **§ 1302 INITIATION OF ZONING AMENDMENTS.**

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

- A. By adoption of a motion by the County Zoning Commission;
- B. By adoption of a resolution by the Board of County Commissioners; or
- C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

(Res. 669-94-72, § 1302, effective 4-5-1995)

### **§ 1303 CONTENTS OF APPLICATION.**

A. Applications for amendments to the Official Zoning Map adopted as part of this code by § 301 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
7. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. Response to all pertinent questions contained within the application form; and
9. A fee as established by the Board of County Commissioners according to § 512.

B. Applications for amendments proposing to amend, supplement, change, or repeal portions of this code other than the Official Zoning map shall include, in addition to the proposed amending resolution, approved as to form by the County Legal Advisor, the items in subsections 1., 2., 8., and 9. listed above.

(Res. 669-94-72, § 1303, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

### **§ 1304 TRANSMITTAL TO ZONING COMMISSION.**

Immediately after the adoption of a resolution by the County Commissioners or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

(Res. 669-94-72, § 1304, effective 4-5-1995)

### **§ 1305 SUBMISSION TO COUNTY PLANNING COMMISSION.**

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

(Res. 669-94-72, § 1305, effective 4-5-1995)

### **§ 1306 PUBLIC HEARING BY ZONING COMMISSION.**

The Zoning Commission shall schedule a public hearing after the adoption of its motion, transmittal of a resolution from the Board of County Commissioners, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

(Res. 669-94-72, § 1306, effective 4-5-1995)

### **§ 1307 NOTICE OF PUBLIC HEARING IN NEWSPAPER.**

Before holding the public hearing as required in § 1306, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation of the county at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of County Commissioners for further determination.

(Res. 669-94-72, § 1307, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1308 NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION.**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date, of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate such amendment. The notice shall contain the same information as required of notices published in newspaper as specified in § 1307.

(Res. 669-94-72, § 1308, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1309 RECOMMENDATION BY ZONING COMMISSION.**

Within thirty (30) days after the public hearing required by § 1306, the Zoning Commission shall recommend to the Board of County Commissioners that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

(Res. 669-94-72, § 1309, effective 4-5-1995)

#### **§ 1310 PUBLIC HEARING BY BOARD OF COUNTY COMMISSIONERS.**

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

(Res. 669-94-72, § 1310, effective 4-5-1995)

#### **§ 1311 NOTICE OF PUBLIC HEARING.**

Notice of the public hearing required in § 1310 shall be given by the Board of County Commissioners by at least one (1) publication in one (1) or more newspapers of general circulation in the county affected. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

(Res. 669-94-72, § 1311, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1312 NOTICE TO PROPERTY OWNERS BY BOARD OF COUNTY COMMISSIONERS.**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing may be mailed by the Clerk of the Board of County Commissioners, by first class mail, at least ten (10) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list, and to such other list or lists that may be specified by the Board of County Commissioners. The notice shall contain the same information as required of notices published in newspapers as specified in § 1311.

(Res. 669-94-72, § 1312, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1313 ACTION BY BOARD OF COUNTY COMMISSIONERS.**

Within twenty (20) days after the public hearing required in § 1310, the Board of County Commissioners shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of County Commissioners denies or modifies the recommendation of the Zoning Commission, a majority vote of the Board of County Commissioners is required.

(Res. 669-94-72, § 1313, effective 4-5-1995; Res. 608-13-163, effective 3-7-2014)

#### **§ 1314 EFFECTIVE DATE AND REFERENDUM.**

A. Such amendment adopted by the Board of County Commissioners shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of County Commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total votes 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 to the electors of such area, for approval or rejection, at the next primary or general election.

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

## **ARTICLE XIV: PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES**

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### Section

- 1401 General
- 1402 Appeals
- 1403 Stay of proceedings
- 1404 Variances
  - 1404.01 Application and standards for variances
- 1405 Authorized variances
- 1406 Supplementary conditions and safeguards
- 1407 Public hearing by the Board of Zoning Appeals
- 1408 Notice of public hearing in newspaper
- 1409 Notice to parties in interest
- 1410 Action by Board of Zoning Appeals

### **§ 1401 GENERAL.**

Appeals and variances shall conform to the procedures and requirements of §§ 1402 through 1409, inclusive, of this code. As specified in § 1511, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

(Res. 669-94-72, § 1401, effective 4-5-1995)

### **§ 1402 APPEALS.**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this code may be taken by any person aggrieved or by any officer of the legislative authority 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 Enforcement Office and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Enforcement Officer shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

(Res. 669-94-72, § 1402, effective 4-5-1995)

### **§ 1403 STAY OF PROCEEDINGS.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal is filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Enforcement Office from whom the appeal is taken on due cause shown.

(Res. 669-94-72, § 1403, effective 4-5-1995)

### **§ 1404 VARIANCES.**

A. The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this code would result in unnecessary hardship.

B. If a pre-existing structure encroaches upon any set-back and the applicant wishes to construct an addition to that structure that does not further encroach upon that set-back, there will be no variance needed to obtain a zoning permit.

(Res. 669-94-72, § 1404, effective 4-5-1995; Res. 82-13-159, effective 6-8-2013)

### **§ 1404.01 APPLICATION AND STANDARDS FOR VARIANCES.**

The Board of Zoning Appeals shall not vary the regulations of this code, as authorized in § 1404, unless and until a written application for a variance is submitted to the Zoning Enforcement Officer and the Board of Zoning Appeals containing:

- A. Name, address, and phone number of applicants;

- B. Legal description of property;
- C. Description of nature of variance requested; and
- D. Narrative statements which demonstrate to the satisfaction of the Board of Zoning Appeals that the variance conforms to the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
2. The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
3. The purpose of the variance is not based exclusively upon a desire to increase financial gain;
4. The alleged difficulty or hardship is caused by this code and has not been created by any persons presently having an interest in the property;
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the damage of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
7. The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this section and the objectives of this code.

(Res. 669-94-72, § 1404.01, effective 4-5-1995; Res. effective - -1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1405 AUTHORIZED VARIANCES.**

A. Variances from the regulations of this code shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which supports conclusions that the standards and conditions impose in § 1404.01 above have been met by the applicant. Variances may be granted as guided by the following:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations;
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width;
3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
4. To reduce the applicable off-street parking or loading facilities required by generally not more than one (1) parking space or loading space, or twenty five (25) percent of the required facilities, whichever number is greater;
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served but generally not more than forty (40) percent;
7. To increase the maximum allowable size or area of signs on a lot but generally by no more than twenty five (25) percent;
8. To increase the maximum gross floor area of any use so limited by the applicable regulations but generally not more than twenty (25) percent; and
9. To modify the supplemental yard and height regulations found in § 817.

B. No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained with such period and the erection or alteration of a building is started or the use is commenced within such period.

(Res. 669-94-72, § 1405, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 57-18-182, effective 1-5-2018)

#### **§ 1406 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this code in the district involved, or any use expressly or by implication prohibited by the terms of this code in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this code and punishable under § 511 of this code.

(Res. 669-94-72, § 1406, effective 4-5-1995)

#### **§ 1407 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall hold a public hearing within forty (40) days after the receipt of an application for an appeal or variance from the Zoning Enforcement Officer or an applicant.

(Res. 669-94-72, § 1407, effective 4-5-1995)

#### **§ 1408 NOTICE OF PUBLIC HEARING IN NEWSPAPER.**

Before holding the public hearing required in § 1407, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

(Res. 669-94-72, § 1408, effective 4-5-1995)

#### **§ 1409 NOTICE TO PARTIES IN INTEREST.**

Before handling the public hearing required in § 1407, written notice of such hearing shall be mailed by the Zoning Administrator, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required by notices published in newspapers as specified in § 1408.

(Res. 669-94-72, § 1409, effective 4-5-1995)

#### **§ 1410 ACTION BY BOARD OF ZONING APPEALS.**

Within thirty (30) days after the public hearing required in § 1407, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in § 1406 or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from the Board decision shall be made in the manner specified in § 1512.

(Res. 669-94-72, § 1410, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

## **ARTICLE XV: ADMINISTRATION**

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### Section

- 1501 Office of Zoning Enforcement Officer
- 1502 Duties of Zoning Enforcement Officer
- 1503 Composition of Planning Commission
- 1504 Proceedings of Planning Commission
- 1505 Responsibilities of Planning Commission
- 1506 Composition of Rural Zoning Commission
- 1507 Proceedings of Rural Zoning Commission
- 1508 Responsibilities of the Rural Zoning Commission
- 1509 Composition of Board of Zoning Appeals
- 1510 Proceedings of Board of Zoning Appeals
- 1511 Responsibilities of Board of Zoning Appeals
- 1512 Responsibilities of Zoning Enforcement Officer, Board of Zoning Appeals, legislative authority and courts on matters of appeals
- 1513 Board of County Commissioners

#### **§ 1501 OFFICE OF ZONING ENFORCEMENT OFFICER.**

The Zoning Enforcement Officer shall administer and enforce this code. The Zoning Enforcement Officer may be provided with the assistance of such other persons as the county may provide.

(Res. 669-94-72, § 1501, effective 4-5-1995)

#### **§ 1502 DUTIES OF ZONING ENFORCEMENT OFFICER.**

For the purpose of the resolution, the Zoning Enforcement Officer shall have the following duties:

- A. Upon finding that any of the provisions of this code are being violated, the Enforcement Officer shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
- B. Order discontinuance of illegal uses of land, buildings, or structures;

- C. Order removal of illegal buildings or structures, illegal additions or structural alterations, or illegal vehicles;
- D. Order discontinuance of any illegal work being done; and
- E. Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

(Res. 669-94-72, § 1502, effective 4-5-1995)

#### **§ 1503 COMPOSITION OF PLANNING COMMISSION.**

A. The Planning Commission shall consist of eight (8) residents of the unincorporated area of the county, appointed by the Board of Commissioners and may serve with compensation for terms of three (3) years. In addition, the three (3) County Commissioners or their alternates designated and approved in accordance with the Ohio Revised Code, shall be members of the Planning Commission, increasing the total membership of the Planning Commission to 11.

B. The officers of the Planning Commission shall consist of a Chairperson, Vice Chairperson and Secretary elected by the Commission at its annual meeting for a term of one (1) year.

