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WARREN COUNTY | OHIO

WAYNE
Township
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ZONING CODE

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ARTICLE I: ZONING AUTHORITY, ADMINISTRATION, AND ENFORCEMENT

CHAPTER 1: TITLE, PURPOSE, AND APPLICABILITY

§ 1.101 TITLE.

The Wayne Township Zoning Resolution, consisting of this text document and the accompanying Official Zoning Map, as amended, shall be known as the “Wayne Township Zoning Code,” the “Zoning Resolution,” or the “Zoning Code” to the same effect.

§ 1.102 PURPOSE.

The purpose of this Zoning Resolution shall be as established and provided for in Section 519.02 of the Ohio Revised Code (ORC).

§ 1.103 APPLICABILITY.

1.103.1 This Resolution has been passed under the authority granted to the Township under Chapter 519 of the ORC and embraces the provisions thereof regarding enforcement and penalties for violations.

1.103.2 This Resolution may be repealed in accordance with Section 519.25 of the ORC.

§ 1.104 JURISDICTION.

1.104.1 The provisions of this Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Wayne Township, Warren County, Ohio.

1.104.2 When a parcel of land is partially located within another jurisdiction, outside of unincorporated Wayne Township, this Zoning Resolution shall only apply to that portion of the parcel that is within unincorporated Wayne Township.

§ 1.105 INTERPRETATION AND CONFLICTS.

1.105.1 The specifications in this Resolution are held as minimum or maximum requirements, as applicable, with the intent to achieve the purposes stated in ORC Section 519.02, et seq., or as may be amended.

1.105.2 When the provisions of this Zoning Resolution are inconsistent with one another or with the provisions found in another adopted Resolution, the most restrictive provision shall govern as determined by the Wayne Township Zoning Inspector.

1.105.3 Where this Zoning Resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or Resolutions, the provisions of this Zoning Resolution shall control provided it complies with the ORC.

§ 1.106 RELATIONSHIP WITH PRIVATE-PARTY AGREEMENTS.

1.106.1 This Zoning Resolution is not intended to interfere with or repeal any easements, covenants, or agreements between parties, provided that wherever this Zoning Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Zoning Resolution shall govern.

1.106.2 In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties except for those that may be held by the Township. As such, the Zoning Inspector cannot use the regulations of a private party agreement to deny a zoning permit when the proposed use, structure, or building meets the requirements of this Zoning Resolution.

§ 1.107 ZONING PERMIT REQUIRED.

1.107.1 It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning permit is issued by the Zoning Inspector in accordance with Section 1.303 (Zoning Permit Application).

1.107.2 Such zoning permit shall state that such building, premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Resolution.

§ 1.108 SEVERABILITY.

1.108.1 If any court of competent jurisdiction invalidates any provision of this Zoning Resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this Zoning Resolution.

1.108.2 If any court of competent jurisdiction invalidates the application of any provision of this Zoning Resolution to a particular property, structure, or situation, then such judgment shall not necessarily affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

1.108.3 If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not necessarily affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

1.108.4 Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the administrative authority, such as an officer, commission, or Board, considered such condition or limitation necessary to carry out the spirit and intent of this Zoning Resolution, and that the officer, commission, or Board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

§ 1.109 TRANSITIONAL RULES.

1.109.1 Effective Date:

(A) This Resolution became effective on April 6, 2017.

(B) Any amendments to this Zoning Resolution shall be in full force and effect as provided in ORC Section 519.12.

1.109.2 Violations Continue:

Any violation under previous Zoning Resolutions that existed in the Township prior to the adoption of this Zoning Resolution shall continue to be a violation under this Zoning Resolution and is subject to penalties and enforcement under Section 1.312 (Violations and Penalties), unless the use, development, construction, or other activity complies with the provisions of this Zoning Resolution.

1.109.3 Non-Conformities Continue:

(A) Any legal non-conformity that exists at the time of the enactment of this Zoning Resolution shall continue to be a legal non-conformity under this Resolution, as long as the situation that resulted in the non-conforming status under the previous Resolution continues to exist. Such non-conformities shall be subject to the provisions of Section 1.310 (Non-Conformity Provisions).

(B) If a legal non-conformity that exists at the time of the enactment of this Zoning Resolution becomes conforming because of the adoption of this Resolution, then the situation will be considered conforming and shall no longer be subject to the non-conformities regulations of Section 1.310 (Non-Conformity Provisions).

1.109.4 Approved Projects:

- (A) Any building, structure, or development for which a zoning permit, conditional use approval, or variance approval was issued prior to the effective date of this Zoning Resolution may, at the applicant's option, be completed in conformance with the issued permit or approved use along with any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Zoning Resolution. Such building, structure, or development shall be considered a legal non-conforming use upon the issuance of an occupancy permit from the Warren County Building Department.
- (B) If the building or structure is not completed within the time allowed under the original zoning permit, conditional use approval, or variance approval or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Zoning Resolution.
- (C) Any application for a project where the zoning permit, conditional use approval, or variance approval has expired shall meet the standards in effect at the time of re-application.
- (D) Any development application approved as part of a Planned Unit Development (PUD) Overlay or Village Transition Planned Unit Development (VT-PUD) Overlay prior to the effective date of this Zoning Resolution shall continue to be valid.

§ 1.110 LIMITATIONS AND EXCEPTIONS.

1.110.1 Agriculture:

- (A) This Resolution shall have no power to prohibit the use of any land within the zoning jurisdiction for agriculture (as defined herein), or the construction or use of buildings or structures incidental to the agricultural use of land on which such buildings or structures are located.
- (B) No zoning permit shall be required for any such building or structure as described in Section 1.110.1(A), except that the following may be regulated in any platted subdivision approved under Sections 711.05, 711.09, or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:
 - (1) Agriculture on lots of one (1) acre or less;
 - (2) Buildings or structures incident to the use of land for agricultural purposes or lots greater than one (1) acre but not greater than five (5) acres: by building setback lines, height, and size; and,

(3) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or to the tax on manufactured and mobile homes under Section 4503.06 of the ORC. After thirty-five (35) percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered a non-conforming use of such land, buildings or structures pursuant to Section 519.19 of the ORC.

(C) However, Section 1.110.1(B) above confers no zoning power to regulate agriculture, such buildings or structures, and dairying and animal and poultry husbandry on lots greater than (5) acres, nor to prohibit any land for agritourism, or a farm market where 50 percent or more of the gross income received by the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, but per Section 519.21(C)(1) of the ORC, zoning may regulate such factors pertaining to agritourism or farm markets as size of the structure, size of the parking areas that may be required, building setback lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

1.110.2 Public Utilities, Railroads, and Telecommunication Towers:

Per Section 519.211 of the ORC, this Resolution shall have no power with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business, except as specified in ORC Section 519.211(B) or (C), respectively pertaining to the potential regulation of telecommunications towers and transportation service businesses, excepting transport of farm supplies and/or products.

1.110.3 Sale or Use of Alcoholic Beverages:

Per Section 519.211(D) of the ORC, this Resolution shall have no power to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

1.110.4 Permanently Sited Manufactured Homes:

Per Section 519.212 of the ORC, this Resolution shall have no power to prohibit or restrict the location of a permanently sited manufactured home (as defined herein) in any district or zone in which a single-family home is permitted, except that zoning authority is not limited with respect to the following:

(A) Requirements that a permanently sited manufactured home comply with all zoning requirements that are uniformly imposed on all single-family residences in the district or zone in which it is to be located, excepting requirements that specify a minimum roof pitch and that do not comply with the standards established pursuant to the

“Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401; and,

- (B) Prohibiting travel trailers, park trailers, and mobile homes (as defined herein) from location in any residential district or zone, as these terms are defined in ORC Section 4501.01, and manufactured homes that do not qualify as permanently sited manufactured homes.

1.110.5 Small Wind Farms:

Per Section 519.213 of the ORC, this Resolution, notwithstanding division (A) of ORC Section 519.211, has the power to govern the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, as defined in this Code same as ORC 519.213(A), whether publicly or privately owned, or the use of land for that purpose, more strict than the regulations prescribed in rules adopted in ORC Section 4906.20 pursuant to economically significant wind farms.

CHAPTER 2: ZONING ADMINISTRATION**§ 1.201 PURPOSE.**

The purpose of this chapter is to identify the roles and responsibilities of various elected and appointed Boards, as well as the duties of Township staff, in the administration of this Zoning Resolution.

§ 1.202 ADMINISTRATIVE AUTHORITIES AND ROLES.**1.202.1 Board of Township Trustees:**

For the purpose of this Zoning Resolution, the Wayne Township Board of Township Trustees shall have the following duties:

- (A) Initiate proposed amendments to this Zoning Resolution;
- (B) Review and decide on all proposed zoning text and map amendments to this Zoning Resolution;
- (C) Review and decide on Stage 1 and Stage 2 applications as they relate to a proposed General PUD Overlay, or PUD District; and
- (D) Perform all other duties as specified in ORC Chapter 519 and as specified in this Zoning Resolution.

1.202.2 Township Zoning Commission:

The Board of Township Trustees, for the purpose and intent of this Zoning Resolution, hereby creates and establishes the Wayne Township Zoning Commission, hereafter referred to as the TZC.

- (A) Appointment and Organization
 - (1) The TZC shall be composed of five (5) members who reside in the unincorporated area of Wayne Township, to be appointed by the Board of Township Trustees.
 - (2) Members shall serve five (5) year terms with the term of one (1) member expiring each year.
 - (3) Each member shall serve until his or her successor is appointed and qualified. Members may be reappointed.

- (4) Vacancies shall be filled by appointment by the Board of Township Trustees and shall be for the time remaining in the unexpired term.
- (5) Members of the TZC shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Township Trustees, upon written charges being filed with the Board, and after a public hearing has been held regarding such charges, a copy of 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 the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.

(B) Roles and Powers

- (1) Convene public meetings or hearings to:
 - (a) Initiate proposed amendments to this Zoning Resolution;
 - (b) Review all proposed zoning text and map amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees; and
 - (c) Review and make recommendations to the Board of Township Trustees regarding Stage 1 applications as they relate to a proposed General PUD Overlay, or PUD District.
- (2) Perform all other duties as specified for Township zoning commissions in ORC Chapter 519 and as specified in this Zoning Resolution.

(C) Alternates

- (1) The Board of Township Trustees may appoint up to two (2) alternate members to the TZC for a term of five (5) years each.
- (2) An alternate member may take the place of an absent regular member at any meeting of the TZC. An alternate member shall not take the place of an absent regular member if such alternate has not been present to hear all testimony regarding the matter at hand.
- (3) Whenever an alternate takes the place of an absent regular member in a matter that requires a vote, the alternate member shall take the place of the absent regular member for all meetings and hearings related to such issue.
- (4) An alternate member shall meet the same appointment criteria as a regular member.
- (5) When attending a meeting on behalf of an absent regular member, the alternate member may vote on any matter on which the absent member is authorized to vote.

(D) Rules

The TZC may organize and adopt the rules for it to operate in keeping with ORC Chapter 519, or as amended, and elect the Chair and Vice Chair persons from its members as membership changes and/or upon call of the commission through a motion.

(E) Meetings

- (1) Meetings shall be held at the call of the Chair, Vice Chair, or acting Chair, and at such other times as the TZC may determine. The Chair, or, if absent, the Vice Chair or acting Chair as otherwise determined by the TZC, may call a TZC meeting to order.
- (2) All meetings shall be open to the public, except as exempted by law.
- (3) The TZC shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be filed in a timely manner in the Township offices.

(F) Quorum

- (1) Any combination of three (3) regular or alternate members of the TZC shall constitute a quorum.
- (2) The TZC shall act when a majority of a quorum concurs and every decision shall be accompanied by written findings specifying the reason for granting or denying the application, or making its recommendation.

1.202.3 Board of Zoning Appeals:

The Board of Township Trustees, for the purpose and intent of this Zoning Resolution, hereby creates and establishes the Wayne Township Board of Zoning Appeals, hereafter referred to as the BZA.

(A) Appointment and Organization

- (1) The BZA shall consist of five (5) members, to be appointed by the Board of Township Trustees.
- (2) Members shall be residents of the unincorporated area of Wayne Township, Warren County, Ohio.
- (3) Members shall serve five (5) year terms with the term of one (1) member expiring each year.

- (4) Each member shall serve until their successor is appointed and qualified. Members may be reappointed.
- (5) Vacancies shall be filled by appointment by the Board of Township Trustees and shall be for the time remaining in the unexpired term.
- (6) Members of the BZA shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Township Trustees, upon written charges having been filed with the Board, 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 the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(B) Roles and Powers

- (1) Convene public meetings or hearings to:
 - (a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution;
 - (b) Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done;
 - (c) Approve or deny issuance of a zoning permit for a conditional use specified in this Code, in accordance with Sections 519.14 or 519.141 of the ORC, as applicable;
 - (d) Revoke any variance or conditional use granted for the extraction of minerals, if any approval condition thereof has been violated;
 - (e) Approve or deny zoning permit requests for completion, restoration, reconstruction, in whole or in part, extension, or substitution of a non-conforming use or structure;
 - (f) Determine if the event arises, as specified in Section 2.102 (District Boundaries Location and Interpretation), the certain location of a zoning district boundary that is in question or dispute for purposes of regulation in accordance with this Code; and
 - (g) Make a determination in the event the Zoning Inspector is unable to classify a use not listed in the Code per Section 2.202 (Permitting Designation for a Use Not Listed) of this Zoning Resolution.

- (2) In exercising the above-mentioned powers, the Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the administrative official from whom the appeal is taken.
- (3) All other powers conferred upon Township Boards of zoning appeals in Section 519.14 of the ORC, or as authorized by the Board of Township Trustees in compliance with state law.

(C) Alternates

- (1) The Board of Township Trustees may appoint up to two (2) alternate members to the BZA for a term of five years each.
- (2) An alternate member may take the place of an absent regular member at any meeting of the BZA. An alternate member shall not take the place of an absent regular member if such alternate has not been present to hear all testimony regarding the matter at hand.
- (3) Whenever an alternate takes the place of an absent regular member in a matter that requires a vote, the alternate member shall take the place of the absent regular member for all meetings and hearings related to such issue.
- (4) An alternate member shall meet the same appointment criteria as a regular member.
- (5) When attending a meeting on behalf of an absent regular member, the alternate member may vote on any matter on which the absent member is authorized to vote.

(D) Rules

The BZA may organize and adopt the rules for it to operate in keeping with ORC Chapter 519, or as amended, and annually elect the Chair and Vice Chair persons from its members.

(E) Meetings

- (1) Meetings of the BZA shall be held at the call of the Chair and at such other times as the BZA may determine.
- (2) The Chair, or in their absence, the Vice Chair or acting Chair, may administer oaths and the BZA may compel the attendance of witnesses per Section 519.15 of the ORC.
- (3) All meetings of the BZA shall be open to the public, except as exempted by law.

- (4) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and official actions, all of which shall be filed in a timely manner in the Township offices and shall be a public record, unless exempted by law.

(F) Quorum

- (1) Any combination of three (3) regular or alternate members of the BZA shall constitute a quorum.
- (2) The BZA shall act by Resolution when a majority of a quorum concurs. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

1.202.4 Township Zoning Inspector:

A Zoning Inspector, as appointed by the Wayne Township Board of Trustees, along with any assistant(s) as deemed necessary, shall be responsible for administering and enforcing the Wayne Township Zoning Code.

(A) Roles and Powers

- (1) Maintain the Zoning Code text and map, and the record of all amendments thereto.
- (2) Provide information regarding the Zoning Code and all related matters so involving.
- (3) Assist applicants for a zoning permit, site plan review, conditional use, variance, rezoning, or other zoning matter by explaining how to complete required applicable forms and procedures.
- (4) Review proposed subdivision plats and parcel splits submitted for approval to the Warren County Regional Planning Commission (RPC), or as otherwise submitted for recording not needing RPC approval, to determine compliance with the requirements of this Code.
- (5) Review zoning permit applications, ensuring compliance with the requirements of this Code, as well as any additional applicable case-specific Resolution conditions, and accordingly, either approve or deny said permit and maintain record thereof.
- (6) Determine, if the event arises, whether a proposed use not listed in this Code shall be a permitted or conditional use, in accordance with Section 2.202 (Permitting Designation for a Use Not Listed).

- (7) May perform periodic inspections of zoning permit sites to confirm that requirements are being met.
- (8) Investigate complaints of alleged zoning violations as specified in this Code.
- (9) Process, and maintain record of all zoning violations as specified in this Code. Issue written order via certified mail to the person(s) responsible for said zoning violation(s), to discontinue use of any land, building or structure, and/or to stop work and/or remove any building or structure, in whole or in part, that has been found in violation of any requirement(s) of this Zoning Code, informing them of their right to appeal the order should they might otherwise object or refuse to comply with said order.
- (10) Maintain records of legal non-conforming uses, structures, and lots that existed before the effective date of this Zoning Code and update the record as necessary when applicable conditions or amendments of the zoning regulations eliminate the nonconforming status.
- (11) Forward complete applications submitted in accordance with this Code for zoning cases requiring review and recommendation and/or action in determination of approval, denial or modification to the Warren County RPC, TZC, BZA, and/or Board of Township Trustees, as required by this Zoning Code.
- (12) Schedule, provide information for, attend, and oversee TZC and BZA meetings and attend and provide information at meetings of the Board of Township Trustees involving zoning matters.
- (13) Maintain public records regarding all zoning matters, inclusive of all information submitted and formal decisions made regarding each case.
- (14) Make grammatical, numerical, and section reference corrections to the Wayne Township Zoning Code without such changes being subject to the review process of Section 1.308 (Zoning Text or Map Amendments) and provided that such changes do not alter the meaning of the Code.
- (15) Perform other related duties as required to administer and enforce this Zoning Code.

§ 1.203 SUMMARY TABLE OF REVIEW BODIES AND PROCEDURES.

1.203.1 Section 1.203.3 (Summary Table of Review Bodies and Procedures) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures as set forth in Article I, Chapter 3 (Zoning Enforcement). This table is intended to be a guide, and does not limit or impede the ability of other boards, commissions, government agencies, or non-government agencies to review applications.

1.203.2 The following are symbols and associated meanings which are used in Section 1.203.3:

Symbol	Meaning	Symbol	Meaning
D	Decision	BOTT	Board of Township Trustees
H	Hearing	TZC	Township Zoning Commission
M	Meeting	BZA	Board of Zoning Appeals
R	Review	RPC	Regional Planning Commission

1.203.3 Summary Table of Review Bodies and Procedures:

PROCEDURE	Zoning Inspector	RPC	TZC	BZA	BOTT
Zoning Permit (Section 1.303)	D				
Site Plan Review by BOTT (Section 1.304)	R				H-D
Site Plan Review by BZA (Section 1.304)	R			H-D	
Conditional Use (Section 1.305)	R			H-D	
Variance (Section 1.306)	R			H-D	
Administrative Appeals (Section 1.307)				H-D	
Zoning Text or Map Amendment (Section 1.308)	R	M-R	H-R		H-D
Planned Unit Development Stage 1 (Section 1.309)	R	M-R	H-R		H-D
Planned Unit Development Stage 2 (Section 1.309)	R	M-R			H-D
Planned Unit Development Stage 3 (Section 1.309)	D				

CHAPTER 3: ZONING ENFORCEMENT**§ 1.301 PURPOSE.**

This Chapter specifies the applications and procedures by which requirements of the Zoning Code are enforced or exempted, pursuant to and in accordance with ORC Chapter 519. Enforcement measures applied in the event of a violation are described, along with potential recourse or relief by variance or appeal from requirements of the Code.

§ 1.302 COMMON REVIEW REQUIREMENTS.

The requirements of this section shall apply to all review applications and procedures required by this Zoning Resolution, unless otherwise stated.

1.302.1 Authority to File Applications:

- (A) The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this Zoning Resolution. The person having legal authority shall be the owner of record or the lessee and may be required to provide proof of such authority at the time of application.
- (B) The TZC and Board of Township Trustees may initiate zoning text and map amendments under this Zoning Resolution, in accordance with Section 519.12 of the ORC, with or without an application from the property owner who may be affected.

1.302.2 Application Contents:

- (A) Submittal Requirements

Applications required under this Zoning Resolution shall be submitted in a form and in such numbers as established by the TZC and made available to the public. A list of submittal requirements shall be available at the office of the Zoning Inspector.

- (B) **Complete Application Determination**

- (1) The Zoning Inspector shall only initiate the review and processing of applications submitted in accordance with this chapter if such application is determined to be complete.
- (2) The Zoning Inspector shall make a determination of application completeness within ten (10) business days of the application filing.
- (3) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Resolution.

- (4) If an application is determined to be incomplete, the Zoning Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.
- (5) If the applicant fails to re-submit a complete application within sixty (60) days, the original fee shall be forfeited and the applicant shall be required to submit a new application including fees pursuant to this article.
- (6) If any materially false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

(C) Submission of Fees

- (1) Each application specified necessary in this Chapter for zoning enforcement is to be accompanied by the fee required when submitted to the Zoning Inspector for filing and processing.
- (2) The dollar amount of the fee required for each application specified in this Chapter is as adopted by resolution from the Board of Township Trustees.
- (3) The required fee for each application is available as public record upon inquiry to the Zoning Inspector.

(D) Refund of Fees

Application or review fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment shall be refunded to the applicant.

1.302.3 Simultaneous Processing of Applications:

Whenever two or more forms of review and approval are required under this Zoning Resolution, the Zoning Inspector shall determine the order and timing of review. The Zoning Inspector may authorize a simultaneous review of applications.

§ 1.303 ZONING PERMIT APPLICATION.

1.303.1 Applicability:

- (A) A zoning permit shall be required for any of the following:
- (1) New construction or structural alteration of any building or structure, including accessory buildings and temporary use structures;
 - (2) Change in use of an existing building, accessory building, land, or portion thereof, to a use of a different classification, excluding uses which are exempt as so stated in Section 1.110 (Limitations and Exceptions).
 - (3) Occupancy and use of vacant land, excluding uses which are exempt as so stated in Section 1.110 (Limitations and Exceptions).
 - (4) Any change in the use of a non-conforming use.
- (B) An application for a zoning permit prepared in satisfaction with the requirements of Section 1.303.2 (Permit Application Requirements) shall be submitted to and approved by the Zoning Inspector before the owner(s) of property or the agent(s) acting in their behalf commence any change in use or places or begins to erect, construct, reconstruct, enlarge, or alter any building or other structure. Zoning Code compliance must be determined by the Zoning Inspector prior to the issuance of a zoning permit.

1.303.2 Permit Application Requirements:

The required zoning permit application form, fee, and accompanying information inclusive of a plot plan must be submitted to the Zoning Inspector for evaluation. All plot plans shall include or be accompanied by the following information, unless the Zoning Inspector determines that certain information is not necessary to meet the intent of this Section:

- (A) Name, address, phone number, fax number, and e-mail address of the applicant property owner and agent, if applicable or available;
- (B) Date submitted to, and accepted complete, by the Zoning Inspector;
- (C) The identification number of the parcel(s), name of the zoning district in which located, site address, and if applicable, the name of the subdivision and the lot number(s) in which located;
- (D) Accurate dimensions of the boundary lines (based on a recorded survey), legal description, and square footage or acreage of the site;
- (E) The location of each existing and proposed structure, notation of the type, size (square footage area and outer wall footprint dimensions as applicable) of each structure,

indication of the respective distances in feet from the outermost edges of each existing and proposed structure to property lines, and identification of structures to be removed;

- (F) The total height of the proposed structure, and number of stories;
- (G) Proposed residential structure(s) and number of dwelling unit(s) within each, total living space by floor (square footage), and the number and size of bedrooms in each dwelling unit;
- (H) Written certification of an approved or anticipated sewage disposal system permit by the approving authority and a plan showing existing and proposed systems for sanitary sewer;
- (I) Indication of the existing and/or proposed vehicle access, parking provisions and traffic circulation;
- (J) Provisions for landscaping, screening, signage and lighting;
- (K) Signature of the applicant attesting to the truth and correctness of all information provided on the application form, the accompanying plot plan and other documents submitted. Such signature shall indicate the applicant's acknowledgement that the permit may be revoked if the use and/or structure is not progressing or completed in a manner consistent with the information provided and approved;
- (L) Other applicable information required by the Zoning Inspector to determine compliance of the permit request. This may include, but is not limited to, the location of drainage, public utility, common access, conservation easements, regulatory floodplain and stream protection areas, right-of-way or easement line(s), boundaries of waterways, and finished floor elevations; and,
- (M) The permit application fee as established in the Wayne Township fee schedule. Additional fees may apply if construction has commenced prior to permit approval.

1.303.3 Review Procedure:

(A) Step 1 – Application

The applicant shall submit to the Zoning Inspector, prior to submitting for a Warren County Building Permit, all application and submittal requirements pursuant to Section 1.303.2 (Permit Application Requirements).

(B) Step 2 – Review

The Zoning Inspector shall review the application for conformance with the provisions of this Zoning Resolution.