(Res. 669-94-72, § 1503, effective 4-5-1995; Res. effective 7-5-2006; Res. effective 12-28-2007; Res. 80-13-159, effective 7-5-2013)

#### **§ 1504 PROCEEDINGS OF PLANNING COMMISSION.**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this code. Meetings shall be held at the call of the Chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Commission. At any meeting of the Planning Commission, a quorum shall consist of six (6) members of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

(Res. 669-94-72, § 1504, effective 4-5-1995)

#### **§ 1505 RESPONSIBILITIES OF PLANNING COMMISSION.**

For the purpose of this code, the Commission shall have the following duties:

A. Recommend the proposed zoning resolution, including text and Official Zoning District Map to the Rural Zoning Commission for formal recommendation to the Board of County Commissioners;

B. Initiate advisable Official Zoning District Map changes, or changes in the text of the zoning resolution where same will promote the best interest of the public in general through recommendation to the County Rural Zoning Commission;

C. Review all proposed amendments to this code (text and/or map) and make recommendations to the County Rural Zoning Commission; and

D. Review all planned unit developments and make recommendations to the County Rural Zoning Commission as provided in § 813.

(Res. 669-94-72, § 1505, effective 4-5-1995)

#### **§ 1506 COMPOSITION OF RURAL ZONING COMMISSION.**

The County Rural Zoning Commission shall consist of five (5) residents of the unincorporated area of the county, appointed by the Board of County Commissioners, whose terms shall be such length and so arranged that the term of one (1) member will expire each year.

(Res. 669-94-72, § 1506, effective 4-5-1995)

#### **§ 1507 PROCEEDINGS OF RURAL ZONING COMMISSION.**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this code. Meetings shall be held at the call of the Chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission. At any meeting of the Rural Zoning Commission, a quorum shall consist of three (3) members of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

(Res. 669-94-72, § 1507, effective 4-5-1995)

#### **§ 1508 RESPONSIBILITIES OF THE RURAL ZONING COMMISSION.**

For the purpose of this code, the Commission shall have the following duties:

A. Recommend the proposed zoning resolution, including text and Official Zoning District Map to the Board of County Commissioners for formal adoption;

B. Initiate advisable Official Zoning District Map changes, or changes in the text of the zoning resolution where same will promote the best interest of the public in general through recommendation to the Board of County Commissioners;

C. Review all proposed amendments to this code (text and/or map) and make recommendations to the Board of County Commissioners;

D. Review all planned unit developments and make recommendations to the Board of County Commissioners; and

E. The County Rural Zoning Commission and pertinent county staff shall carry on a continuous review of the effectiveness and appropriateness of the zoning resolution and recommend such changes or amendments as they feel would be appropriate to update this code.

(Res. 669-94-72, § 1508, effective 4-5-1995)

#### **§ 1509 COMPOSITION OF BOARD OF ZONING APPEALS.**

A. The Board shall consist of five (5) members, appointed by the Board of County Commissioners for five (5) year terms. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause by the County Commissioners upon written charges having been filed with the Commissioners and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same 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 Commissioners and shall be for the unexpired term.

B. The officers of the Board of Zoning Appeals shall consist of a Chairperson and Vice Chairperson elected by the Board at its annual meeting for a term of one (1) year.

(Res. 669-94-72, § 1509, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

#### **§ 1510 PROCEEDINGS OF BOARD OF ZONING APPEALS.**

A. The Board shall adopt rules necessary to the conduct of its officers. Meetings shall be held at the call of the Chairperson and at those other times as the Board may determine. Three (3) members of the Board of Appeals shall constitute a quorum for the conducting of business. The Chairperson, or in his absence, the Vice Chairperson, may administer oaths and compel the attendance of witnesses. All meeting and records shall be open to the public.

B. The Board of Appeals shall act by resolution or motion and shall keep minutes of its proceedings, showing the vote on each question, if a member is absent, or fails to vote, the facts of each appeal considered by the Board, and the section of this code, if applicable, which the Board has considered in approving or disapproving any petition or other matter brought before the Board.

(Res. 669-94-72, § 1510, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013; Res. 536-13-162, effective 12-6-2013)

#### **§ 1511 RESPONSIBILITIES OF BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall have the following powers and duties:

A. Administrative review:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this code or determination made by the County Engineer in the enforcement of the Access Management Regulations; and

2. To authorize upon appeal in specific cases such variance from the terms of this code and the Access Management Regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this code or the Access Management Regulations would result in unnecessary hardship.

(Res. 669-94-72, § 1511, effective 4-5-1995; Res. effective 7-5-2006; Res. 80-13-159, effective 7-5-2013)

#### **§ 1512 RESPONSIBILITIES OF ZONING ENFORCEMENT OFFICER, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEALS.**

It is the intent of this code that all questions of interpretation and enforcement shall be first presented to the Zoning Enforcement Officer, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Enforcement Officer, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this code that the duties of the Board of County Commissioners, in connection with this code, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this code. Any appeal of a decision of the Board shall be made to the courts as provided in R.C. Chapters 2505 and 2506. Any such appeal shall be made within thirty (30) days of the Board's decision.

(Res. 669-94-72, § 1512, effective 4-5-1995; Res. 57-18-182, effective 1-5-2018)

#### **§ 1513 BOARD OF COUNTY COMMISSIONERS.**

The powers and duties of the Board pertaining to county zoning shall be as follows:

A. The Board of County Commissioners shall appoint members to the County Planning Commission;



- B. The Board of County Commissioners shall appoint members to the County Rural Zoning Commission;
- C. The Board of County Commissioners shall appoint members to the Board of Zoning Appeals; and
- D. Initiate or act upon suggested amendments to the zoning resolution text and Official Zoning District Map.

(Res. 669-94-72, § 1513, effective 4-5-1995; Res. 80-13-159, effective 7-5-2013)

## ARTICLE XVI: DEFINITIONS

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### Section

1601 Interpretation of terms or words

#### § 1601 INTERPRETATION OF TERMS OR WORDS.

A. *Interpretation.* For the purpose of this code, certain terms of words used herein shall be interpreted as follows.

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.
5. The word “lot” includes the words “plot” or “parcel”.

B. *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY USE OR STRUCTURE.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Structures include but are not limited to sheds, storage sheds, pool houses, unattached garages and barns.

**ADULT ENTERTAINMENT FACILITY.** A facility having a significant portion of its function as adult entertainment which includes the following listed categories.

1. **ADULT BOOK STORE.** An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas as herein defined, or an establishment with a segment or section devoted to the sale or display of such material.
2. **ADULT ENTERTAINMENT BUSINESS.** Any establishment involved in the sale of services or products characterized by the exposure or presentation of specified anatomical areas or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of **ADULT ENTERTAINMENT BUSINESS** are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
3. **ADULT MINI MOTION PICTURE THEATER.** A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
4. **ADULT MOTION PICTURE THEATER.** A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
5. **MASSAGE.** A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching, or vibrating with the hand or any instruments for pay.
6. **MASSAGE ESTABLISHMENTS.** Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by this state, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

7. **SPECIFIED ANATOMICAL AREAS.**

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**8. SPECIFIED SEXUAL ACTIVITIES.**

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and
- c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

**AGRICULTURE.** As used in R.C. §§ 303.02 to 303.25, **AGRICULTURE** includes farming; ranching; aquaculture meaning the farming of algae; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**AIRPORT.** Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

**ALLEY.** See **THOROUGHFARE.**

**ALTERATIONS, STRUCTURAL.** Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or floor joists.

**ANEMOMETER.** An instrument that measures the force and direction of the wind.

**ANIMAL UNIT.** For purpose of this zoning resolution, an **ANIMAL UNIT** is a unit of measure used to compare the differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. Slaughter steers and heifers are assigned the base unit of 1.0. The following multipliers are used in determining **ANIMAL UNITS**:

<i>Animal</i>	<i>No. of Animal Units Per Animal</i>	<i>Animals Allowed Per Acre</i>
<i>Animal</i>	<i>No. of Animal Units Per Animal</i>	<i>Animals Allowed Per Acre</i>
All fowl	0.02	100
Cow - calf	0.8	2.5
Dairy cattle	1.4	1.4
Horse	1.25	1.6
Sheep	0.2	10.0
Slaughter steers and heifers	1.0	2.0
Swine	0.4	5.0

**ANTIQU.** A fine art object, artifact, implement, or household furnishing, over fifty (50) years old, which is characteristic of a specific area or country, or which has other historical and artistic significance.

**APARTMENT.** A room or suite of rooms within an apartment house, arranged, intended, or designed to be used as a home or residence of the family with kitchen facilities for the exclusive use of the one family. **APARTMENTS** shall not be permitted to have outside doors to bedrooms.

**APPEAL.** A request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

**APPROPRIATE.** Belonging peculiarly, or specially suitable.

**APPROVED.** Sanctioned by the appropriate official as required by law (ordinance/resolution) so long as all provisions of these zoning regulations are met.

**AQUACULTURE.** A form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including but not limited to for the purpose of sale for consumption as food.

**ASSEMBLY.** The joining together of completely fabricated parts to create a product.

**AUTOMOBILE AND TRAILER SALES AREA.** An open area, other than a street, used for the display, sale, or rental of new or used automobiles or trailers, and where no repair work is done, except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

**AUTOMOBILE REPAIR GARAGE.** A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; painting and undercoating of automobiles.

**AUTOMOBILE SERVICE STATION.** A place where gasoline or any other automobile engine fuel (stored only in underground

tanks), kerosene, or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to public on premises; including sale of minor accessories and services for automobiles.

**AUTOMOTIVE WRECKING.** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, obsolete, or wrecked vehicles or their parts.

**AWNING.** A rooflike cover extending over or in front of a place (as over a deck or in front of a door or window) as a shelter.

**BASE FLOOD.** The flood having a one (1) percent chance of being equaled or exceeded in any given year. The **BASE FLOOD** may also be referred to as the **ONE (1) PERCENT CHANCE ANNUAL FLOOD** or **100-YEAR FLOOD**.

**BASE (100-YEAR) FLOOD ELEVATION (BFE).** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In Zone AO areas, the **BASE FLOOD ELEVATION** is the natural grade elevation plus the depth number (from one (1) to three (3) feet).

**BASEMENT.**

1. A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground. See **STORY**.

2. For the purposes of § 814, floodplain overlay standards, a basement is any area of the building having its floor subgrade (below ground level) on all sides.

**BED AND BREAKFAST HOME.** An existing single-family residence that provides one (1) to three (3) rooms (limited to two (2) persons or one (1) family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed seven (7) days, with breakfast being available on premises at no additional cost.

**BOARD** or **BOARD OF ZONING APPEALS.** The Board of Zoning Appeals of this county.

**BOARDING HOUSE, LODGING OR TOURIST HOUSE (ROOMING HOUSE).** A building other than a hotel, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons, but not exceeding ten (10) sleeping rooms. A **ROOMING HOUSE** or a furnished room house shall be deemed a **BOARDING HOUSE** for the purposes of this code.

**BUILDABLE AREA.** The space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met.

**BUILDING.** A structure designed 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, ATTACHED.** A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension of eight (8) feet or more. See **BUILDING, SEMI-ATTACHED**.