(C) Step 3 – Decision

- (1) The Zoning Inspector shall either approve the Zoning Permit and issue a Zoning Certificate, or deny the application and in so doing state in writing the reasons for the action taken.
- (2) Upon approval, the Zoning Inspector shall return one (1) signed copy of the application and maintain a second copy of the application for Township records.
- (3) If the application is denied, the applicant may submit a new application and plans for review in accordance with Section 1.303.2 (Permit Application Requirements), including a new fee, or the applicant may appeal the decision to the BZA in accordance with Section 1.307 (Administrative Appeals) of this Zoning Resolution.

1.303.4 Review Criteria:

All applications for a Zoning Permit shall demonstrate conformity with the provisions of this Zoning Resolution.

1.303.5 Expiration:

- (A) Construction shall begin within twelve (12) months of issuance of a Zoning Permit. Construction shall be considered “begun” if the footers of the structure have been installed. If no footers are required, construction shall be considered “begun” when the slab or foundation of said structure is constructed.
- (B) Failure to begin construction within twelve (12) months shall result in the expiration of the Zoning Permit, unless the applicant requests and receives an extension from the Zoning Inspector for good cause. Factors to be considered by the Zoning Inspector when determining whether to grant an extension shall include:
 - (1) The length of additional time necessary to complete construction;
 - (2) The reason for the delay;
 - (3) Good faith on the part of the applicant;
 - (4) The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
 - (5) Conformance with this Zoning Resolution.
- (C) Upon expiration of a Zoning Permit, a new Zoning Permit application, including all applicable fees, shall be required before construction or resumption of construction can begin.

§ 1.304 SITE PLAN REVIEW.

1.304.1 Applicability:

(A) Site Plan Review by the Board of Trustees

Review of a site plan by the Wayne Township Board of Trustees is required for uses in certain districts where the symbol “S” is shown in the Table of Principal Uses by Zoning District (Section 2.203), as well as during Stage 2 of a PUD process. In such cases as described, the Board of Trustees shall be considered the Approving Authority.

(B) Site Plan Review by the Board of Zoning Appeals

Review of a site plan by the Board of Zoning Appeals (BZA) is required for all conditional uses in certain districts where the symbol “C” is shown in the Table of Principal Uses by Zoning District (Section 2.203). In such cases as described, the BZA shall be considered the Approving Authority.

1.304.2 Purpose:

The Approving Authority shall review the site plan in the interest of public health and safety, as well as, public convenience, comfort, prosperity, or general welfare, as applicable, by considering the following factors:

- (A)** To protect the long-term public interest by reviewing the internal and external relationship of development that may have considerable potential significance and impact to the township;
- (B)** To ensure the application of quality design principles within new and redevelopment projects;
- (C)** To determine the impact on the public, including, but not limited to, the neighboring properties;
- (D)** To ensure that new development contains elements of internal cohesiveness and factors that promote good neighborhood atmosphere;
- (E)** Suggestions of the Comprehensive Plan;
- (F)** To promote the orderly and safe flow of vehicular and pedestrian traffic;
- (G)** To confirm that all requirements of this Code applicable to the development and operation of the use are satisfied; and
- (H)** To confirm that the proposed plan satisfies other County, State, and/or Federal standards which are applicable to permitting the proposed development.

1.304.3 Exemptions:

- (A) Site Plan Review is not required for the following:
- (1) Any use and/or structure which can be solely approved by the Zoning Inspector without a site plan, in certain districts where the symbol “P” is shown in the Table of Principal Uses by Zoning District (Section 2.203);
 - (2) Change in the ownership of any land or structure;
 - (3) Exterior or interior maintenance and repair of any existing use structure;
 - (4) Re-occupancy of any building or re-use of any structure with a previously permitted use;
 - (5) Proposed use, construction, removal, or alteration of exempt agricultural use structure. Nevertheless, proposed structures in a regulatory floodplain must satisfy the Warren County Flood Damage Reduction Regulations;
 - (6) Interior alteration of a building used for an approved principal or accessory use;
 - (7) Exterior alteration of a building used for an approved principal or accessory use which does not expand the building footprint by more than twenty-five (25) percent compared to the building footprint within the past five (5) years;
 - (8) A change of occupancy within the same use category, provided no modification of the site is proposed or required by the standards of this Code, such as an increase in the number of required parking spaces or sufficient landscape buffering, and that such change maintains compliance with all applicable requirements of this Code; and
 - (9) Land and structures, not including buildings, required in the provision of essential services defined in this Code, public utilities, and/or railroads.
- (B) An additional building may be constructed if that building:
- (1) Will not expand the total footprint of all existing buildings by more than ten (10) percent compared to the building footprint within the past five (5) years;
 - (2) Will not increase a parcel’s acreage;
 - (3) Will not produce concerns regarding the environment or traffic;
 - (4) Has access from a public road; and
 - (5) Meets approval from the Zoning Inspector.

1.304.4 Application Requirements:

The required application form, fee, and information to accompany the site plan must satisfy the following requirements, unless the Zoning Inspector determines otherwise:

(A) Site Plan Drawing Format

The site plan shall be drawn to a scale specified appropriate by the Zoning Inspector. Information must be clear and legibly drawn.

(B) Number of Copies

Eleven (11) folded copies of the site plan are required. The site plan must be drawn on sheets no greater than twenty-four (24) inches by thirty-six (36) inches.

(C) Site Plan Minimum Information

The minimum information, which must be provided on the site plan and/or in other documents submitted for site plan review follows:

- (1) Name, address, phone number of the applicant site owner, and agent, if applicable, and the fax number and e-mail address of each, if available. If applicable, the name, identification number, and seal of the architect, landscape architect, engineer, or surveyor;
- (2) A title block giving a name for the proposed development, and a legend, notes, and/or labels explaining the drawn content shown on each drawing, and; a legal description, parcel identification number, and address of the property in question;
- (3) Notation of the month and year submitted and a place for noting revision date(s);
- (4) Written and graphic scale of the plan drawing(s);
- (5) Vicinity map drawn to scale with a north arrow and in display of the site location in relation to the surrounding road network and local jurisdictions;
- (6) Legal and common description of the site boundary and the parcel(s) involved shown on the plan, detailing the bearing and dimension of each course of the boundary line;
- (7) The acreage and/or square footage of the site;
- (8) The zoning classification(s) of the site and of all abutting parcels;
- (9) A list of the owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the hearing and two sets of mailing labels for each property owner;

- (10) Location and dimensions of existing and proposed streets, driveways, sidewalks, and any other walkway within the site, with notation of County Thoroughfare Plan specified right-of-way, the pavement type, width, and construction design details noted and depicted for each;
- (11) Schematic depiction of existing and proposed locations of gas, electric, phone, fiber-optic, and other telecommunication lines and terminal facilities, sanitary sewer lines or septic system components, water service lines, wells, fire hydrants and emergency connections, storm water drainage management components, and sewer lines;
- (12) Location and dimensions of existing and proposed easements and notation of the percentage of the site occupied by the easements;
- (13) Existing and proposed topography on and in proximity to the site represented with elevation contour lines at intervals not exceeding:
 - (a) One (1) foot for zero (0) to six (6) percent slopes;
 - (b) Two (2) feet for six (6) to eighteen (18) percent slopes;
 - (c) Five (5) feet for slopes over eighteen (18) percent.
- (14) Location of existing surface water features, natural or man-made, including lakes, ponds, runoff control basins, marshes, wetlands, rivers, creeks, streams, or other drainage ways.
- (15) A tree survey that includes information on all existing trees which have a 6" diameter at breast height (DBH) or larger. Information shall include the location, size, and condition of each tree. If the site is heavily wooded and large areas are to be protected, individual trees do not need to be surveyed. The survey shall indicate and distinguish areas based on the intended level of preservation, alteration, and/or disturbance.
- (16) The types of soils found on the site and seasonal wind directions;
- (17) All flood prone areas, using the one-hundred (100) year flood plain as a standard;
- (18) Any additional information that may be deemed necessary for proper and complete review when a proposed development presents difficult or unusual problems.

(D) Development Specific Information

The following information, as determined applicable and necessary by the Zoning Inspector, must be provided on and/or accompany the site plan:

- (1) Existing and proposed land development on and around the site.
- (2) Notation and depiction of any variance from this Code which has been secured.
- (3) A time schedule which indicates the anticipated starting and completion dates for construction. If the development is to be staged, indication shall be made as to how the staging is to proceed.
- (4) The location of each existing and proposed structure with notations of:
 - (a) The type, number, and size of each;
 - (b) The respective distances in feet from the boundary lines of the site;
 - (c) The lowest foundation opening and first finished floor elevations of each building;
 - (d) Existing structures or part(s) thereof that are to be altered or removed;
 - (e) For residential proposals: a site summary indicating the number of dwelling unit(s) within each building, the number of bedrooms per unit, floor plans, floor area square feet, density computation, recreation facilities and open spaces;
 - (f) For non-residential proposals: the number of offices and number of employees; the number of floors, floor plans, floor area square feet, total square footage, and exterior elevations; and
 - (g) The number of floors, floor plans, floor area square feet, total square footage, and exterior elevations.
- (5) The height of each proposed structure as measured in accordance with Section 3.103.4 (Height Measurement and Exceptions).
- (6) Off-street parking provisions: the total number, typical dimensions and square footage of the parking spaces, handicapped use designation, widths and turning radii dimensions of all driveways, and pavement material.
- (7) Off-street loading/unloading provisions, showing the locations and noting the dimensions and square footage of each space.
- (8) The location of outdoor storage, waste disposal and/or trash containment area along with detailed screened and/or buffered plans for each.

- (9) The location of fences and walls, and cross-section diagram for proposed fences and walls.
- (10) Landscaping plan, with details of plantings for buffers and screening in accordance with requirements of this Code.
- (11) The location, type, intensity, height, and orientation of all building exteriors.
- (12) Documentation of site lighting, along with a photo-metric analysis.
- (13) Depiction and description of the location, type, number, and size of display faces, height, setback, and illumination, if any, of all existing and proposed signs.

(E) Supplementary Information

Additional information may be required if deemed necessary by the Board of Township Trustees, BZA, Zoning Inspector, or Regional Planning Commission (RPC). Such additional information may include, but is not limited to, their requirement of a traffic impact study (TIS), market analysis, environmental assessment, condominium documents, and any study or report in evaluation of the proposed impact on public facilities and services. The following information may be required as determined applicable and necessary by the Zoning Inspector:

- (1) Front, side, and rear elevation drawings of structures; drawn with sufficient details to evaluate visual appearance and function;
- (2) Written certification of the required sewage disposal permits having been issued or able to be issued by the applicable authority;
- (3) Certification by the Warren County Engineer or Ohio Department of Transportation (ODOT), and the Wayne Township Fire Department, that the sight-distance location, configuration and number of existing and/or proposed street and/or driveway access intersections for the development are acceptable.
- (4) Certification from the Warren County Building Department, Warren County Engineer, and Federal Emergency Management Agency (FEMA) that proposed structure(s) and/or fill within one-hundred (100) year floodplain is compliant with the requirements of the Warren County Flood Damage Reduction Regulations;
- (5) Stormwater drainage quantity and quality management provisions to the approval of the Warren County Engineer and the Warren County Soil and Water Conservation District;
- (6) Soil erosion and sedimentation control measures as required by the Warren County Soil and Water Conservation District. Control measures address pre- and post-development, soil type boundaries, pre-development land cover, clearing

limits, wooded areas proposed to remain or be cleared, and soil stockpiling and sediment trap basins;

- (7) Identification of local airport airspace and indication that the proposed development meets Federal Aviation Administration (FAA) and/or the Ohio Division of Aviation standards;
- (8) A statement documenting potential impacts to groundwater and air quality, and other environmental impacts.

1.304.5 Review Procedure:

(A) Step 1 – Consultation with Zoning Inspector

- (1) Prior to submitting a site plan application, the applicant or property owner shall first consult with the Zoning Inspector.
- (2) The purpose of this informal consultation is to:
 - (a) Discuss applicable standards and technical issues pertinent to the proposal;
 - (b) Comment on required compliance of the proposal to standards of this Code; and
 - (c) Comment on whether or not the site plan application is the necessary and appropriate process for making a decision on the proposed development.
- (3) The applicant or Zoning Inspector may request input on the proposal from staff or other potentially involved regulatory authorities or consultants.
- (4) A concept sketch plan is not required at this time, but it would be helpful for the applicant to explain:
 - (a) The location of the project;
 - (b) The proposed development (in general terms);
 - (c) The proposed layout of buildings, parking, access points, open spaces, and drainage facilities;
 - (d) The relationship to existing surrounding development; and
 - (e) Any other conditions/items relevant to the processing of the application.