**BUILDING FRONTAGE.** For the purposes of computation of number and area of signs permitted on buildings, in cases where lineal feet of building frontage is a determinant, the frontage of a building shall be computed as the horizontal distance across the front as nearly at ground level as computation of horizontal distance permits. In cases where the test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance or where two (2) or more sides of a building have entrances of equal importance and carry approximately equal amounts of pedestrian traffic, the administrative official shall select building frontage on the basis of the interior layout of the building, traffic on adjacent streets, or other indicators available.

**BUILDING HEIGHT.** The vertical distance of a building 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.** A line on a plat or the theoretical line on the ground, between which line and a street, alley, or driveway no principal building or structure may be erected.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot where the building is situated and including areas such as garages, carports, and storage areas that are attached to the principal building.

**BUILDING, SEMI-ATTACHED.** A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension less than eight (8) feet. See **BUILDING, ATTACHED**.

**BULK PLANT.** The portion of a property where flammable liquids are received by tank vessel, pipe line, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle, or container.

**BUSINESS, CONVENIENCE.** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, **CONVENIENCE** uses include but need not be limited to drug stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than ten thousand (10,000) square feet in floor area. Uses in this classification

tend to serve a day-to-day need in the neighborhood.

**BUSINESS, GENERAL.** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also to supply the more durable and permanent needs of the whole community. **GENERAL BUSINESS** uses include but need not be limited to such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

**BUSINESS, HIGHWAY.** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. **HIGHWAY BUSINESS** uses include but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

**BUSINESS, OFFICE TYPE.** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. **OFFICE BUSINESS** generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

**BUSINESS SERVICES.** Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**BUSINESS, WHOLESALE.** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**CANOPY.** A cloth, rooflike projection over an area or leading to an entrance.

**CARPORT.** A roofed structure not more than seventy five (75) percent enclosed by walls and attached to the main building for the purpose of providing shelter for one (1) or more motor vehicles.

**CEMETERY.** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CHANGE OF USE.** The replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

**CHANNEL.** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**CHURCH.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Nursery, kindergarten, day care, and compulsory (grades 1-12) schools shall be permitted accessory use(s) to a **CHURCH**.

**CLEAR FALL ZONE.** An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.

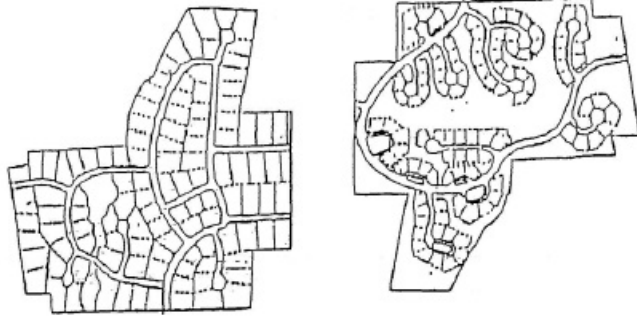
**CLINIC.** A place for the care, diagnosis, or treatment of persons who are ailing, sick, infirm, or injured, or are in need of medical or surgical attention, but are not provided room, board, or kept overnight on the premises.

**CLUB.** A building or portion thereof or premises owned or operated for social, literary, political, educational, or recreational purposes primarily for the exclusive use of members and their guests, but not operated for profit. Alcoholic beverages may be served to members and their guests, provided the service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local law.

**CLUSTER.** A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive features.

**CLUSTER SUBDIVISION.** A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the resultant land area is devoted to open space, recreation, preservation of environmentally sensitive areas, or agriculture. See figures below.

*Conventional Subdivision*      *Cluster Subdivision*



**COMMERCIAL ENTERTAINMENT FACILITIES.** Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs, cocktail lounges, and similar entertainment activities.

**COMMUNITY ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES.** A facility which provides resident services to a group of individuals of whom one (1) or more are unrelated. These individuals are mentally ill, developmentally disabled, aged, or disabled, and/or are undergoing rehabilitation; and are provided services to meet their needs. This category includes uses licensed, supervised, or under contract by any federal, state, county, or other political subdivision. **COMMUNITY ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES** include the following listed categories.

1. **FOSTER CARE RESIDENTIAL FACILITIES.** Homes or facilities in which some level of care and/or support is provided to the person residing in the facility who suffers from a mental or physical impairment, is undergoing transition from an institution to the community, or for whom other forms of care and support are inappropriate or unavailable. The facility is licensed by an appropriate local and/or state agency which is charged with program development for a specific population. This definition excludes all forms of independent living as well as rest homes, nursing homes, facilities housing more than sixteen (16) persons, residences housing one (1) or two (2) persons, and institutions.

a. **FAMILY CARE HOMES.** Residential facilities that provide room and board, and supervision in a family setting for from three (3) to five (5) persons (adults or children) who are mentally ill or have any form of developmental disability, or cannot reside with their natural family.

b. **GROUP CARE HOMES.** Residential facilities that provide the services of family homes for at least six (6) but not more than sixteen (16) persons (adults or children) who are mentally ill or have any form of developmental disability, or cannot reside with their natural family.

2. **HALFWAY HOUSES.** Residential homes for adolescents or adults who have been institutionalized through the criminal justice system and released or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a group setting.

3. **INTERMEDIATE CARE HOMES.** Residential homes for children or adolescents who have been judged delinquent and have been assigned by a court to a residential home in lieu of placement in a correctional institution.

4. **SOCIAL CARE HOMES.** Residential homes for children or adolescents who lack social maturity or have emotional problems but who have not been judged delinquent by the criminal justice system. Residency may be permanent or transient.

**COMPREHENSIVE DEVELOPMENT PLAN.** A plan including all attachments adopted by the Board of County Commissioners describing both graphically and narratively the existing physical characteristics of the county as well as a proposed generalized land use pattern for the future. A major portion of the plan consists of recommended policies to guide the development of major types of land use, thoroughfares, and other pertinent public facilities as well as the preservation of major aspects of the county's environmental resources.

**CONCEALED LIGHT SOURCE.** An artificial light intended to illuminate the face of a sign, buildings, structure, or area, which light is shielded from the public view and from the adjoining properties.

**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 that all prior conditions for approval have been met. Under this provision, the applicant must submit plans of the proposed development and if approved must follow those plans exactly or re-apply for a permit before deviating from that plan.

**CONDOMINIUM.** Same as **DWELLING, MULTIPLE FAMILY [MULTIFAMILY]** where each family owns its own dwelling unit, but where the common areas of the building and site are owned and maintained jointly by the occupants.

**CONGREGATE HOUSING.** A licensed housing facility arrangement for more than three (3) elderly persons who are independent adults where at least meal services are provided. Other services provided to the residents from within the home may include transportation and housekeeping. Personal assistance or care is not provided.

**CONSTRUCTION, BEGINNING OF.** The utilization of labor and/or materials on the footings, foundations, walls, roofs, and other portions of the building or structure.

**CONVALESCENT OR NURSING HOME.** An establishment which specializes in providing necessary services to those unable to care for themselves.

**CORNER LOT.** See **LOT TYPES.**

**COUNTY.** Preble County, Ohio.

**COURT.** An uncovered space, other than a yard, on the same parcel as the building and bounded on three (3) sides by such building, walls, or fences.

**COVENANT.** A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a **COVENANT** such as a written document, a mutual interest in the property, that the **COVENANT** be concerned with the use of the land rather than individual characteristics of ownership, etc. **COVENANTS** are most commonly used in the establishment of a subdivision to restrict the use of all individual lots in the development to a certain type of use, e.g., single-family dwellings. They are also used in rezoning situations, where contract or conditional zoning is permitted, to bind the landowner to use his property in a specific manner. Finally, they have been used by some communities, e.g., Houston, Texas, to accomplish through private restrictions most of what zoning does through governmental action.

**COVERED.** A space roofed or permanently covered by a structure having less than fifty (50) percent open penetration to the sky.

**COWLING.** A streamlined removable cover that encloses the turbine's nacelle.

**CRITICAL DEVELOPMENT.** That development which is critical to the community's public health and safety, are essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of **CRITICAL DEVELOPMENT** include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

**CUL-DE-SAC.** See **THOROUGHFARE**.

**CURB CUT.** The opening along the curb line at which point vehicles may enter or leave the roadway.

**DAY CARE CENTER.** A facility licensed by the state for daytime care of more than six (6) persons. This term includes nursery schools, preschools, and similar facilities.

**DAY CARE HOME.** Use of a dwelling unit or portion thereof licensed by the state from daytime care of up to six (6) persons, including children through age sixteen (16) within the family occupying such dwelling unit. This term includes nursery schools, preschools, and similar facilities.

**DEAD-END STREET.** See **THOROUGHFARE**.

**DECIBEL.** A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

**DECK.** A wooden, flat-floored, roofless area.

**DENSITY.** A unit of measurement; the number of dwelling units per acre 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.

**DEVELOPER.** Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under this resolution to effect the development of land.

**DEVELOPMENT.** Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DEVELOPMENT PLAN.** See **SITE PLAN**.

**DISABLED VEHICLE.** Any vehicle that has a current license and title that is not in operable condition.

**DISTRICT.** A portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this code.

**DOG KENNEL, COMMERCIAL.** The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding, or treatment purposes, except in an animal hospital or dog beauty parlor, as permitted by these regulations; or the keeping of five (5) or more dogs, six (6) months or older, on premises used for residential purposes.

**DOMESTIC SERVANT.** A person who performs gardening, chauffeuring, and/or similar domestic full-time duties for one (1) family and has no other employment.

**DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the **DRIVE-IN** service.

**DWELLING.** Any building or structure (except a house trailer or mobile home as defined by R.C. § 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

**DWELLING, INDUSTRIALIZED UNIT.** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

**DWELLING, MANUFACTURED HOME.** A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. § 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one (1) or more sections, is built on a permanent chassis, and is to be used as a place for human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is permanently sited as provided in **DWELLING, MANUFACTURED HOME, PERMANENTLY SITED**. For the purpose of this code, a **MANUFACTURED HOME** shall be considered as a single-family detached dwelling. A **MANUFACTURED HOME** is the same as a mobile home except a **MANUFACTURED HOME** must meet the state requirements, including the non-permanent hitch, wheels, and axles requirements that are also generally more stringent than requirements for mobile homes.

**DWELLING, MANUFACTURED HOME, PERMANENTLY SITED.** The same as in R.C. § 3781.06(C)(6) or as may be amended in the future, is a manufactured home that meets all of the following criteria:

1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
2. The structure, excluding any addition, has a width of at least twenty two (22) feet at one point, a length of at least twenty two (22) feet at one point, and a total living area of at least fourteen hundred (1,400) square feet, excluding garages, porches, or attachments;
3. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
4. The structure was manufactured after January 1, 1995;
5. The structure is not located in a manufactured home park.

**DWELLING, MOBILE HOME.** A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. Such units are distinguished from manufactured homes by the fact that they were built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 being 42 U.S.C. §§ 5301 et seq., which became effective June 15, 1976. In many cases, mobile homes were built to a voluntary industry standard of the American National Standards Institute (ANSI A119.1, Standards for Mobile Homes).