(B) Step 2 – Formal Submittal and Processing

- (1) The applicant shall formally submit the required application to the Zoning Inspector in accordance with the requirements specified in Section 1.304.4 (Application Requirements).
- (2) The Zoning Inspector has the duty to determine whether the application is complete within ten (10) working days of receipt of the application.
- (3) If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the Township on the application until the deficiencies are corrected.
- (4) Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness. If the Board of Township Trustees or BZA is the Approving Authority for the site plan application, the Zoning Inspector shall:
 - (a) Notify by first class mail, at least ten (10) days before the date of the hearing, to all property owners within five-hundred (500) feet from the parcel lines of each property that is the subject of the hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice shall not delay or postpone any such hearing, and shall not invalidate any action taken at such hearing;
 - (b) Submit and have an advertised public notice in a newspaper of general circulation within at least ten (10) days of the hearing date;
 - (c) Provide the accepted application to applicable authorities/departments involved for review of the plan and allow fifteen (15) days to respond and receive comments before the Zoning Staff Report is sent to the Approving Authority.

(C) Step 3 – Review and Action

- (1) The Approving Authority shall consider comments and recommendations or sworn testimony and evidence received regarding the site's development.
- (2) If the Board of Township Trustees is the Approving Authority, the board shall hold a public hearing to consider comments and recommendations regarding the site's development. After closing the hearing, the board shall within a reasonable amount of time adopt a resolution to approve or deny the site plan application as submitted, or to approve with conditions. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the Trustees' decision is to the Court of Common Pleas.

- (3) If the BZA is the Approving Authority, a quasi-judicial hearing shall be held to consider the site plan application. After closing the hearing, the BZA shall within a reasonable amount of time adopt a resolution to approve or deny the site plan application as submitted, or to approve with conditions. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the BZA's decision is to the Court of Common Pleas.

1.304.6 Review Criteria:

The site plan review is conducted to determine anticipated impacts on the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable. Factors to be considered include those in Section 1.304.2 (Purpose), and the following additional criteria:

(A) Adequacy of Information and Compliance with Zoning Code

- (1) The plan contains the Code required information and is presented in an understandable manner that provides an accurate description of the proposed development, structure(s), site improvements, and impacts.
- (2) The plan complies with all applicable requirements of the Zoning Code pertinent to the proposal.

(B) Design Layout Sufficiency and Compatibility

The design components proposed and used are considered sufficient and compatible with respect to the following features:

- (1) Site topography;
- (2) Drainage;
- (3) Parcel configuration;
- (4) Adjacent properties;
- (5) Traffic operations;
- (6) Adjacent streets and driveways;
- (7) Pedestrian access; and
- (8) The type, size, and location buildings.

(C) Design Character, Operational Compatibility, and Coordination

- (1) The appearance and design character of the proposed development and all corresponding operational activities are considered compatible and coordinated with surrounding, existing, and planned developments.
- (2) The proposed structures must also be identified as either primary or secondary, and must be coordinated to function with internal operations of the site.

(D) Preservation of Significant Features

The plan preserves:

- (1) Architecturally, historically, and/or culturally significant buildings;
- (2) Wetland(s);
- (3) Floodplain(s);
- (4) Streams;
- (5) Aquifer recharge areas;
- (6) Soil(s) areas with severe limitations for use;
- (7) Steep slopes; and
- (8) Tree lines, hedge-rows, wooded areas, and trees that are determined valuable to retain.

(E) Pedestrian Access and Circulation

The plan proposes provision of pedestrian circulation and access. Determination of adequacy is based on such provisions being designed to be safe, comfortable, compatible, connected, conflict-free, and compliant with applicable Americans with Disabilities Act (ADA) regulations.

(F) Vehicular Access and Circulation Streets

Driveways, parking aisles, and other related elements designed for vehicle access and circulation demands are determined sufficient per evaluation by the Warren County Engineer and Fire/EMS department. These elements are evaluated for safety and function.

(G) Parking and Loading

Off-street parking and loading provisions are determined sufficient based upon the proposed number, size, location, and arrangement of parking spaces and provisions for

shared-parking and for compliance with Article III, Chapter 3 (Parking, Loading and Circulation Regulations).

(H) Signage

Signage is evaluated for compliance with Article III, Chapter 4 (Signage Regulations).

(I) Landscaping and Screening

Landscaping and screening are evaluated based on the design and effectiveness of landscaping/building material to screen and mitigate negative visual impacts and for compliance with Article III, Chapter 6 (Landscaping and Screening Regulations)

(J) Exterior Lighting

Lighting is evaluated for compliance with Article III, Chapter 5 (Lighting Regulations).

(K) Public Service Impact

The impacts to the following public services facilities and utilities are evaluated in terms of their capacity to accommodate the proposed development:

- (1) Water;
- (2) Sanitary sewer;
- (3) Natural gas;
- (4) Electricity;
- (5) Telephone and cable;
- (6) Roadways;
- (7) Police protection;
- (8) Fire and EMS protection;
- (9) Sidewalks and bikeways; and
- (10) Public schools.

(L) Stormwater Drainage and Management Plan

The site plan is evaluated based on the quantity and quality of runoff, impact on upstream or downstream property, and a maintenance plan, to the approval of the Warren County Engineer and the Warren County Soil and Water Conservation District.

(M) Soil Erosion and Sediment Control

Provisions for minimizing soil erosion during development and preventing sedimentation during and after development are determined acceptable by the Warren County Soil and Water Conservation District.

(N) Emergency Access and Service Facilities and Public Safety

The plan provides for emergency access and service facilities (fire lanes, hydrants, and suppression supply connections) within the site as determined necessary per evaluation by the Wayne Township Fire/EMS Department in conjunction with the Warren County Building Department. The proposed development does not pose a threat to public safety.

(O) Building Design

Building design is found harmonious in character with the surrounding area with regard to scale, mass, and orientation.

(P) Compliance with Public Health and Safety

The application must provide plan of procedures to mitigate nuisances to surrounding areas such as, but not limited to, odors, excess noise, and/or unsanitary operations. Any externalities must be with the realm of public health, safety, and wellness.

1.304.7 Case File Record:

(A) Application files maintained by the Zoning Inspector shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.

(B) Written meeting minutes and/or audio recording(s) of the proceedings of a hearing may be referenced at the offices of Wayne Township.

(C) The letter or resolution of the Approving Authority in decision of the site plan is placed in the case file and provided to the applicant.

1.304.8 Post Site Plan Approval Requirements:

(A) Permits or Approvals from Other Involved Authorities

The applicant is responsible to obtain necessary permits or approvals from any other applicable authority before issuance of the Zoning Permit.

(B) Development and Maintenance

Per the approved Site Plan the property owner is responsible for the improvement and maintenance of the site in accordance with the approved site plan and all conditions of

approval. Failure to comply with the approved site plan and all conditions of approval may result in an enforcement action being brought in a court of competent jurisdiction.

(C) Expiration and Extension of Plan

- (1) If development has not commenced within two (2) years following the site plan approval, the approval shall become null and void, requiring re-application.
- (2) The applicant may only request an extension prior to the site plan approval expiration date. A written request for an extension shall be submitted to the Zoning Inspector.
- (3) The Approving Authority may grant up to twelve (12) months in extension of its initial approval of the plan and entertain subsequent extensions thereafter.

1.304.9 Modification of the Approved Site Plan:

(A) Minor Modifications

The following are considered minor modifications allowable for approval by the Zoning Inspector:

- (1) Changes made during development to improve safety, protect natural features, and/or accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout.
- (2) Changes in landscaping species that is consistent with the standards of this Code and that do not reduce the total amount of landscaping or buffering required.
- (3) Change in the boundary or arrangement of a structure that does not violate minimum zoning required setbacks nor affect locations of other components of the approved site plan requirements or conditions.
- (4) Adjustments in the alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts.
- (5) Reduction in signage or changes in lighting which will not affect off-site properties.

(B) Major Modifications

- (1) Any proposed change to a site plan that does not meet the minor modification qualification criteria specified above in Section 1.304.9(A) shall be considered a major modification.

- (2) Approval by the Zoning Inspector is required for any major modification(s) to a Site Plan where the Zoning Inspector was the Approving Authority for the initial site plan application.
- (3) Approval by the Board of Township Trustees is required for any major modification(s) to a Site Plan where either the Board of Township Trustees or the BZA was the Approving Authority; unless one of the following is true, in which case approval is instead required by the BZA:
 - (a) The proposed change necessitates action in determination on a request of variance from an applicable requirement of this Code or expansion of a non-conforming use or structure; or,
 - (b) The original site plan had been approved as a permitted use prior to the effective date of this Zoning Code, but is now identified as a conditional use under the regulations of this Zoning Code.

§ 1.305 CONDITIONAL USE APPLICATION.

1.305.1 Purpose and Approval:

- (A) Conditional use is provided as a category and means of permitting certain uses listed in the Table of Principal Uses by Zoning District (Section 2.203) as potentially acceptable.
- (B) Allowance of a conditional use is contingent on the Board of Zoning Appeals (BZA) granting approval in request for such use.
- (C) A conditional use may only be approved if the BZA finds that the proposal is in accordance with this Section and meets applicable use-specific requirements specified in Article III, Chapter 2 (Use Specific Standards and Requirements), or any additional conditions specified by the BZA.
- (D) A conditional use application shall be accompanied by a site plan review application; the site plan review shall be consistent with the requirements of Section 1.304 (Site Plan Review), unless otherwise amended by this Section. Site plan approval by the BZA shall be considered a separate decision item from conditional use approval. Conditional use approval shall be considered a prerequisite to site plan approval. Conditional use and site plan review applications pertaining to the same site may be reviewed consecutively by the BZA on the same published date and time.

1.305.2 Application Requirements:

The applicant shall submit the required application form and fee. The information to accompany the application for conditional use shall be the same as the information required for site plan review as specified in Section 1.304.4 (Application Requirements).

1.305.3 Review Procedure:

(A) Step 1 - Consultation with Zoning Inspector

- (1) Prior to submitting a conditional use application, the applicant or property owner shall first consult with the Zoning Inspector.
- (2) The purpose of this informal consultation is to:
 - (a) Discuss applicable standards and technical issues pertinent to the proposal;
 - (b) Comment on whether or not the conditional use application is the necessary and appropriate process.

(B) Step 2 - Formal Submittal and Processing

- (1) The applicant shall formally submit the required application to the Zoning Inspector.
- (2) The Zoning Inspector has the duty to determine whether such application is complete within ten (10) working days of receipt of the application.
- (3) If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the Township on the application until the deficiencies are corrected.
- (4) Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness. The Zoning Inspector shall then:
 - (a) Notify by first class mail, at least ten (10) days before the date of the hearing, to all property owners within five-hundred (500) feet from the parcel lines of each property that is the subject of the hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice shall not delay or postpone any such hearing, and shall not invalidate any action taken at such hearing;
 - (b) Submit and have an advertised public notice in a newspaper of general circulation within at least ten (10) days of the hearing date;
 - (c) Provide the accepted application to applicable authorities/departments involved for review of the plan and allow fifteen (15) days to respond and receive comments before the Zoning Staff Report is sent to the Board of Zoning Appeals (BZA).

(C) Step 3 - Review and Action

- (1) The BZA shall hold a quasi-judicial hearing to hear sworn testimony and consider evidence regarding the proposed conditional use.
- (2) Upon closing the quasi-judicial hearing, the BZA shall adopt a resolution to approve or deny the conditional use application as submitted, or to approve with conditions. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the BZA's decision is to the Court of Common Pleas.

1.305.4 Review Criteria:

- (A)** In reviewing conditional uses, the BZA shall consider the following in the interest of public health and safety, public convenience, comfort, prosperity, or general welfare:

- (1) The use is a conditional use, permitted with approval by the BZA, in the district in which the subject lot is located (except as provided in Section 1.310);
- (2) Whether the use deviates from the suggestions of the Comprehensive Plan; and
- (3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.

(B) In order to approve a conditional use, the BZA shall consider the following review criteria:

- (1) The use will be harmonious with, and in accordance with, the purpose of this Zoning Code;
- (2) The use will conform to the general character of the neighborhood in which it will be located;
- (3) Imposing special conditions or requirements that would mitigate the special characteristics which are inherent to the use and enable compatibility with the existing neighborhood;
- (4) The use complies with all applicable provisions of this Zoning Code, including any use specific standards;
- (5) The use 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, and the use will not change the essential character of the area;
- (6) The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;
- (7) That the proposed use at a particular location shall be shown as necessary or desirable in providing a service or facility that will not be detrimental to the general well-being of the surrounding area.
- (8) That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
- (9) Only one conditional use is allowed on a parcel of property.