**DWELLING, MULTIFAMILY.** A dwelling consisting of three (3) or more dwelling units including condominiums with varying arrangements of entrances and party walls. **MULTIFAMILY HOUSING** may include public housing and industrialized units.

**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 (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

**DWELLING, SINGLE-FAMILY.** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**DWELLING, TWO-FAMILY.** A dwelling consisting of two (2) dwelling units which may be either attached side-by-side or one above the other, and each unit having a separate or combined entrance or entrances.

**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 (1) family and its household employees.

**EARTH STATIONS.** See **SATELLITE SIGNAL RECEIVER**.

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

**EDUCATIONAL INSTITUTION.** See **SCHOOL**.

**EFFICIENCY.** An apartment consisting of a combination living room and bedroom and small auxiliary rooms such as kitchenette, breakfast room, and bath arranged so as to consist of not more than one (1) habitable room.

**ELDERLY HOUSING FACILITY.** A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, **ELDERLY HOUSING FACILITY** shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

**ELDERLY PERSON.** Any person who is sixty two (62) years of age or older.

**EMINENT DOMAIN.** The legal right of government to acquire or "take" private property for public use or public purpose upon paying just compensation to the owner. While originally used only when land was to be kept in public ownership, i.e., for highways, public buildings, or parks, property has been condemned under **EMINENT DOMAIN** powers for private use in the public interest such as urban renewal. See also **POLICE POWER**.

**EMPLOYEE.** A person employed permanently; this shall not mean temporary or seasonal employees.

**ENCLOSED.** A covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than one hundred (100) square feet surrounded by building or walls exceeding eight (8) feet in height.

**ENCLOSURE BELOW THE LOWEST FLOOR.** See **LOWEST FLOOR.**

**ERECTED.** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage, and the like shall be considered a part of **ERECTION.**

**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 such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**EXECUTIVE ORDER 11988 (FLOODPLAIN MANAGEMENT).** Issued by President Carter in 1997, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

**FABRICATION.** The stamping, cutting, assembling, or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials.

**FAMILY.** A person or group of persons occupying a single dwelling unit and living as a housekeeping unit, as distinguished from a group occupying a hotel or motel as herein defined.

**FARM.** All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner, operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a **FARM** hereunder shall include a continuous parcel of twenty (20) acres or more in area; provided, further, **FARMS** may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; but establishments keeping or operating more than five (5) head of livestock, fur-bearing animals, riding or boarding stables, commercial dog kennels, stone quarries or gravel or sand pits, shall not be considered **FARMS** hereunder unless combined with bona fide farm operations on the same continuous tract of land. No **FARMS** shall be operated as commercial feed lots, or for the disposal of garbage, sewage, or sewage byproduct (except under provisions enforced under conditional use review where pertinent), rubbish, offal, or rendering plants, or for the slaughtering of animals, except such animals for the use and consumption by persons residing on the premises.

**FARMING.** The act or business of cultivating land, producing crops, and/or keeping of livestock.

**FARM VACATION ENTERPRISES (PROFIT OR NONPROFIT).** Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery and nature recreation areas; hunting areas; hunting preserves and watershed projects.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.

**FEED LOT.** Land used for confining and feeding of livestock not connected with general farming for mass production for marketing.

**FENCE.** Any enclosing structure other than part of a building of sufficient strength and dimensions to prevent straying from within or intrusion from without.

**FENCE, HEIGHT OF.** The vertical distance between the grade of the ground upon which located and the top of the fence.

**FILING FEE.** A fee established by the Board of County Commissioners of this county charged to an applicant to cover the administrative cost to process an application, including but not limited to a zoning permit, rezoning or amendment to the zoning resolution, request for conditional use, variance, or an appeal.

**FILL.** A deposit of earth material placed by artificial means.

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

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

**FLOOD HAZARD BOUNDARY MAP (FHBM).** Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

**FLOOD INSURANCE RISK ZONES.** Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions.

1. *Zone A.* Special flood hazard areas inundated by the one hundred (100) year flood; base flood elevations are not determined.
2. *Zone A1 -30 and Zone AE.* Special flood hazard areas inundated by the one hundred (100) year flood; base flood elevations are determined.
3. *Zone AO.* Special flood hazard areas inundated by the one hundred (100) year flood; with flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain); average depths are determined.



4. *Zone AH.* Special flood hazard areas inundated by the one hundred (100) year flood; flood depths of one (1) to three (3) feet (usually areas of ponding); base flood elevations are determined.

5. *Zone A99.* Special flood hazard areas inundated by the one hundred (100) year flood to be protected from the one hundred (100) year flood by a federal flood protection system under construction; no base flood elevations are determined.

6. *Zone B and Zone X (shaded).* Areas of five hundred (500) year flood; areas subject to the one hundred (100) year flood with average depths of less than one (1) foot or with contributing drainage area less than one (1) square mile; and areas protected by levees from the base flood.

7. *Zone C and Zone X (unshaded).* Areas determined to be outside the five hundred (500) year floodplain.

**FLOOD INSURANCE STUDY (FIS).** The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on flood boundary and floodway maps), and the water surface elevations of the base flood.

**FLOODPLAIN.** The land, including the flood fringe and the floodway, subject to inundation by the regional flood.

**FLOOD PROTECTION ELEVATION (FPE).** The **FLOOD PROTECTION ELEVATION**, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the **FLOOD PROTECTION ELEVATION** can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

**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.**

1. The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A **FLOODWAY** is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one (1) foot at any point within the community.

2. The **FLOODWAY** is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**FLOODWAY FRINGE.** The portion of the floodplain, excluding the floodway, where development may be allowed under certain restrictions.

**FLOOR AREA.** For the purposes of computing the minimum allowable **FLOOR AREA** in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The **FLOOR AREA** measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, except basement areas designed and used for dwelling or business purposes.

**FLOOR AREA (FOR THE PURPOSE OF COMPUTING PARKING).** The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways, and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this **COMPUTATION OF FLOOR AREA**. Measurements of usable **FLOOR AREA** shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**FLOOR AREA, GROSS.** The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls, including the walls of roofed porches having more than one (1) wall. The **GROSS FLOOR AREA** of a building shall include the floor area of accessory buildings on the same lot, measured the same way.

**FLOOR AREA, NET.** The sum of the gross horizontal area measured between the interior faces of exterior walls of the several floors of a building and accessory buildings, including interior balconies, mezzanines, retail or wholesale floor areas, basements, cellars, and surrounding open spaces used in conjunction with the building and accessory buildings, but excluding interior walls, enclosed hallways, wells, shafts, lavatories, furnace rooms, janitor supply rooms or closets, accessory store rooms, and roofed porches, patios, and carports enclosed by less than three (3) walls.

**FLOOR AREA RATIO.** The quotient of the gross floor area of all buildings on a lot or parcel divided by the area of said lot or parcel.

**FOOD PROCESSING.** The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**FREEBOARD.** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. **FREEBOARD** tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

**FRONTAGE.** See **LOT FRONTAGE**.

**GARAGE, PRIVATE.** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is accessory.

**GARAGE, SERVICE.** Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

**GARBAGE.** The animal and vegetable waste resulting from the handling, preparation, cooking, and/or consumption of food.

**GARDEN APARTMENTS.** A multistory, walk-up apartment building, usually grouped around a common open space, with off-street parking provided on the periphery of the site.

**GARDENING.** The cultivation of fruits, vegetables, flowers, or other plant materials.

**GRADE, BUILDING.** The elevation which is the average of the highest and lowest elevation of the ground along that facade of the building or structure which is nearest the street.

**GRADE, STREET.** The elevation at the crown of the street on a line perpendicular to midpoint of the front property line of the lot, parcel, or tract.

**HEALTH DEPARTMENT.** The County Health Board.

**HISTORIC AREA.** A district or zone designated by a local authority, state, or federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form, and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

**HISTORIC STRUCTURE.** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the state's inventory of historic places maintained by the State Historic Preservation Office; or
4. Individually listed on the inventory of historic places maintained by the county whose historic preservation program has been certified by the State Historic Preservation Office.

**HOME OCCUPATION.** Any occupation operated in its entirety within the principal dwelling and only by the person or persons maintaining a dwelling therein; not having a separate entrance from outside the building; not involving alteration or construction not customarily found in dwellings; not utilizing more than twenty five (25) percent of the total actual floor area of any one (1) story; not utilizing any equipment except that which is used normally for purely domestic or household purposes; no evidence of the **HOME OCCUPATION** except for one (1) unanimated, non-illuminated nameplate having an area of not more than one (1) square foot.

**HOSPITAL.** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, and including ancillary services for outpatient and emergency treatment, training, research, administration, and services to patients, employees, and visitors.

**HOTEL.** A structure containing five (5) or more guest rooms with access usually from a common hallway.

**HOUSE, GROUPED.** A group of two (2) or more detached or semi-attached dwelling units or apartment structures usually separated by a court or courts used in common by the inhabitants thereof.

**HOUSE, GUEST.** Living quarters within a semi-attached or detached accessory building located on the same premises with the principal building for use by guests of the occupants of the premises, and not rented or otherwise used as a separate dwelling unit.

**HOUSE, ROW.** Three (3) or more dwelling units usually arranged in a row and joined by party walls.

**HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS.** An analysis performed by a professional engineer, registered in this state, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

**INDUSTRIAL UNIT.** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and, when installed, constitutes a dwelling unit except for necessary preparations for its placement and including a modular or sectional unit but not a mobile home.

**INOPERABLE VEHICLE.** A vehicle mechanically and/or legally (including all unlicensed vehicles) incapable of being driven. Excluded from this definition are antique and classic cars and trucks undergoing restoration; and vehicles used as primary daily household transportation that are temporarily inoperable on an emergency or unforeseen basis. The latter shall be limited to a time period of seventy two (72) hours if the vehicle is parked outside on private property, or twenty four (24) hours if parked on a public street.

**INSTITUTION.** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or correctional services.

**INTENSIVE AGRICULTURAL USE.** Agricultural activities which typically are associated with one or more of the following impacts: strong offensive odors, substantial runoff, large concentrations of animal waste, noise, and/or extensive use of chemical, compost, and manure piles. **INTENSIVE AGRICULTURAL USES** include but are not necessarily limited to:

- a. Slaughter areas;
- b. Areas for the storage or processing of manure, or garbage; or
- c. Structures housing more than fifty (50) animal units. (A farm is allowed to have no more than two (2) animal units per acre at any one time.)

**JUNK.** Goods, materials, or objects that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, and/or which are subject to being dismantled or processed for reuse.