1.305.5 Revoking a Conditional Use Permit for Surface Mining:

ORC Section 519.14(D) permits the BZA to revoke an authorized conditional use certificate granted for the extraction of minerals, if any condition of the certificate is violated. If the certificate is violated and the BZA plans to consider revoking it, the BZA shall notify the

holder of the certificate by certified mail of its intent to revoke the certificate and of the holder's right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder.

1.305.6 Applicable Requirements and Provisions Following Use Approval:

(A) Permits or Approvals from Other Involved Authorities

The applicant is responsible for obtaining all necessary permits or approvals from other approving authorities before issuance of the zoning permit.

(B) Development and Maintenance in Compliance with Approved Plan

It is the responsibility of the owner of the property for which the conditional use approval has been granted, or of their duly authorized agent(s) acting in their behalf, to develop, improve, operate, and maintain the site, including the buildings, structures, and all development component elements of the use, in accordance with the approved plan and all conditions of approval.

1.305.7 Case File Record:

(A) Application files maintained by the Zoning Inspector shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.

(B) Written meeting minutes and audio recording(s) of the proceedings of a hearing may be referenced at the offices of Wayne Township.

(C) The decision resolution on the amendment is placed in the case file. A copy of the decision resolution is provided to the applicant.

§ 1.306 VARIANCE APPLICATION.

1.306.1 Purpose:

Variance is provided as a type of application for appeal to the Board of Zoning Appeals (BZA) by which a property owner may be granted relief or release from a dimensional and/or numeric requirement of this Zoning Code.

1.306.2 Appropriateness:

Applying for a variance is inappropriate for any of the following:

- (A) Use variances;
- (B) Development within a General PUD Overlay, or PUD District;
- (C) Changes which would increase the allowable density of a property; and
- (D) Before a zoning permit has been denied by the Zoning Inspector.

1.306.3 Application Requirements:

The required application form and information to accompany the request for variance shall satisfy the requirements specified in Section 1.304.4 (Application Requirements), or as determined by the Zoning Inspector.

1.306.4 Review Procedure:

(A) Step 1 - Consultation with Zoning Inspector

- (1) Prior to submitting a variance application, the applicant or property owner shall first consult with the Zoning Inspector.
- (2) The purpose of this informal consultation is to:
 - (a) Discuss applicable standards and technical issues pertinent to the proposal;
 - (b) Comment on whether or not the variance application is the necessary and appropriate process.

(B) Step 2 - Formal Submittal and Processing

- (1) The applicant shall formally submit the required application to the Zoning Inspector.

- (2) The Zoning Inspector has the duty to determine whether such application is complete within ten (10) working days of receipt of the application.
- (3) If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the Township on the application until the deficiencies are corrected.
- (4) Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness. The Zoning Inspector shall then:
 - (a) Notify by first class mail, at least ten (10) days before the date of the hearing, to all property owners within five-hundred (500) feet from the parcel lines of each property that is the subject of the hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice shall not delay or postpone any such hearing, and shall not invalidate any action taken at such hearing;
 - (b) Submit and have an advertised public notice in a newspaper of general circulation within at least ten (10) days of the hearing date;
 - (c) Provide the accepted application to applicable authorities/departments involved for review of the plan and allow fifteen (15) days to respond and receive comments before the Zoning Staff Report is sent to the Board of Zoning Appeals (BZA).

(C) Step 3 - Review and Action

- (1) The BZA shall hold a quasi-judicial hearing to hear sworn testimony and consider evidence regarding the proposed variance.
- (2) Upon closing the quasi-judicial hearing, the BZA shall adopt a resolution to approve or deny the variance as submitted. Appeal of the BZA's decision is to the Court of Common Pleas.

1.306.5 Review Criteria:

The BZA shall not authorize approval of variance(s) unless the Board documents Findings of Fact based on the evidence presented upon appeal. The standards for granting such variance from the terms of the Zoning Code to be considered are as follows:

- (A)** That granting a variance will not be contrary to the public interest;
- (B)** Where, owing to special conditions, a literal enforcement of the Zoning Resolution will result in an unnecessary hardship;

- (C) That the spirit of the Zoning Resolution will be observed if a variance is granted; and Substantial justice will be done if a variance is granted.
- (D) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are:
 - (1) Exceptional irregularity
 - (2) Narrowness
 - (3) Shallowness
 - (4) Steepness of Lot
 - (5) Adjacency to non-conforming and inharmonious uses, structures, or conditions.

1.306.6 Applicable Requirements and Provisions Following Variance Approval:

(A) Permits or Approvals from Other Involved Authorities

The applicant is responsible for obtaining all necessary permits.

(B) Development and Maintenance Per the Approved Variance(s)

It is the responsibility of the property owner to develop, improve, operate, and maintain the site, including the buildings, structures, and all elements in accordance with the approved conditions and restrictions.

(C) Modification of the Approved Variance

Modification of the approved variance(s) requires re-application to the BZA.

1.306.7 Case File Record:

(A) Application files maintained by the Zoning Inspector shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.

(B) Written meeting minutes and audio recording(s) of the proceedings of a hearing may be referenced at the offices of Wayne Township.

(C) The letter or resolution of the BZA in decision on the variance is placed in the case file and provided to the applicant.

§ 1.307 ADMINISTRATIVE APPEALS.

1.307.1 Purpose:

- (A) Administrative appeal is provided pursuant to ORC Section 519.14(A), which specifies that a Board of Zoning Appeals (BZA) may hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of ORC Sections 519.01 to 519.25 or of any resolution adopted pursuant thereto.
- (B) Per ORC Section 519.14, the BZA, in exercising this power, may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end has all powers of the Zoning Inspector from whom the appeal is taken.
- (C) Decision by the BZA on such appeal is final, unless otherwise overridden by the Court of Common Pleas of jurisdiction or higher Court thereafter, if successfully filed with the Court by the recipient applicant in disagreement with the BZA decision on the appeal.

1.307.2 When Appropriate:

Submitting an application for administrative appeal is appropriate when the applicant can clearly cite grounds that the Zoning Inspector has:

- (A) Wrongfully imposed a requirement or restriction specified necessary by, or in accordance with, this Zoning Resolution upon a property or use activity of the applicant; and/or,
- (B) Wrongfully denied a provision of allowance by, or in accordance with, this Zoning Resolution for a property or use activity of the applicant; and/or,
- (C) Otherwise acted inappropriately upon the applicant or a property or use activity of the applicant in a manner contrary to, or inconsistent with, this Zoning Resolution.

1.307.3 Application Requirements:

- (A) Name, address, fax number, e-mail address, and phone number of the owner/agent of the property;
- (B) Date submitted to, and accepted complete, for processing by the Zoning Inspector;
- (C) The identification number of the parcel(s) of the appeal submitted; the name of the Township and zone and the applicable Section, Town, and Range or Military Survey number(s) in which the site is located; the road address of the site, if issued; and, if applicable, the name of the subdivision and the lot number(s) of the site and other identifying references provided, if necessary, to accurately establish the location of the appeal site;

- (D) Statement of the grounds as reason(s) for submitting the application for administrative appeal;
- (E) Signature of the applicant on the application form attesting to the truth and correctness of all information provided on the application form and in any other accompanying information; and
- (F) The applicable submittal fee established by the Wayne Township Trustees.

1.307.4 Application Processing:

(A) Notice of Appeal Submittal

The required application in serving as notice of appeal to the BZA must be submitted to the Zoning Inspector within twenty (20) days after the date that the action of the Zoning Inspector being appealed was made by the Zoning Inspector, together with the required fee for submittal and any accompanying information in support of the appeal.

(B) Stay of Proceedings

Submittal of the appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies in writing to the BZA that, by reason of fact, a stay would cause imminent peril to life and property. In such case, proceedings shall not otherwise be stayed other than by an order of the Court of Common Pleas of jurisdiction upon notice to the BZA and the Zoning Inspector.

(C) Processing for Hearing

Upon receipt of the notice of appeal application, the Zoning Inspector shall forthwith convey a copy of the application and all papers constituting the record upon which the appeal is based to each member of the BZA along with written notification of the earliest possible scheduled date, time, and place where the BZA shall hold its hearing on the appeal. The notification describing the appeal and stating the place, date, and time that the BZA will hold its hearing on the appeal shall also be published in one or more newspapers of general circulation in the zoning jurisdiction area at least ten (10) days prior to the hearing and likewise broadcast on the Zoning Department webpage of the Wayne Township website.

(D) Hearing and Record on Appeal

The BZA shall consider and keep record of all testimony received from persons during the hearing regarding the appeal. Upon the BZA closing the hearing and its members concluding their deliberation on the appeal, the BZA shall render its decision on the matter.

(E) Decision on Appeal

The BZA shall have all the powers of the Zoning Inspector with respect to making its decision on the appeal. The concurring vote of the majority of the BZA members present at the hearing shall be necessary to uphold, reverse, or modify the appealed action of the Zoning Inspector. The BZA shall render a written decision on the appeal without unreasonable delay after the close of the hearing, and in all cases, not exceeding thirty (30) days thereafter.

1.307.5 Decision, Determination and Findings:

The Zoning Inspector's order, requirement, decision, or determination appealed shall be upheld unless the BZA determines that the Zoning Inspector action was:

- (A)** Based on an erroneous or improper interpretation of the Zoning Resolution; or,
- (B)** Based on an erroneous finding of material fact; or,
- (C)** Unfounded, indefensible, or inappropriate use of discretion; or,
- (D)** Arbitrary or capricious and made without necessary basis on the Zoning Resolution.

1.307.6 Recourse to Unfavorable BZA Decision:

The applicant may appeal to the Court of Common Pleas.

§ 1.308 ZONING TEXT AND MAP AMENDMENTS.

1.308.1 Official Zoning Map or Zoning Code text amendments may be proposed at any time in accordance with the requirements and procedures specified in this Section of the Code and consistent with provisions of ORC Section 519.12.

1.308.2 Amendment Initiation:

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

- (A) By adoption of a motion by the Township Zoning Commission (TZC);
- (B) By adoption of a resolution by the Wayne Township Board of Trustees; or
- (C) By filing an application with the TZC via the Zoning Inspector from one or more owner(s) or authorized representative(s) of property in the area proposed to be changed or affected by the amendment.

1.308.3 Application Requirements:

When an amendment is initiated in the manner as described in Section 1.308.2(C), a complete application form with the following information must be submitted to the Zoning Inspector for filing and processing:

- (A) Name, address, and phone number of the owner(s) and authorized representative(s);
- (B) Date submitted to, and accepted complete, by the Zoning Inspector;
- (C) Reason(s) for requesting the proposed text/map amendment;
- (D) Signature of the applicant attesting to the truth and correctness of all information provided on the application form and documents submitted;
- (E) The submittal fee;
- (F) For text amendments: A written description of the proposed text amendment; and
- (G) For map amendments:
 - (1) The parcel identification number of the parcel(s) for which the rezoning is requested;
 - (2) A list of the owners of property within five-hundred (500) feet from the parcel lines of each property that is the subject of the public hearing, and two sets of mailing labels;
 - (3) Legal description of the subject site;

- (4) Total acreage;
- (5) Indication of the current zoning district(s) and the requested zoning district(s);
- (6) Description of the current and proposed use(s); and
- (7) Statement of how the proposed amendment relates to the goals, objectives, and policies of the Wayne Township Comprehensive Plan.

1.308.4 Review Procedure:

(A) Step 1 - Consultation with Zoning Inspector

- (1) A pre-submittal consultation with the Zoning Inspector is required prior to submitting a formal application.
- (2) The intent of the consultation is to allow the applicant the opportunity to provide an overview of the proposal. The Zoning Inspector and/or other staff will outline plans, policies, and regulations affecting the proposal, identify issues, and discuss applicable zoning requirements and Comprehensive Plan recommendations. The Zoning Inspector will inform applicants of procedural requirements, checklist, timelines, and fees.
- (3) Discussions that occur during a pre-submittal consultation are not binding on the Township and do not constitute official assurances or representations by Wayne Township or its officials regarding any aspects of the plan or application discussed.

(B) Step 2 - Formal Submittal and Processing

Within five (5) days upon the adoption of a motion by the TZC, the certification of a resolution by the Board of Township Trustees to the TZC, or the filing of an application by property owners or lessees, the Zoning Inspector shall do the following:

- (1) Set the date for the public hearing by the TZC on the proposed amendment at not less than twenty (20) days nor more than forty (40) days from the initiation date of the amendment(s);
- (2) Submit and have an advertised public notice in a newspaper of general circulation within at least ten (10) days of the public hearing date;
- (3) Give a copy of the application to the Regional Planning Commission (RPC); and
- (4) For map amendments affecting ten (10) or less parcels:
 - (a) Post at the site a sign stating the public process and where to get additional information;

- (b) Notify by first class mail, at least ten (10) days before the date of the public hearing, to all property owners within five-hundred (500) feet from the parcel lines of each property that is the subject of the public hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice shall not delay or postpone any such public hearing, and shall not invalidate any action taken at such public hearing.

(C) Step 3 - RPC Evaluation and Recommendation

The RPC shall, either by action of its full membership or its Executive Committee, deliver its report and recommendation to the TZC prior to the TZC concluding the public hearing on the proposed amendment.

(D) Step 4 - TZC Public Hearing and Recommendation

- (1) The TZC shall open a public hearing on the proposed amendment(s) at its meeting per the advertised date, place, and time specified in the mailed and published notice.
- (2) The TZC, within thirty (30) days after the hearing, shall recommend approval, denial, or the approval with modifications.
- (3) The TZC shall submit their recommendation in the form of a motion or, the application or resolution, the text and map, and the recommendation of the RPC to the Board of Township Trustees.

(E) Step 5 - Board of Township Trustees Public Hearing and Decision

- (1) Within thirty (30) days of receipt of the TZC's recommendation, the Wayne Township Board of Trustees shall:
 - (a) Set a date for and conduct a public hearing on the proposed amendment; and
 - (b) Submit and have an advertised public notice in a newspaper of general circulation within at least ten (10) days of the public hearing date;
- (2) Upon close of the public hearing and within twenty (20) days thereafter, by at least a majority vote, the Board of Township Trustees shall either approve or deny the TZC's recommendation or approve it with modifications.

1.308.5 Decision-Making Determination Considerations:

- (A)** The applicable authorities shall review the proposed Zoning Amendment in the interest of the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable.

(B) The applicable authorities shall consider the following criteria when making decisions regarding zoning amendments:

- (1) Is this proposed amendment consistent with the purposes and intent of this Zoning Code?
- (2) Does the proposed amendment deviate from the suggestions of the Wayne Township Comprehensive Plan?
- (3) Is the proposed zoning compatible with the present zoning, nearby uses, and the character of the surrounding area?
- (4) Is the site suitable for the uses to which it has been restricted, or does the current zoning deprive the site of all economically viable uses?
- (5) How long has the property remained vacant as zoned and is it zoned different from adjacent properties?
- (6) Are there available sites elsewhere in the Township that are already zoned for proposed use?
- (7) Are public central sanitary sewer, stormwater facilities, roads, and other public facilities available and do they have adequate capacity to serve allowable uses?
- (8) Will approval of this amendment result in existing land uses, parcels, or structures becoming non-conforming or somehow result in conflict with any provision, restriction, or requirement of this Code?
- (9) Is the proposed amendment justified because of changed or changing conditions of the surrounding area since the time the current zoning designation for the property was established, and have assumptions on capital investments, road locations, population trends, land committed to development, density, use, or other elements changed to justify the amendment?

1.308.6 Effective Date and Referendum:

Any amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption, unless within thirty (30) days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part of that unincorporated area subject to this Zoning Resolution equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment Resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its

contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Sections 519.12 and 3501.38 of the ORC.

1.308.7 Case File Record:

- (A) Application files maintained by the Zoning Inspector shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.
- (B) Written meeting minutes and audio recording(s) of the proceedings of a public hearing may be referenced at the offices of Wayne Township.
- (C) The decision resolution on the amendment is placed in the case file and provided to the applicant.

§ 1.309 PLANNED-UNIT DEVELOPMENT.

1.309.1 Purpose:

Planned-unit development (PUD) is a means of zoning afforded to Townships by ORC Section 519.021 and 519.023 which, as established in this Code, may be applied in the form of an overlay. The Planned Unit Development zoning classification is intended to provide applicants with more flexibility in design and development of land by relaxing conventional zoning district regulations. The intent is to allow more efficient use of land and greater public benefit by encouraging ingenuity and imagination. The PUD shall further the general welfare, encourage the efficient use of land and resources, and be cost effective in providing public and utility services. Within the PUD, the regulations of this Zoning Resolution need not be uniform but may vary in order to accommodate unified development and to promote the public health, safety, morals and general welfare.

1.309.2 Initiation and Voluntary Property Owner Activation:

A PUD overlay may be initiated by the Township Zoning Commission (TZC), the Board of Township Trustees, or the property owner(s). The Board of Township Trustees has authority to approve a PUD overlay on any property; nevertheless, PUD regulations may only be applied to a property at the election of the owner(s).

1.309.3 Effect of PUD Designation:

After the designation of the property as a PUD on the Zoning Map, any approval or disapproval of subsequent use or development of property in the PUD as being in compliance with regulations established as authorized by this Section of the Code or ORC Section 519.022 shall not be considered an amendment to the Code for the purpose of ORC Section 519.12 but may be appealed pursuant to Chapter 2506, et. seq., of the ORC.

1.309.4 General PUD Overlay:

(A) Applicability

- (1) A General PUD may be approved as an overlay to any property in the Township, at the election of the property owner(s), with regulations supplementary to any underlying zoning district if only marginal changes from the underlying zoning regulations are contemplated. District regulations shall apply except to the extent modified by the overlay.
- (2) The General PUD designation shall be noted as an overlay on the Official Zoning Map.

(B) Standards

A General PUD is regulated by the standards specified in Section 2.505 (General PUD Overlay Regulations).

1.309.5 This section deleted in its entirety and intentionally left blank

1.309.6 PUD District:

(A) Applicability

- (1) In some cases, a proposed PUD development may require significant variations from underlying zoning regulations and thus may benefit from a new base PUD District displacing the zoning in the underlying district. An application for a PUD District may apply to any property within the Township at the election of the property owner(s).
- (2) Once approved, a PUD District replaces the district standards under the previous underlying zoning district with new proposed standards for the PUD District. All other applicable regulations of this Code shall apply, except to the extent modified by the PUD District. The applicant shall work with applicable departments, including but not limited to the Zoning Inspector and the Regional Planning Commission (RPC), in preparing a separate regulating document for the PUD District.

(B) Standards

A PUD District may retain, change, or eliminate any standards or regulations of this Zoning Code, or add additional standards or regulations to supplement the Zoning Code, so long as such changes comply with Section 2.507 (PUD District Regulations). Any changes to Zoning Code regulations must be reflected in the regulating document for the PUD District.

1.309.7 PUD Approval Process:

(A) PUD Stage 1 (Rezoning) Process

This stage complies with the map amendment process and submittal requirements in accordance with Section 1.308 (Zoning Text or Map Amendments). The PUD rezoning is concurrent with approval of a PUD Conceptual Plan and PUD Proposal Document, the requirements of which are specified in Section 1.309.8(A). This process consists of:

- (1) Recommendation made by the Warren County Regional Planning Commission (RPC) Executive Committee to the Township Zoning Commission (TZC);
- (2) Recommendation made by the Township Zoning Commission (TZC) to the Board of Township Trustees; and

- (3) Legislative decision by the Board of Township Trustees to approve, deny, or approve with conditions the submitted Stage 1 plans.

(B) PUD Stage 2 (Preliminary Site Plan) Process

The procedure by which the PUD Stage 2 Preliminary Site Plan shall be submitted and processed for decision by the Board of Township Trustees is as follows:

- (1) Pre-submittal consultation with Zoning Inspector;
- (2) Submittal to and processing by the Zoning Inspector and RPC staff;
- (3) Recommendation made by the Warren County Regional Planning Commission (RPC) Executive Committee to the Board of Township Trustees;
- (4) Upon receipt of RPC recommendation, the Zoning Inspector shall:
 - (a) Notify by first class mail, at least ten (10) days before the date of a public hearing, to all property owners within five-hundred (500) feet from the parcel lines of each property that is the subject of the public hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice shall not delay or postpone any such public hearing, and shall not invalidate any action taken at such public hearing; and
 - (b) Receive input from involved authorities, surrounding parcel owners and public.
- (5) Administrative decision by the Board of Township Trustees, at a Public Hearing, to approve, deny, or approve with conditions the submitted Stage 2 plans.

(C) PUD Stage 3 (Final Site Plan) Process

Final site plan requires ministerial certification by the Zoning Inspector as follows:

- (1) Three (3) copies of the Final Site Plan submitted to the Zoning Inspector;
- (2) Zoning Inspector reviews, certifies and files plan;
- (3) Applicant receives a certified copy; and
- (4) Upon certification, the zoning permit(s) required for the approved PUD use and/or development may be issued upon application to the Zoning Inspector.

1.309.8 Application Requirements:

(A) PUD Stage 1 (Rezoning) Requirements

The requirements for a PUD Stage 1 application shall be the following, as deemed necessary by the Zoning Inspector:

- (1) Completed rezoning application form.
- (2) Submittal fee.
- (3) PUD Conceptual Plan, depicted on one (1) or more legible maps drawn at one (1) inch equals two hundred (200) feet or a different scale specified by the Zoning Inspector, prepared by a registered architect, landscape architect, engineer, surveyor, or other professional planning consultant, which shows the following:
 - (a) Existing property lines, easements, public road centerlines, public right-of-way, contour lines at suitable intervals, generalized locations of public and private utilities, and regulatory floodplain boundaries if involved;
 - (b) Existing and proposed land use areas, including common open space and natural resource areas, and the percentage of the site within each land use category;
 - (c) Locations, types, and densities of proposed uses;
 - (d) Proposed layout locations and dimensions of vehicular and pedestrian access and circulations;
 - (e) Type, size, number of stories, height, and setbacks of buildings and other structures or facilities;
 - (f) Provisions for parking, loading, trash disposal, lighting, signage, and landscaping;
 - (g) Enough information on land areas adjacent to the proposed PUD to show the relationships between the proposed development and adjacent areas, including land uses, zoning classifications, densities and intensities, circulation systems, public facilities, and flood plains, wetlands, and other natural resource areas;
 - (h) Implementation phasing of proposed improvements and alterations of the site; and
 - (i) Depiction of standards included in the PUD Proposal Document, which on the PUD Conceptual Plan shall not vary more than five (5) percent from any maximum or minimum standard included in the PUD Proposal Document.
- (4) PUD Proposal Document, which includes the following:

- (a) Definitions of the land use designations, including density ranges and product types;
- (b) A table setting the maximum total dwelling units, and/or nonresidential square footage, floor area ratio and impervious surface ratio, as applicable, and the minimum acreage for common open space, natural resource areas, public uses, and any other planned uses;
- (c) An inventory of cultural, historical, and/or environmental features along with narrative documenting preservation efforts;
- (d) For residential use(s), proposed type, size, and number of dwelling buildings/units, and bedrooms in each shall be specified and include calculation of development net-density;
- (e) For non-residential use(s), operational characteristics and impacts such as hours of operation; visual, noise, odor, or other environmental impacts; and primary and ancillary activities typical or anticipated with each use;
- (f) A narrative documenting the availability of police, fire, and other emergency services, schools, and public services.
- (g) A community impact statement that addresses the impact to institutional, cultural, social, or environmental aspects of the immediate neighborhood and surrounding community, with the intent being to show that the proposed PUD will be beneficial and without unacceptable adverse impact on any such concern; and
- (h) Proposed design guidelines and development standards. Any qualities depicted in the PUD Conceptual Plan which are not specified in the PUD Proposal Document shall become the controlling standards.

(B) PUD Stage 2 (Preliminary Site Plan) Requirements

A letter from the owner(s) or authorized representative(s) requesting review and approval shall be submitted to the Zoning Inspector for filing and processing. The plan submitted shall contain, and be accompanied by, the same information as a site plan for a non-PUD site specified in Section 1.304.4 (Application Requirements).

(C) PUD Stage 3 (Final Site Plan) Requirements

A letter shall be submitted to the Zoning Inspector by the owner(s) or authorized representative(s), requesting certification of the final site plan as satisfying the decision rendered by the Board of Township Trustees at Stage 2. The plan submitted shall contain and be accompanied by the information specified in Section 1.304.4 (Application Requirements), along with the following:

- (1) All necessary legal documentation relating to the incorporation of a homeowners' association or property owners' association for residential PUDs, or other similar associations for non-residential PUDs. Such legal documentation shall demonstrate how the open space will be maintained over the life of the development.
- (2) Copies of any restrictive covenants, easements or agreements that are to be recorded.