**JUNK MOTOR VEHICLE.** Any motor vehicle three (3) years old, or older; extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission; apparently inoperable; having a fair market value of four hundred dollars or less, left uncovered in the open on private property for more than seventy two (72) hours.

**JUNK YARDS.** An open area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A **JUNK YARD** includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**KENNEL.** Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. **KENNEL** shall also mean the keeping of, or in, any lot or building of five (5) or more dogs, cats, or other household pets which are over the age of six (6) months.

**KITCHEN.** An area intended and equipped for the preparation of food.

**LABORATORY.** A building or part of a building devoted to testing and analysis of any material or substance.

**LANDSCAPING.** The grading and planting of grass, shrubs, and trees.

**LAND USE PLAN.** See **COMPREHENSIVE DEVELOPMENT PLAN.**

**LAUNDROMAT.** An establishment providing washing, drying, ironing, or dry cleaning machines for hire to be used by customers on the premises.

**LETTER OF MAP CHANGE (LOMC).** An official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMCs are broken down into the following categories:

1. **CONDITIONAL LETTER OF MAP REVISION (CLOMR).** A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A **CLOMR** does not amend or revise effective flood insurance rate maps, flood boundary and floodway maps, or flood insurance studies.

2. **LETTER OF MAP AMENDMENT (LOMA).** A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A **LOMA** amends the current effective flood insurance rate map and establishes that a specific property is not located in a special flood hazard area.

3. **LETTER OF MAP REVISION (LOMR).** A revision based on technical data that, usually due to human-made changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of **LOMR**, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

**LINE, PROPERTY.** The boundary of any lot, parcel, or tract, as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the said lot, parcel, or tract may abut.

**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.

**LOCATION MAP.** See **VICINITY MAP.**

**LOT.** 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; or
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. 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 the definition of yards in this section.

**LOT LINES.** The lines bounding a lot as defined herein.

1. **FRONT LOT LINE.** In the case of an interior lot, that line separating said lot from the right-of-way side line. In the case of a corner lot or double frontage lot, the line separating said lot from either right-of-way side line.

2. **REAR LOT LINE.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. A corner lot as defined in this code shall have no **REAR LOT LINE**.

3. **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an interior side lot line.

**LOT MEASUREMENTS.** A lot shall be measured as follows:

1. **DEPTH.** The distance between the midpoints 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; and

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, MINIMUM AREA OF.** The area of a lot is computed exclusively of any portion of the right-of-way of any public or private street.

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

**LOT TYPES.** Terminology used in this code with reference to corner lots, interior lots, and through lots is as follows.

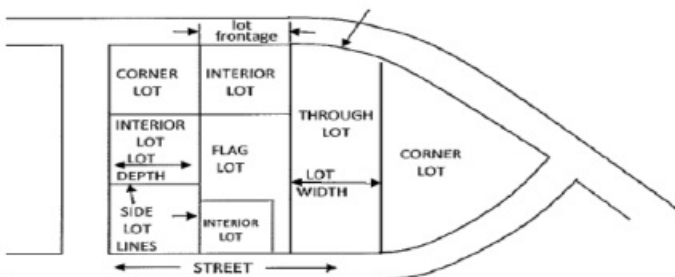
1. **CORNER LOT.** A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a **CORNER LOT** if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five degrees.

2. **INTERIOR LOT.** A lot with only one (1) frontage on a street.

3. **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.

4. **THROUGH LOT.** A lot other than a corner lot with frontage on more than one (1) street. **THROUGH LOTS** abutting two (2) streets may be referred to as double frontage lot.

**Diagram Illustrating the Various Types of Lots**



**LOWEST FLOOR.** The **LOWEST FLOOR** of the lowest enclosed area (including basement) of a structure. This definition excludes an enclosure below the lowest floor which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that the enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the **LOWEST FLOOR**.

**MACHINE SHOP.** A structure containing machinery for the manufacture, modification, or repair of metal goods and equipment.

**MAINTENANCE AND STORAGE FACILITIES.** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**MAJOR THOROUGHFARE.** An arterial street which is intended to serve as a large-volume traffic way for both the immediate area and the region beyond, and may be designated as a **MAJOR THOROUGHFARE**, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of eighty (80) feet shall be considered a **MAJOR THOROUGHFARE**.

**MAJOR THOROUGHFARE PLAN.** The portion of the comprehensive plan adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**MANUFACTURED HOME.** A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a recreational vehicle. For the purposes of these regulations, a **MANUFACTURED HOME** includes manufactured homes and mobile homes as defined in R.C. Chapter 3733.

**MANUFACTURED HOME PARK.** As specified in O.A.C. § 3701-27-01, any tract of land upon which three (3) or more

manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of such park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a **MANUFACTURED HOME PARK**, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

**MANUFACTURING, EXTRACTIVE.** Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

**MANUFACTURING, HEAVY.** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**MANUFACTURING, LIGHT.** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**MASTER PLAN.** See **COMPREHENSIVE DEVELOPMENT PLAN**.

**MEGAWATT.** A unit of power, equal to one million watts.

**MINING.** The purpose or business of extracting solids such as coal, minerals, or ores, liquids such as crude petroleum, and gases, such as natural gas, from the earth. The term also includes quarrying, well operation, milling, such as crushing, screening, washing, and flotation, and other preparation customarily done at the mine site or as part of a **MINING** activity.

**MOBILE HOME.** A prefabricated detached residential dwelling unit, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, designed for transportation on streets and highways on its own wheels or on flatbed or other trailers. Arriving at the site where it is to be occupied, it is placed on jacks or other foundations and connected to utilities. The term **MOBILE HOME** does not include modular dwellings intended for assembly on site and not designated for subsequent or repeated relocation, nor recreational vehicles as defined within this code.

**MOBILE HOME PARK.** Any site or tract of land under single ownership, upon which two (2) 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.

**MODULAR HOUSING.** An assembly of materials or products comprising all or part of a total residential structure which, when constructed, is permanent and self-sufficient, or substantially self-sufficient; and when installed, constitutes a dwelling unit except for necessary on-site preparations for its placement. Modular constructed units shall be considered as conventional dwelling units for purposes of this code.

**MOTEL.** A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public traveling by motor vehicle.

**NACELLE.** Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

**NATIONAL FLOOD INSURANCE PROGRAM (NFIP).** The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the **NFIP** is based on an agreement between local communities and the federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood loss.

**NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the initial effective date of the County Flood Insurance Rate Map, April 15, 1981, and includes any subsequent improvements to those structures.

**NONCONFORMITIES.** A building lot, structure, or use of land existing at the time of enactment of this code, and which does not conform to the regulations of the district or zone in which it is situated.

**NUISANCE.** Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses. There are many types of nuisances, and the law can be invoked to determine when, in fact, a nuisance exists and should be abated. **NUISANCE** law forms part of the basis for zoning. The separation of uses through zoning, e.g., industrial from residential, helps to foster the enjoyment of residential areas free from pollution, noise, congestion, and the other characteristics of industrial areas. Performance standards, which are better able to measure degree of **NUISANCE**, have been developed as a way of dealing with activities by the way they perform, rather than as classes.

**NURSERY.**

1. **PLANT MATERIAL.** A space including accessory building or structure for the growing or storage of live trees, shrubs, or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.

2. **RETAIL.** A space including accessory building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.

**NURSING HOME.** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care

to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**OCCUPANCY.** The use of land and/or buildings or portions thereof.

**OCCUPANCY PERMIT.** A document issued by the Zoning Inspector authorizing use of the premises after determination that the use, structure, etc. are in conformity with the respective zoning regulations concerning the particular premises.

**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, and may include other recreational facilities of a similar nature and intent. Streets, parking areas, structures for habitation, and the like shall not be included.

**OWNER.** Any person who, alone or jointly or severally with others, shall have legal title to any land or structure, with or without accompanying actual possession thereof; or shall have charge, care, or control of any land or structure as owner or agent of the owner; or as executor, administrator, conservator, trustee, or guardian of the estate of the **OWNER**. Any such person thus representing the actual **OWNER** shall be bound to comply with the provisions of this code and of rules and regulations adopted pursuant thereto, to the same extent as if he were the **OWNER**.

**PARCEL.** A lot or tract, or contiguous groups or portions of such lots and/or tracts shown on the Assessor's roll of the county, or contiguous area of land under legal control of any one person, partnership, firm, corporation, syndicate, agency, or institution. See also definitions of **LOT** and **TRACT**.

**PARKING.** The assembling or standing of motor vehicles for relatively temporary periods of time.

**PARKING AREA, OFF-STREET.** The portion of a parcel that is designated for the parking of vehicles. **OFF-STREET PARKING AREAS** shall be so designed, maintained, and regulated in accordance to the provisions of this code so that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

**PARKING, COMMERCIAL.** Parking lots or structures open to the public and operated for a profit.

**PARKING, COMMUNITY.** Parking lots or structures not open to the public but shared by several persons not residents on the premises.

**PARKING, PRIVATE.** The parking of motor vehicles belonging to residents on the premises.

**PARKING SPACE, OFF-STREET.** Consists of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**PATIO.** An unroofed outdoor area, typically paved or cemented.

**PAVED SURFACE.** A hard, smooth surface made principally of asphaltic concrete, portland cement, or brick that will bear travel.

**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.

**PERFORMANCE STANDARDS.** A minimum requirement or maximum allowable limit on the effects or characteristics of a use, usually written in the form of regulatory language. A building code, for example, might specify a **PERFORMANCE STANDARD** referring to the fire resistance of a wall, rather than specifying its construction materials. **PERFORMANCE STANDARDS** in zoning might describe allowable uses with respect to smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact, and so on, instead of the more traditional classifications of "light" or "heavy" lists of uses. It is a more precise way of defining compatibility and at the same time is intended to expand developers' options.

**PERMANENT.** Continuing or enduring in the same state, place, or the like without marked change.

**PERMANENT OCCUPANCY.** The use of land and/or structures or portions thereof for a period of one (1) month or longer.

**PERMIT.** Written governmental permission issued by an authorized official empowering the holder thereof to do acts not forbidden by law, but not allowed without such authorization.

**PERMITTED USE.** A use by right which is specifically authorized in a particular zoning district. It is contrasted with conditional uses which are authorized only if certain requirements are met and after review and approval by the Board of Zoning Appeals.

**PERSON.** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An "agency" is further defined in R.C. § 111.15 as any governmental entity of the state and includes but is not limited to any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the General Assembly, the controlling board, the Adjutant General's Department, or any court.

**PERSONAL SERVICES.** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

**PLANNED UNIT DEVELOPMENT.** Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans, and design principles for all buildings as intended to be located, constructed, used, and related to each other, and for other uses and improvements on the land as related to buildings.

Development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common use by the occupants of the development.