1.309.9 Review Criteria:

(A) PUD Stage 1 (Rezoning)

Once approved, the PUD Overlay designation will remain permanent on the property, unless otherwise removed or modified, per the amendment process in Section 1.308 (Zoning Text or Map Amendments) of this Code. The decision to establish a PUD zone shall be based on, but not limited to, the following considerations:

- (1) Compliance with the intent and purposes of the Zoning Code;
- (2) The proposed PUD complies with the mandatory standards in accordance with Article II, Chapter 5 (Planned Unit Developments).
- (3) The proposed PUD would be consistent with, and not contrary to, applicable goals, objectives, and policies of the Wayne Township Comprehensive Plan and any area plans adopted by the Regional Planning Commission (RPC).
- (4) The proposed PUD would not be detrimental to public health, safety, morals, and general welfare and in general results in a better development of uses permitted on the site than would otherwise be possible;
- (5) Whether the proposed variations of the zoning regulations are in fact warranted by the innovative design of the development plan;
- (6) The proposed PUD provides sufficient provisions to minimize adverse impacts on surrounding properties and will not detract from surrounding property values and quality of living environment;
- (7) Provisions prepared for the following are sufficient or proposed for improvement to support the proposed use(s):
 - (a) Vehicular access, parking, loading, and circulation;
 - (b) Pedestrian access and circulation;
 - (c) Essential services in the form of utilities or other facilities; and
 - (d) Drainage runoff and soil erosion control.

- (8) Each individual section or sub-area proposed could function independently of the whole PUD; and

(B) PUD Stage 2 (Preliminary Site Plan)

The decision to approve a PUD Preliminary Site Plan shall be based on, but not limited to, the following:

- (1) Compliance with the intent and purposes of the Zoning Code;
- (2) The proposed PUD complies with the mandatory standards in accordance with Article II, Chapter 5 (Planned Unit Developments).
- (3) Applicability of, and consistency with, adopted objectives and policies of the Wayne Township Comprehensive Plan and any area plans adopted by the Regional Planning Commission (RPC);
- (4) Compliance with any conditions assigned by the Board of Township Trustees in approval of the PUD Stage 1 rezoning, and conformity to the PUD Conceptual Plan submitted in support of the PUD Stage 1 rezoning approved;
- (5) Proposed use will not develop hazards and/or nuisances, nor negatively impact the public and the environment, including impacts to surrounding properties;
- (6) The adequacy of the provisions for visual and acoustical privacy;
- (6) The proposed phasing of each individual section or sub-section of the PUD results in a functionally complete section, and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant;
- (7) The proposed development is served adequately and efficiently by essential public utilities, facilities, and services which are in existence or are planned;
- (8) The internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Warren County Official Thoroughfare Plan. A traffic impact study may be required by the Township, and the TZC and Board of Township Trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate better traffic flow between individual developments in conjunction with the Warren County Engineer's Office;
- (9) The arrangement of vehicular access and circulation, including intersections, road widths, channelization structures and traffic controls are adequately designed for the proposed uses and existing surrounding development;

- (10) Proposed public improvements are found acceptable and are bonded as deemed necessary;
- (11) Whether significant scenic or historic features are adequately conserved;
- (12) Preservation of open space, natural resources, and cultural areas and whether the development includes an appropriate amount of, and appropriate access to, dedicated open space;
- (13) The minimum open space areas have been designated and designed in accordance with the provisions of Section 3.101;
- (14) The design addresses storm water management, erosion control, and avoids flood hazard areas;

1.309.10 Duration of Stage 2 (Preliminary Site Plan):

- (A) Stage 2 Preliminary Site Plan approval shall expire within two (2) years of the date of approval unless Stage 3 Final Site Plan approval has been granted.
- (B) An extension may be granted by the Board of Township Trustees for a period not to exceed twelve (12) months provided that a request is submitted to the Zoning Inspector prior to the expiration date.

1.309.11 Post Stage 3 (Final Site Plan) Approval Requirements:

(A) Permits or Approvals

The applicant is responsible to obtain necessary permits or approvals from any other applicable authority before issuance of the zoning permit.

(B) Development and Maintenance

The applicant/developer and any future property owner(s) are responsible for the improvement and maintenance of the site in accordance with the approved Stage 3 Site Plan and all conditions of approval. Failure to comply with the approved Site Plan and all conditions of PUD approval may result in an enforcement action being brought in a court of competent jurisdiction.

1.309.12 Modification of an Approved PUD:

(A) PUD Stage 1 Modifications

The Zoning Inspector may determine that a resubmission for Stage 1 approval shall be required, and comply with the applicable process and requirements specified in Section 1.308 (Zoning Text or Map Amendments), if the modification:

- (1) Changes or violates any standards or policies which were specifically established at Stage 1, whether controlled by the PUD Conceptual Plan or the PUD Proposal Document, including but not limited to standards for density, open space, setbacks, height of structures, signage, or design;
- (2) Significantly alters a road pattern shown at Stage 1;
- (3) Adds an additional use or uses which were not permitted at Stage 1; or
- (4) Changes the boundaries of the PUD.

(B) PUD Stage 2 Modifications

The Zoning Inspector may determine that a resubmission for Stage 2 approval shall be required and follow procedures in accordance with Section 1.309.12(C), if the modification:

- (1) Exceeds any numerically specified requirement of Stage 2 approval which would result in an additional five (5) percent to an approved maximum requirement or the same allowance as a decrease of an approved minimum requirement established at Stage 2;
- (2) Increases the total number of residential units and/or lots approved at Stage 2;
- (3) Adds additional non-residential floor area which exceeds twenty (20) percent of the gross non-residential floor area approved at Stage 2;
- (4) Results in significant adverse on-site impacts, including but not limited to:
 - (a) Encroachment equal to, or more than twenty (20) percent of any floodplain or stream setback area(s);
 - (b) Any portion of a wetland;
 - (c) Thirty (30) percent of a wildlife habitat of an endangered or threatened species;
 - (d) Any historic or archaeological resource; or
 - (e) Any area within a tree survey area as specified in 1.304.4(C)(15).
- (5) Results in significant adverse off-site impacts, including but not limited to:
 - (a) Traffic impacts;
 - (b) Noise or light pollution; or
 - (c) Stormwater runoff.

- (6) Significantly affects surrounding property;
- (7) Significantly affects the development layout approved at Stage 2, unless the purpose of the modification is to:
 - (a) Improve public safety;
 - (b) Eliminate conflict with other components in the site, provided no negative off-site impacts would result;
 - (c) Ensure compliance with further requirements of another permitting authority provided such authority would approve of the modification; or
 - (d) Mitigate a situation involving a natural feature or other unanticipated site constraint of the subject property not foreseen by the applicant or the Township prior to approval of the Stage 2 plan;
- (8) Reduces the amount of landscaping or buffering required at Stage 2 by more than ten (10) percent;
- (9) Changes the boundary or arrangement of a structure which significantly affects locations of other components of the approved site plan requirements or conditions established at Stage 2; or
- (10) Violates any numeric standards established at Stage 2 related to signage or lighting by more than ten (10) percent.

(C) Notification Procedure for PUD Stage 2 Modifications

A proposed modification to an approved PUD Stage 2, per Section 1.309.12(B), is permissible for Zoning Inspector approval after completing the following procedures:

- (1) Publication of notice in a newspaper of general circulation available to the affected community and mailing to owners of properties within five-hundred (500) feet surrounding the PUD site.
- (2) If written disagreement has not been expressed and received within fourteen (14) days of the public notice, the modification may be approved by the Zoning Inspector.
- (3) If written disagreement is expressed and received within fourteen (14) days of the public notice, the modification requires approval by the Board of Township Trustees processed as required per Section 1.309.6(B).

(D) PUD Stage 3 Modifications

Any modification which does not meet one (1) or more of the criteria in Sections 1.309.12(A) or 1.309.12(B) constitutes a minor modification at Stage 3 and is approvable by the Zoning Inspector.

§ 1.310 NON-CONFORMITY PROVISIONS.

1.310.1 Purpose:

- (A)** The non-conforming provisions of this section permit the continuation of a lawful use, structure, or lot, which exists at the time of enacting the Zoning Code or as an amendment to the Code.

- (B)** Provisions in this Section, pursuant to ORC 519.19, permit such non-conformities to continue in accordance with certain conditions and restrictions. This Section applies to the following categories of non-conformities:
 - (1) Non-conforming lots of record;
 - (2) Non-conforming uses of land and structures;
 - (3) Non-conforming buildings/structures.

1.310.2 Non-Conforming Lots of Record:

(A) Legal Non-Conforming Lots

Legal (grandfathered) non-conforming lots of record are those which do not conform to one (1) or more of the dimensional requirements in this Zoning Resolution, but were recorded prior to the effective date of this Zoning Resolution.

(B) Approved Preliminary Plan Lots

Lots shown in preliminary plans approved by the Regional Planning Commission (RPC) prior to the effective date of this Zoning Resolution, where such approval has not expired by reason of inactivity as provided in the Warren County Subdivision Regulations, shall be allowed to be recorded as shown on the preliminary plan. Once approved preliminary plan lots are recorded on a final plat, such lots shall then be considered legally non-conforming.

(C) Procedures

(1) In any zoning district, an allowable structure may be permitted on a single non-conforming lot of record provided that the lot has at least fifty (50) feet of road frontage. If placement of the structure cannot conform to the required setbacks of this Zoning Code, the following rules shall apply:

- (a) The sum of the side yard setbacks of any sub-standard sized lot shall be thirty (30) percent of the width of the lot and at least ten (10) percent of the lot width for any one (1) side yard.
- (b) The depth of the rear yard setback of any sub-standard sized lot need not exceed twenty (20) percent of the depth of the lot, but in no case less than ten (10) percent.
- (c) The front yard setback shall follow the district standard, unless so modified in accordance with Section 3.103.5 (Front Yard within an Established Block).

(2) If two (2) or more adjacent lots of sub-standard width for the zone in which they are located belong to one (1) owner, they shall be combined into new lot sizes as follows:

- (a) If the total combined width is less than the required minimum width for one (1) lot for the zone in which they are located, they shall be combined to form one (1) lot.
- (b) If the total combined width is greater than the minimum required width for one (1) lot for the zone in which it is located, but not a multiple of said width, the lots shall be divided into equal width lots, so as to result in one (1) more lot than the number of lots of the minimum width required in the zone in which they are located.

- (3) Recombination of lots is not required, if:
 - (a) Two or more of the lots are developed with principal buildings, and the recombination of lots would create non-conforming structures;
 - (b) The combination of lots would materially disrupt the character of the area, as determined by the Zoning Inspector; or
 - (c) For lots that may individually support sanitary service.

1.310.3 Non-Conforming Uses:

A non-conforming use of record which would not be allowable by the most recent regulations shall be grandfathered, recognized to legally continue so long as the use remains otherwise lawful in accordance with the following:

- (A) The non-conforming use shall not be enlarged, increased in intensity, or extended to occupy a greater area of land on a lot than was occupied on the date when the use became non-conforming.
- (B) The non-conforming use may be extended throughout any part of the building(s) in which it existed on the date when the use became non-conforming, but shall not be extended to occupy any more land outside of any such buildings(s) on the lot where located.
- (C) No such non-conforming use shall be moved, in whole or in part, to any other portion or location of the lot or parcel than which was occupied by the use on the effective date of the regulation which made the use non-conforming, unless such would improve conformity with the current regulations.
- (D) A non-conforming use shall not be permitted to resume if the building(s) or other structure(s) in which it existed become damaged or destroyed beyond fifty (50) percent of the replacement cost.
- (E) The legal non-conforming status of a use is terminated upon abandonment or discontinuation of the use for more than two (2) years.
- (F) No provision of this Code shall render an existing single-family detached dwelling as a non-conforming use except for such use within a floodplain area.

1.310.4 Non-Conforming Buildings/Structures:

A non-conforming structure is a building or other structure of record which predated the adoption or amendment of this Zoning Resolution and is not permitted, by reason of restrictions on type, area, bulk, height, setbacks, or other similar requirements. These structures may remain provided they remain lawful in accordance with the following:

- (A) Shall not be enlarged or altered in any way which increases non-conformity, but may be altered to decrease non-conformity;
- (B) Shall not be moved, in whole or in part, unless for purpose of coming into complete compliance with zoning requirements;
- (C) If the structure becomes damaged or destroyed beyond fifty (50) percent of the replacement cost, reconstruction shall comply with the current zoning requirements.
- (D) Completion of construction and subsequent routine maintenance and repair is permitted.

1.310.5 Procedure for Becoming Conforming:

In many instances, non-conforming uses or buildings/structures are integral parts of the community's fabric. In these instances, the classification "non-conformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Section. Non-conformities may become conforming as follows:

(A) Types of Situations

The following are two types of situations whereby a non-conforming use, building, or structure can become conforming:

- (1) Correct the non-conforming situation. Where a non-conforming use is proposed to be changed to another use which requires a conditional use permit, those procedures must be followed.
- (2) Apply for conditional use permit as conforming. Under this process, where there is no change of use, the non-conforming situation may be mitigated and made conforming through application for, and approval by, the BZA for a conditional use permit.