**PLANNING COMMISSION.** The Planning Commission of the county.

**POLICE POWER.** The authority of government to exercise controls to protect the public's health, safety, morals, and general welfare. As distinct from eminent domain powers, in which government takes property, no compensation need be paid for the imposition of **POLICE POWER** controls. The degree to which such exercise becomes, in effect, a taking of property, is a question of long standing and has arisen again lately in connection with the restrictive growth management controls being imposed by many communities.

**POLICY.** A statement or document of a public body that forms the basis for enacting legislation or making decisions. The **POLICIES** under which zoning resolutions are enacted and administered should be found in a community's comprehensive plan. A common charge leveled at zoning bodies is that their decisions are ad hoc, i.e., they are made independent of one another and have no basis in publicly established **POLICY**.

**POLICY PLAN.** A plan adopted by the Board of County Commissioners to serve as a guide for public decision making in regards to future development by establishing goals, objectives, and policies for the county.

**PORCH.** A roofed or unroofed, unenclosed portion of a building projecting from the front, side, or rear wall of the building.

**PREMISES.** A lot and all the use(s) conducted thereon.

**PRIMARY STRUCTURE.** For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. **PRIMARY STRUCTURES** include structures such as residences, commercial buildings, hospitals, and day care facilities. **PRIMARY STRUCTURES** exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

**PROFESSIONAL ACTIVITIES.** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

**PROFESSIONAL ENGINEER.** A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

**PUBLIC HEARING.** A meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions.

**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 municipal 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.

**PUBLIC UTILITY.** See **PUBLIC SERVICE FACILITY**.

**PUBLIC WAY.** An alley, avenue, bicycle path, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**PUD.** See **PLANNED UNIT DEVELOPMENT**.

**QUASI-PUBLIC USE.** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

**RECREATION CAMP.** An area of land on which two (2) or more travel trailers, campers, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**RECREATION FACILITIES.** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. **EXTENSIVE FACILITIES** generally require and utilize considerable areas of land and include but need not be limited to hunting, fishing, and riding clubs and parks. **INTENSIVE FACILITIES** generally require less land (used more intensively) and include but need not be limited to miniature golf courses, amusement parks, stadiums, and bowling alleys.

**RECREATIONAL VEHICLE.**

1. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term **RECREATIONAL VEHICLE** shall include but shall not be limited to travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.
2. For the purposes of § 814, floodplain overlay standards, a **RECREATIONAL VEHICLE** is a vehicle which is:
  - a. Built on a single chassis;
  - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGISTERED PROFESSIONAL ARCHITECT.** A person registered to engage in the practice of architecture under the provisions of R.C. §§ 4703.01 to 4703.19.

**REGISTERED PROFESSIONAL ENGINEER.** A person registered as a professional engineer under R.C. Chapter 4733.

**REGISTERED PROFESSIONAL SURVEYOR.** A person registered as a professional surveyor under R.C. Chapter 4733.

**RESEARCH ACTIVITIES.** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**RESIDENTIAL CONVERSION.** The physical modification of a residential structure to accommodate additional dwelling units as a part of the principal structure.

**RESTAURANT, CARRY-OUT.** An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually packaged to be carried and consumed off of the premises, but may be consumed within the restaurant building or on the premises.

**RESTAURANT, DRIVE-IN.** An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

**RESTAURANT, FAST-FOOD.** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building; within a motor vehicle parked on the premises; or off the premises as carry-out orders; and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

**RESTAURANT, TABLE SERVICE OR CAFETERIA-STYLE.** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or
2. A cafeteria-style operation where food and beverages generally are consumed within the restaurant building.

**REST HOME.** A commercial establishment which provides lodging, board, and personal services, other than medical or nursing care, for three (3) or more persons residing therein. This includes convalescent homes and homes for the aged, but does not include nursing homes, hospitals, or family or group homes.

**RETAIL.** Sale to the ultimate consumer for direct consumption and/or use and not for resale.

**REZONING.** An amendment to or a change in the zoning resolution. **REZONING** can take three (3) forms: (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; and (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels. The last, so-called small parcel **REZONING**, has often been used to add flexibility to the zoning process, usually unintentionally. (One form of text change, the importance of which may be unrecognized, is a change in a definition. For example, changing the definition of townhouses to include them under multifamily or single-family dwellings may significantly affect where and how they are permitted.) **REZONINGS**, like the enactment of the original resolution, are legislative acts that, except under rare and specifically defined circumstances, cannot be delegated to administrative officials.

**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.

**RIVERINE.**

1. Relating to, formed by, or resembling a river.
2. Living or situated on the banks of a river.

**ROW HOUSE.** A row of three (3) or more attached, one-family dwellings, each built with similar architectural treatment, separated by vertical divisions termed party or lot line walls, and each having private entrances (usually both front and rear). Often called a **TOWNHOUSE**, which is a more modern term for **ROW HOUSE**.

**SALVAGE YARD.** See **JUNK YARD**.

**SANITARIUM.** See **HOSPITAL**.

**SATELLITE SIGNAL RECEIVER.** Dish-type satellite signal receiving antennas, earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two (2) or more of the following:

1. A signal receiving device such as a dish antenna whose purpose is to receive communications or signals from earth orbiting



satellites or similar sources;

2. A low noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals; or
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

**SCHOOL.** The use of a premises for the frequent instruction, education, or part-time care of five (5) or more persons simultaneously. The number five (5) shall not include any member of a family residing on the premises.

1. *Definitions.*

**FREQUENT.** School sessions occurring more than five (5) times during any 30-day period.

**PART-TIME CARE.** The part-time care of children twelve (12) years of age or younger who do not reside on the premises.

2. *Types.*

a. *School; nursery, kindergarten, day care.* A school providing general daytime care and/or instruction for children twelve (12) years of age or younger which conducts no instructional programs certified by the State Board of Education as meeting the minimum educational requirements of the Ohio Revised Code for compulsory age children (ages six (6) to eighteen (18) years). Hours of operation shall be limited to the daytime hours between 6:00 a.m. and 9:00 p.m.

b. *School; compulsory (Grades 1–12).*

1) A public or private, for-profit or not-for-profit school whose primary use is to conduct regular academic instruction and/or special substitute educational programs which are certified by the State Board of Education as meeting the minimum educational requirements of the Ohio Revised Code for compulsory-age children attending the school.

2) As a secondary use, the school may conduct optional community programs and activities involving persons of any age, such as but not limited to child day care, pre-kindergarten, evening classes, summer programs, recreational and cultural programs, and special events.

3) The Ohio Revised Code requires the education of all children of compulsory age (six (6) to eighteen (18) years of age).

c. *School; college, university, or seminary.*

1) Public or other not-for-profit schools conducting regular academic instruction at the college level, including graduate schools, universities, community and junior colleges, colleges, nonprofit research institutions, seminaries, and religious institutions, and including related instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees. Such schools must either:

- a) Offer general academic instruction equivalent to the standards prescribed by the State Board of Education;
- b) Confer degrees as a college or university, junior college, or community college with undergraduate or graduate standing;
- c) Conduct research; or
- d) Give religious instruction.

2) This definition does not include schools, academies, or institutions, incorporated or otherwise, which operate for profit, nor does it include commercial, trade, or business schools.

d. *School; trade, business, or other.* A school operated for profit which teaches business, professional, or technical trades or skills, or a school not otherwise included within the provisions of this code.

**SCREENING.** A physical barrier of living or non-living material that separates and/or obscures vision for a higher intensity land use to residential use.

**SEAT.** For purposes of determining the number of off-street parking spaces for certain uses, the number of **SEATS** is the number of seating units installed or indicated, or each twenty four (24) lineal inches of benches, pews, or space for loose chairs.

**SEPTAGE.** The waste or sewage in a septic tank.

**SETBACK.** The distance between the public right-of-way line and the front line of a building or any projection thereof, excluding porches and uncovered steps.

**SETBACK LINE.** The line that is the required minimum distance from a public right-of-way line or any other lot line that establishes the area within which the buildings, structures, parking areas, or other physical features of a parcel as stated by this code must be erected or placed.

**SEWAGE SLUDGE.** The residue of a sewage treatment plant. **SLUDGE**, as used here, does not include septage, and includes but is not limited to the following:

1. **ACTIVATED SLUDGE.** Obtained in the secondary stage of the treatment plant by settling flocculated bacteria cells and other settleable materials that have been feeding on the soluble and suspended organic material in the sewage;

2. **DEWATERED SLUDGE.** Sludge which has been subjected to one of the following processes: vacuum filters, centrifuges, or filter presses. Usually between twenty (20) percent and thirty (30) percent solids;

3. **DRIED SLUDGE.** The produce of sand drying beds or dehydrators. Usually over thirty (30) percent solids;

4. **PRIMARY SLUDGE.** Raw sludge obtained in the primary stage of the treatment plant by collecting solids, both settled-out and floating;

5. **STABILIZED SLUDGE.** Primary and activated sludges which have been further treated in which the organic matter has been decomposed under aerobic or anaerobic conditions, or composting until the volatile content has been reduced to the point at which the solids are relatively nonputrescible and not offensive. Sludges may also be stabilized by thermal conditioning (wet oxidation) or lime stabilization; and

6. **THICKENED SLUDGE.** Produced by gravity, air flotation, chemical precipitation, and other processes that physically thicken it. Usually less than twenty (20) percent solids.

**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.

**SEWERS, ON-SITE.** A septic tank or similar installation on an individual lot which utilizes an aerobic 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 health and sanitation officials having jurisdiction.

**SIDEWALK.** The portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**SIGN.** Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, or trademarks by which anything is made known, such as area used to designate a firm, an association, a corporation, a business, a service of a commodity or product, or any type of publicity, whether placed on natural objects or on a building, fence, or other human-made structure, which are visible from any public street or public road right-of-way.

**SIGN, ADVERTISING.** A sign which directs attention to a business, product, activity, or service which is not conducted, sold, or offered upon the premises where such sign is located.

**SIGN, ANIMATED.** Any sign having a conspicuous and intermittent variation in the physical position of any part of the sign.

**SIGN AREA.**

1. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The necessary supports or uprights on which such sign is placed, not being advertising matter, shall not be included in computation of surface area.

2. The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

**SIGN, AWNING, CANOPY, OR MARQUEE.** A sign that is mounted on or painted on or attached to an awning, canopy, or marquee.

**SIGN, BULLETIN BOARD.** A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.

**SIGN, BUSINESS.** A sign which directs attention to a business, profession, service, product, or activity sold or offered upon the premises where such sign is located.

**SIGN, COMBINATION.** Any sign incorporating any combination of freestanding, projecting, and/or roof signs.

**SIGN, CONSTRUCTION.** A sign advertising the development or improvement of a property by a builder, contractor, or other person furnishing services, material, or labor to said premises, which sign is intended for a limited period of display and erected on the same lot as the work being done.

**SIGN, DIRECTIONAL.** A sign directing vehicular or pedestrian movement onto a premises or within a premises.

**SIGN, DOMESTIC ADVERTISING.** A sign advertising the sale of household goods previously used by an individual or his family, when such sign is located at the place or residence of the individual or family.

**SIGN, FACE.** The surface of the sign upon, against, or through which the message of the sign is exhibited.

**SIGN, FLASHING.** Any sign having a conspicuous and intermittent variation in the illumination of the sign.

**SIGN, FREESTANDING.** A sign which is supported by one (1) or more uprights, poles, or braces in or upon the ground.

**SIGN, GROUND.** A freestanding sign supported by one (1) or more uprights, braces, or pylons located in or upon the ground, or something requiring location on the ground, including billboards or "poster panels", so called.

**SIGN, HEIGHT.** The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.

**SIGN, IDENTIFICATION.** A sign located at or near the entrance to an industrial, business, or residential development which is necessary for the safety or convenience of motorists and which is therefore erected primarily in the public interest. An **IDENTIFICATION SIGN** shall consist only of the name of the development, appropriate decorative embellishments, and if necessary, a directional symbol.

**SIGN, ILLUMINATED.** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

1. **INDIRECT ILLUMINATION.** A light source not seen directly.

2. **INTERNAL ILLUMINATION.** A light source concealed or contained within the sign, and which becomes visible in darkness through a translucent surface.

**SIGN, INTERIOR.** Signs located within a structure not intended to be seen from the exterior. Signs affixed to a window or the walls enclosing the display area behind a window, which are obviously intended for viewing from the exterior, shall be considered exterior signs.

**SIGN, LIGHT DEVICE.** Any light, string of lights, or group of lights located or arranged so as to cause illumination on a sign.

**SIGN, NAMEPLATE.** A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying such building or premises.

**SIGN, ON-PREMISES.** Any sign related to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

**SIGN, POLITICAL.** A sign which promotes, identifies, announces, opposes, or otherwise offers for public consideration any political candidate or issue, partisan or nonpartisan.

**SIGN, PROJECTING.** A sign which is affixed to any building or part thereof, or structure, which extends beyond the building wall or parts thereof, or structure, by more than twelve (12) inches. A **PROJECTING SIGN** shall not include a ground sign as herein defined.

**SIGN, REAL ESTATE.** A sign advertising for sale, lease, or rent the parcel or real estate on which the sign is located. Also, temporary directional signs less than four (4) square feet in message area displayed during the hours in which an "open house" showing of real property for sale, lease, or rent is actually being conducted shall be considered **REAL ESTATE SIGNS**, even though they may not be located on the parcel of real estate being advertised. "Sold" signs shall be considered commercial advertising signs.

**SIGN, ROOF.** A sign erected upon or above a roof or parapet wall of a building or structure.

**SIGN, STRUCTURE.** The supports, uprights, bracing, or framework for signs.

**SIGN, SUBDIVISION.** A sign advertising the sale or development of subdivision lots, parcels, or tracts and erected upon the property being subdivided and advertised for sale.

**SIGN, TEMPORARY.** A banner, pennant, poster display, or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, person, institution, organization, or business and is constructed of cloth, canvas, plastic sheet, cardboard, or other like materials and which is intended to be displayed for a limited period of time as determined by the Zoning Commission.

**SIGN, WALL.** Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than fifteen (15) inches from the face of the wall.

**SIGN, WARNING.** Any sign indicating danger or a situation which is potentially dangerous.

**SIGN, WINDOW – PERMANENT.** Any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on, or hung immediately behind the window or displayed from a window for the specific purpose of identifying the proprietor or name of business to the passer-by.

**SIGN, WINDOW – TEMPORARY.** A sign visible from the exterior of a building or structure which is painted on a window; depicted upon a card, paper, or other material; or placed on, taped on, or hung immediately behind the window, or displaced from a window for the specific purpose of attracting attention of the passer-by to a sale, or to promotional items, or other products or services.

**SITE PLAN.** A site or development plan shall refer to a set of to-scale drawings and associated text containing the following elements of information regarding the proposed and/or existing use(s) for a premises.

1. *Use.* A statement of the general nature of the proposed and/or existing use(s) on a premises.

2. *Structures.* The location, size, and height of all structures on the property (including buildings, signs, walls, fences, waste collection facilities, and works of art).

3. *Setbacks and yards.* The location, size, and dimensions of all yards, setbacks, and spaces between structures.

4. *Architectural elevations.* The exterior architectural elevations of all structures proposed and/or existing on the site showing the general design, architectural features, color, and building materials. The architectural elevations of structures immediately adjacent to the applicant's property may be required.

5. *Paving.* The location, dimensions, and method of improvement of all driveways, parking areas, walkways, and other means of access, ingress, and egress.

6. *Parking and loading.* The location, dimensions, and layout of all areas to be used for parking or loading.

7. *Screening.* The location, height, and materials for all required screening.

8. *Lighting.* The location, design, intensity, color, and beam spread of all exterior lighting.

9. *Signs.* The location, size, and architectural elevations of all signs.
10. *Storm water drainage.* The design of the storm water drainage system for the property.
11. *Other relevant information.* Any additional relevant information requested by the county.

**SKETCH (CONCEPT; OUTLINE) PLAN OR PLAT.** A generalized map that is prepared by a developer, usually before the pre-application conference, to let the developer/subdivider save time and expense in reaching agreement with the Planning Commission as to the form of the plan and the purposes of the regulations. Its purpose is simply to serve as a basis for discussion without either side making commitments.

**SMALL WIND PROJECT.** Any wind project in aggregate less than 5 MW which includes the wind turbine generator and anemometer.

**SOLAR ENERGY SYSTEM.** The components and subsystems required to convert solar energy into electric or thermal energy, including all equipment and accessory buildings. For the purposes of this code, a solar energy system shall be considered a permanent structure treated similarly to a building.

**SOLAR FARM.** A utility-scale, commercial solar energy system.

**SPECIAL FLOOD HAZARD AREA.** Also known as **AREAS OF SPECIAL FLOOD HAZARD**, it is land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

1. **SPECIAL FLOOD HAZARD AREAS** are designated by the Federal Emergency Management Agency on flood insurance rate maps, flood insurance studies, flood boundary and floodway maps, and flood hazard boundary maps as Zones A, AE, AH, AO, A1-30, and A99. **SPECIAL FLOOD HAZARD AREAS** may also refer to areas that are flood prone and designated from other federal state or local sources of data, including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

2. Any area outside the FEMA-studied areas lying along blue-line streams as shown on the United States Department of Interior Geological Survey (hereafter referred to as "USGS") quadrants of which this county is contained and/or areas with flood prone soils which are contiguous to blue-line streams as shown on the County Flood Prone Soils Map shall also be considered **SPECIAL FLOOD HAZARD AREAS**.

**SPOT ZONING.** Zoning a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use and to favor the owner of a particular piece or pieces of property. **SPOT ZONING** is invalidated by the courts when it violates "in accordance with a comprehensive plan", is in the arbitrary and inappropriate nature of the change rather than, as is commonly believed, in the size of the area. **SPOT ZONING** often is a reason why many flexible techniques such as floating zones or conditional rezoning have been prohibited, the argument being that conferring narrow development permission is a form of **SPOT ZONING**. Special small area zoning districts, however, have been upheld where the comprehensive plan demonstrates a special need, such as for a historic area or to preserve a sensitive natural area. **SPOT ZONING**, in sum, can be legal or illegal, but lay persons generally think that it always is illegal and use the term loosely and with prejudice at public hearing when they oppose the change.

**STABLE, COMMERCIAL.** A building with more than four (4) stalls for horses not owned by the owner of the stable.

**STABLE, PRIVATE.** Any building, incidental to an existing residential principal use, that shelters a horse, a pony, a mule, a donkey, or other riding animal used for the exclusive use of the occupants of the premises.

**STACKING.** The area of a parking lot used for the temporary storage of vehicles at ingress and egress points of a premises or drive-through aisles for uses such as drive-through banking, fast-food restaurants, and convenience stores.

**START OF CONSTRUCTION.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

**STATEMENT OF INTENT (STATEMENT OF PURPOSE).** A statement of policy or objectives, often incorporated in a zoning resolution, which outlines the broad purpose of the resolution and its relationship to the comprehensive plan; frequently, a statement preceding regulations for individual districts, which helps to characterize the districts, and their legislative purpose. When the application of particular district requirements is challenged in court, the courts rely on the **INTENT STATEMENT** in deciding whether the application is reasonable and related to a defensible public purpose. As zoning resolutions become more complex, with numerous special districts and flexible applications, **STATEMENTS OF INTENT**, which guide users, administrative officials, and the courts, are making more frequent appearances.

**STORY.** The part of a building, except a mezzanine, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A **STORY** thus defined shall not be counted as a **STORY** when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

**STREET.** See **THOROUGHFARE**.

**STREET, CENTERLINE OF.** The true centerline of a dedicated public right-of-way as determined by the County Engineer. Where such public right-of-way is curved, offset, angular, or any other questions arise, the County Engineer shall determine the alignment of the centerline.

**STREET RIGHT-OF-WAY.** See **RIGHT-OF-WAY**.

**STREET WIDTH.** The horizontal distance between right-of-way lines.

**STRIP ZONING.**

1. A zone normally consisting of a ribbon of uses fronting both sides of an arterial roadway and extending inward for half a block. Strip commercial development is the most common form and occurs naturally everywhere. In suburban areas or along well traveled roads, it is usually characterized by an assortment of gas stations, drive-in and fast-food restaurants, motels, tourist shops, and some automobile sales and service operations. In fringe areas, such uses may be interspersed with a few farms and farm service outlets like feed distributors and large equipment sales; unlimited highway access to such uses severally reduces road-carrying capacity. And in older municipalities, strips of convenience stores and other retail stores are found scattered within residential neighborhoods.

2. **STRIP ZONING** is a recognition that since such development will not go away, its most irksome characteristics should be controlled. These include access, use limitations, parking, signs, some development standards, and occasionally, though seldom successfully, clustering requirements and aesthetic controls.

**STRUCTURE.**

1. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water, including but not limited to buildings, mobile homes, walls, fences, and ground signs.

2. For the purposes of § 814, floodplain overlay standards, a **STRUCTURE** is a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

**STRUCTURE, PERMITTED.** A structure meeting all the requirements established by these zoning regulations for the district in which the structure is located.

**SUBDIVISION.** Means either of the following:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two (2) or more parcels, sites, or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

(a) A division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access:

(b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites:

2. The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders, or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities. See **SUBDIVISION, MINOR**.

**SUBDIVISION, MINOR.** A division of a parcel of land that has the following characteristics:

1. Land is located along an existing public road;

2. No opening, widening, or extension of any road is involved;

3. No more than five (5) lots (after the original tract is completely subdivided as the original tract existed on February 13, 2006) are involved; and

4. The request for division is not contrary to platting, subdividing, zoning, health, sanitary or access management regulations.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure which is considered new construction;

2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

3. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SUMMER KITCHEN.** A small building or shed or screened-in room that is adjacent to the recreational vehicle and is used only in

the summer.

**SUPPLY YARDS.** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**SWIMMING POOL.** Any structure or device intended for swimming or recreational bathing that contains and/or is designed, manufactured or constructed to contain water over twenty four (24) inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**TAVERN.** Facilities or a building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food. **TAVERN** shall also include private clubs in which alcoholic beverages are regularly sold or served as a principal activity of the organization.

**TEMPORARY USE OR BUILDING.** A use or building permitted by the Board of Zoning Appeals to exist during the period of construction of the main building or use, or for special events or circumstances.

**THOROUGHFARE, STREET, or ROAD.** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for 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 the 180-degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other; and
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.

**THROUGH LOT.** See **LOT TYPES.**

**TOWNHOUSE.** See **ROW HOUSE.**

**TOXIC MATERIAL.** A solid, liquid, or gas which can be injurious to the public safety as defined in U.S. government regulations.

**TRACT.** A portion of land, usually not platted, delineated by a metes and bounds description. See also **LOT** and **PARCEL.**

**TRAILER.** A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods, or objects, or as a temporary office.

**TRAILER COURT.** See **MOBILE HOME PARK.**

**TRANSPORTATION, DIRECTOR OF.** The Director of the State Department of Transportation.

**UNENCLOSED.** May be roofed, but may not be enclosed on more than two (2) sides by walls or fences. See **ENCLOSED.**

**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.

**USE, ACCESSORY.** See **ACCESSORY USE OR STRUCTURE.**

**USE, CONDITIONAL.** See **CONDITIONAL USE.**

**USE, NONCONFORMANCE.** See **NONCONFORMITIES.**

**USE, PERMITTED.** See **PERMITTED USE.**

**USE, PRINCIPAL.** A use which fulfills a primary function of a household, establishment, institution, or other entity.

**USE, PROHIBITED.** See § 702 D.

**VARIANCE.**

1. 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.

2. For the purposes of § 814, floodplain overlay standards, a grant of relief from the standards of these regulations consistent with the **VARIANCE** conditions herein.

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or street, except devices moved by human power.

**VEHICLE, COMMERCIAL.** Any vehicle designed, intended or used as a means of transportation for and of people, goods, or things used in trade and traffic or commerce in general.

**VEHICLE, MOTOR.** Every vehicle which is self-propelled.

**VESTED RIGHT.**

1. A right is **VESTED** when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no **VESTED RIGHT** to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. In order for a nonconforming use to earn the right to continue when the zoning is changed, the right must have been **VESTED** before the change. If the right to complete the development has not been **VESTED**, it may not be built, no nonconforming use will be established, and the new regulations will have to be complied with.

2. **VESTED RIGHTS** are often established by showing that some development permit has been obtained and substantial construction improvements must have been completed before the rights are **VESTED** varies among the states. In some states application for a building permit or other development approval may be sufficient to establish a **VESTED RIGHT** to complete a project. Others may require substantial investment and beginning of construction on the land, with completion of structures that are unique to the planned project. See also **NONCONFORMITIES**.

**VETERINARY ANIMAL HOSPITAL OR CLINIC.** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

**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.

**VIOLATION.** The failure of a structure or other development to be fully compliant with these regulations.

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

**WAREHOUSE.** A building or portion thereof used and appropriated by the occupant:

1. For the deposit and safekeeping or selling of his own goods at wholesale or by mail order; or
2. Not for the deposit and safekeeping or selling of his own goods but for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

**WHOLESALE.** Sale for resale, not for direct consumption.

**WIND POWER TURBINE OWNER.** The person, persons, or entity who owns the wind turbine structure.

**WIND POWER TURBINE TOWER.** The support structure to which the turbine and rotor are attached.

**WIND POWER TURBINE TOWER HEIGHT.** The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

**WRECKING YARD.** See **JUNK YARD**.

**YARD.** An existing or required space not occupied or not to be occupied by a principal use of building on the same lot, parcel, or tract with a principal use of building.

**YARD DEPTH.** The shortest distance between a lot line and a yard line.

**YARD, FRONT.** A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building, or any projection thereof, at the closest point to the front lot line. Such **FRONT YARD** is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this code. A corner lot or a through lot shall be required to have a **FRONT YARD** on each street abutting the lot.

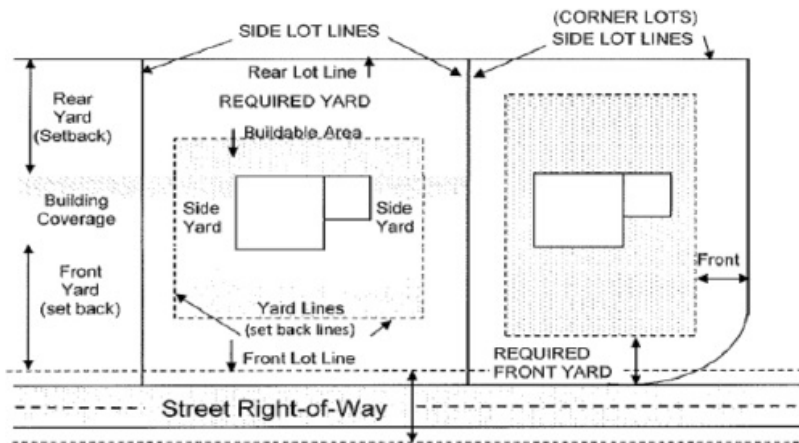
**YARD LINE.** A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

**YARD, REAR.** A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the principal building, or any projection thereof, at the closest point to the closest point of the rear lot line. Such **REAR YARD** is unoccupied and unobstructed from the ground upward except as may be provided elsewhere in this code. A corner lot as defined in this code shall have no **REAR YARD**.

**YARD, REQUIRED.** The open space between a lot line and the buildable area within which no structure shall be located except as provided in this code.

**YARD, SIDE.** A space extending from the front yard to the rear yard between the principal building and the rear lot line, and measured perpendicular from the side lot line to the closest point of the principal building, or any projection thereof. Such **SIDE YARD** is unoccupied and unobstructed from the ground upward except as may be provided elsewhere in this code.

**Diagram Illustrating the Various Types of Yards**



**ZONING ADMINISTRATOR.** Generally, the local official responsible for granting zoning permits and, following a determination by the Board of Zoning Appeals, for conditional permits and variances. Decisions of the official usually are appealable to the Board of Appeals.

**ZONING AMENDMENT.** See **REZONING.**

**ZONING BOARD OF APPEALS.** See **BOARD.**

**ZONING CERTIFICATE.** See **ZONING PERMIT.**

**ZONING COMMISSION.** The County Rural Zoning Commission of this county.

**ZONING PERMIT.** An official finding that a planned use of a property, as indicated by an application, complies with the requirements of the zoning resolution or meets special conditions of a variance or conditional permit; this code also will specify additions or alterations that need to have a permit.

(Res. 669-94-72, Art. XVI, effective 4-5-1995; Res. effective 3-3-2006; Res. effective 7-5-2006; Res. 80-13-159, effective 7-5-2013; Res. 81-13-159, effective 5-3-2013; Res. 302-13-160, effective 9-7-2013; Res. 590-13-163, effective 3-7-2014; Res. 189-14-164, effective 8-1-2014; Res. 57-18-182, effective 1-5-2018; Res. 59-18-182, effective 1-5-2018)

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<i>O.R.C. Section</i>	<i>Code Section</i>
111.15	1601
Ch. 303	511, 602
303.01 et seq.	103
303.02 to 303.25	1601
303.21	401
307.37	814
307.85	814
Ch. 2505	1512
Ch. 2506	814, 1512
3701	814
Ch. 3733	1601
3734	814
4501.01	1601
4703.01 to 4703.19	1601



Ch. 4733	1601
4906	814

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<i>Res. No.</i>	<i>Date Effective</i>	<i>Code Section</i>
<i>Res. No.</i>	<i>Date Effective</i>	<i>Code Section</i>
-	--1995	816.02 - 816.04, 1103.01, 1103.02, 1404.01
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-	1-3-2003	1103.02
-	5-30-2003	801.03
-	5-30-2003	816.03
-	7-4-2003	816.03
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81-13-159	5-3-2013	804.02, 804.02, 806.02, 1103.02, 1601
82-13-159	6-8-2013	1404
80-13-159	7-5-2013	103, 201, 301, 302, 401, 402, 505, 511, 512, 801.01 - 801.03, 802.03, 802.04, 803.04, 804.02, 805.02, 805.03, 806.01 - 806.03, 806.06, 807.02, 807.03, 808.02 - 808.06, 809.01 - 809.03, 810.02, 810.03, 811.01 - 811.03, 812.01, 812.02, 812.03, 813.01, 813.04, 813.12, 813.20, 813.30, 813.40, 813.50, 813.60, 813.70, 813.80, 814, 815.02, 815.04, 816.03, 817.05, 817.10 - 817.14, 902.01, 902.02, 903.02, 1002 - 1005, 1008.01, 1009.01, 1010.01, 1010.02, 1102.03, 1102.04, 1103, 1103.01, 1103.02, 1201, 1202.03, 1202.06, 1202.10, 1303, 1307, 1308, 1311, 1312, 1314, 1404, 1404.01, 1405, 1410, 1503, 1509, 1510, 1511, 1513, 1601
302-13-160	9-7-2013	801.02, 802.02, 803.02, 804.02, 805.02, 806.02, 807.02, 808.02, 809.02, 810.02, 811.02, 812.02, 813.20, 813.30, 1103.02, 1601
536-13-162	12-6-2013	102, 1510
590-13-163	3-17-2014	1601
608-13-163	3-17-2014	1313
187-14-164	8-1-2014	1103.02
188-14-164	8-1-2014	801.02, 802.02, 803.02, 804.02, 805.02, 806.02, 807.02, 808.02, 809.02, 810.02, 811.02, 812.02, 1103.02
189-14-164	8-1-2014	1601
190-14-164	8-1-2014	814, 815.01
56-18-182	1-5-2018	814
57-18-182	1-5-2018	301, 302, 702, 801.02, 801.04, 802.04, 805.02, 806.02, 813.40, 813.50, 815.01, 815.04, 817.05, 817.08, 817.09, 817.11, 817.13, 902.01, 902.02, 1004, 1009.01, 1009.02, 1010.01, 1010.02, 1102.02, 1202.04, 1202.11, 1405, 1512, 1601
58-18-182	1-5-2018	1103.02

59-18-182	1-5-2018	801.02, 802.02, 803.02, 804.02, 805.02, 806.02, 807.02, 808.02, 809.02, 810.02, 811.02, 812.02, 813.20, 813.30, 813.40, 813.50, 813.70, 1103.02, 1601