(B) Procedure

Owners of non-conforming uses, buildings or structures may apply for a conditional use permit to become conforming without changing the use or necessarily modifying the entire physical nature of the non-conformity. The conditional use permitting application shall be reviewed by the Zoning Inspector, and he or she shall provide a recommendation to the BZA for a final decision. The BZA, at their discretion, may require an operation plan or additional studies and reports from the property owner as part of their consideration.

(C) Review Criteria

- (1) In addition to the standards and criteria for Conditional Use review, the applicant shall demonstrate that the non-conformity, as conducted and managed, has minimal incompatibilities that have been integrated into the community's function. Factors to evaluate this criterion include the following:

- (a) The area residents patronize or are employed at the use;
 - (b) Current management practices that eliminate problems such as noise, waste materials, competition for on-street parking, or similar conflicts;
 - (c) The non-conformity's history of complaints against it; and,
 - (d) The non-conformity has been maintained in good condition or that the non-conformity represents a disincentive for such maintenance.
- (2) The BZA shall determine that the non-conformity is generally integrated into the community and has minimal adverse impacts. The BZA may require appropriate conditions and safeguards to assure that the non-conformity does not adversely affect orderly development and the value of nearby property, including, but not limited to:
- (a) Required improvement of, or modifications to existing improvements on the property;
 - (b) Limitations on hours of operations;
 - (c) Limitations on the nature of operations.

(D) Effect

The granting of a conditional use approval eliminates the non-conformity.

1.310.6 BZA Additional Authority:

The BZA shall have the power to grant the substitution of a non-conforming use, existing at the time of enactment of this Code, by another non-conforming use, if the BZA determines that the substituted use would not be of greater intensity or density than the existing non-conforming use.

§ 1.311 ADMINISTRATIVE INTERPRETATION.

1.311.1 Purpose:

This section shall guide the Zoning Inspector in rendering an official interpretation.

1.311.2 Types of Interpretations:

(A) Meaning or Application

When evaluating a section of this Code as to its meaning or application, administrative interpretations shall not lessen protections provided by this Zoning Code herein.

(B) Unlisted Uses

When a use is not specifically listed in the Table of Principal Uses by Zoning District (Section 2.203), it shall be understood that the use may be permitted or prohibited if the Zoning Inspector determines that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified in the use tables and, anticipating that new uses will evolve over time, this section establishes the Zoning

Inspector's authority to compare a proposed use and evaluate its similarities, operation, impacts, or scale to those uses listed. Where a choice of uses exists, after reviewing for adverse impacts, the use should be classified with the similar use that has the most adverse impacts. In determining "similarity" the Zoning Inspector shall make all of the following findings:

- (1) The characteristics of, and activities associated with, the proposed use are equivalent to one or more of the listed uses, and will not involve a higher level of activity or population density than the uses listed in the district;
- (2) The proposed use(s) will be consistent with the purpose of the zoning district; and
- (3) The proposed use(s) shall consider the suggestions of the Comprehensive Plan and any approved area plan.

1.311.3 Procedure:

In making an administrative interpretation of this Code, the zoning inspector shall:

- (A) Request the County Prosecutor's review and recommendation on the interpretation request.
- (B) Consider the suggestions of the Comprehensive Plan and any approved area plan, this Code, the Zoning Map, and the recommendations of the County Prosecutor.
- (C) Determinations shall be made in writing and shall contain facts that support the determination. The Department shall maintain all such determinations on record and a written interpretation shall be mailed to the applicant and provided to the RPC within thirty (30) days of receipt of a complete request for an interpretation.
- (D) The Zoning Inspector shall maintain a record of all administrative interpretations rendered. This record shall be available for public inspection in the Zoning Inspector's office, upon reasonable request, during normal business hours.
- (E) To ensure that the intent of this Code is being met, the Zoning Inspector shall report twice yearly to the Township Zoning Commission (TZC) on all administrative interpretations made. The TZC may request the Zoning Inspector and/or the Regional Planning Commission (RPC) to prepare text amendments to the Code.

§ 1.312 VIOLATIONS AND PENALTIES.

1.312.1 Provisions to Cite and Impose:

- (A)** As provided per ORC Section 519.23, no person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or use any land in violation of a resolution, or amendment or supplement to such resolution, adopted by the Board of Township Trustees under Sections 519.01 to 519.25, inclusive, of the ORC, and each day such violation continues is a separate offense.
- (B)** As provided per ORC Section 519.24, in case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Resolution or any amendments or supplements thereto, the Board of Township Trustees, the Prosecuting Attorney, the Zoning Inspector, County Building Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, and elects to pursue such action at their own cost and expense, in addition to other remedies provided by law, may institute an action seeking injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, enlargement, change, maintenance, or use.

- (C) For the purposes of the violations and penalties provided for herein, “person” shall include the owner or tenant of any building, structure, land or premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, allows or maintains such violation may be subject to the jurisdiction of a court of competent jurisdiction and each be found liable for each separate offense and be subject to the order of the court, if processed to such conclusion after any such person involved in the violation has been duly notified by the Zoning Inspector in ordering the violation to be abated within a time period specified in accordance with Section 1.312.2.

1.312.2 Violation and Remedies Notification Requirements:

Notice of violation made in accordance with requirements of this Section shall be provided by the Zoning Inspector to the violator(s) involved in the event the Zoning Inspector finds a violation exists as described in Section 1.312.1, as observed by the Zoning Inspector or from investigation into a verbal or written complain of such made to the Zoning Inspector. The violation notice shall also state the remedy ordered of the violator(s), the time period within which to do so and advise the violator(s) of their right to appeal the order and of the potential consequences if convicted of not complying with the order if upheld valid to impose. The provisions so regarding are specified as follows:

(A) Notice of Violation

The required written notice of violation to be provided by the Zoning Inspector shall contain the following:

- (1) The name(s) and address(es) of the violator(s);
- (2) The parcel identification number and road address of the parcel(s) where the violation exists;
- (3) Description of the violation and citation of the zoning requirements being violated;
- (4) Statement of the remedy ordered necessary and time period allowed to do so; and,
- (5) Statement of violator(s) right to appeal and potential consequences of non-compliance.

(B) Violation Notice Delivery

The required notice of violation shall be delivered by the Zoning Inspector in any of the following ways for purpose of notifying the violator(s) involved:

- (1) By Certified Mail addressed to the violator(s) last known address, service shall be deemed complete when a Certified Mail receipt is received or returned undeliverable or refused; or,

- (2) By Certified Mail and ordinary U.S. mail with a Certificate of mailing simultaneously, addressed to the violator(s) last known address. Service shall be deemed complete when a Certified Mail receipt is received or ordinary U.S. first-class mail is not returned after ten (10) days of mailing or returned undeliverable or refused; or,
- (3) By personal delivery to the violator(s) responsible, or by leaving the notice at the usual place of residence thereof, or
- (4) By posting a copy of the notice at a conspicuous place on the premises of the violation, as signed and dated by an adult witness on the notice so delivered and by the same on file copy.

1.312.3 Required Remedy, Potential Appeal and Non-Compliance Consequences:

(A) Required Remedy

Each violation specified in the violation(s) notice prepared and delivered in accordance with Section 1.312.2 is required to be remedied by the violator(s) as specified in the violation(s) notice within the time period allowed to do so.

(B) Remedy Time Period

The time period allowed to a violator to remedy a violation shall be as specified in the notice of violation delivered by the Zoning Inspector, as determined reasonable by the Zoning Inspector, or as otherwise specified in this Zoning Resolution. The Zoning Inspector may order a violation to cease and desist immediately if the nature of the violation constitutes a readily apparent danger to public health or safety.

(C) Potential to Appeal

The violator(s) may file an appeal to the Board of Zoning Appeals (BZA) for relief or release from having to comply with the remedy ordered in violation(s) notice delivered by the Zoning Inspector, provided the appeal meets all requirements specified in Section 1.307 (Administrative Appeals) of this Zoning Code. Filing of an appeal to the BZA shall stay the time period ordered in the notice for compliance. If the BZA denies the appeal, the applicant may seek relief from the Court of Common Pleas of jurisdiction.

(D) Non-Compliance Potential Consequences

Failure of the violator(s) to comply with the remedy ordered and the time period in which to do so specified in the violation(s) notice delivered would be considered an additional violation, in the absence of an appeal to the order being granted by the BZA or the Court of Common Pleas. Consequences of non-compliance may result in penalties as determined by the applicable Court of jurisdiction.

(E) Penalties

Any person found, by a court of competent jurisdiction, in violation of the Zoning Code shall be subject to such court ordering all legal and equitable remedies available, including but not limited to:

- (1) The court issuing a temporary injunction or restraining order;
- (2) The court ordering abatement within thirty (30) days of the filing of a final and appealable judgment; and in the event the person so ordered fails to timely abate any violations, if the party bringing the action is the Board of Township Trustees, the Prosecuting Attorney, the Zoning Inspector, or the County Building Inspector, the court granting such party access to the property upon which the violations are located in order to abate the violations and assessing the costs, charges and expenses of abating such violations against the property upon which the violations are located and certifying such costs to the County Auditor to be placed on the real property tax duplicate to be collected by the County Treasurer; and,
- (3) Permanently enjoining the person from further violations of the Zoning Code and subjecting such person to contempt upon a showing of failure to comply with the Court’s Order or further violations without cause including but not limited to imposing a fine of not more than five hundred (500) dollars for each offense. Each day a violation continues shall be a separate offense in accordance with ORC Sections 519.99 and 519.23.

ARTICLE II: ZONES AND OVERLAY PROVISIONS

CHAPTER 1: ZONES AND OVERLAYS, MAPS, AND BOUNDARIES

§ 2.101 ESTABLISHMENT OF ZONING DISTRICTS AND OVERLAYS.

2.101.1 Establishment of Districts:

The unincorporated territory of Wayne Township, Warren County, Ohio is hereby divided into sixteen (16) “zones” and four (4) types of “overlays,” which are titled as follows:

- RESIDENTIAL DISTRICTS
- RU Rural Residence Single Family Zone
 - R-1 Residence Single Family Zone
 - R-2 One and Two Family Zone
 - R-3 Multi-Family Residence Zone

- COMMERCIAL BUSINESS DISTRICTS
- B-1 Neighborhood Commercial Zone

- B-2 Community Commercial Zone
- B-3 Regional Commercial Zone

INDUSTRIAL BUSINESS DISTRICTS

- I-1 Light Industrial Zone
- I-2 General Industrial Zone

SPECIAL DISTRICTS

- C Recreational Zone
- G Gravel Pits or Stone Quarries Zone
- L Landfill Zone
- MH Manufactured Home Park Zone
- PI Public Institution Zone
- SY Salvage Yard Zone
- TC Travel Trailer Camp Zone

PLANNED UNIT DEVELOPMENT DISTRICTS AND OVERLAYS

- G-PUD General Planned Unit Development (PUD) Overlay
- PUD Planned Unit Development (PUD) District

GROUNDWATER PROTECTION OVERLAYS

- AP Aquifer Protection Overlay
- SWP Source Water Protection Overlay

2.101.2 Application of Overlays:

The Aquifer Protection (AP) and Source Water Protection (SWP) overlay areas encompass several zones or parts of zones, in requiring additional regulations applicable to the underlying zones over which they are located. All such regulations are uniformly consistent and applied to the differently zoned premises in the Township, except for Planned Unit Developments (PUDs), which may only be applied to underlying zoning as an overlay or replace the underlying zoning if requested by the owner of a premises on which it may be approved (see Article II, Chapter 5), and in which normal requirements may be varied.

2.101.2 Official Zoning Map:

The boundaries of the zones and overlays as established are indicated upon the zoning map of the unincorporated area of Wayne Township, Warren County, Ohio, said map being a part of this code and duly filed in the office of the Wayne Township Zoning Inspector. The said zoning map inclusive of all notations, references and other matters set forth thereon is fully described herein and properly attested in being the official zoning map for this Code.

§ 2.102 DISTRICT BOUNDARIES LOCATION AND INTERPRETATION.

2.102.1 Where uncertainty may exist regarding zoning district boundaries, the following rules shall apply in resolving such problem:

- (A) Boundaries that appear to follow the center lines of public streets, roads or highways shall actually be interpreted to follow the right-of-way easement line.
- (B) Boundaries that appear to follow the parcel division lines shall be interpreted as following such lines.
- (C) Boundaries that appear to follow the corporation limit line of a municipality shall be interpreted as following such line.
- (D) Boundaries that appear to follow an abandoned railroad shall be interpreted as following the centerline of such, except where such has been re-utilized for purpose of a public right-of-way, in which case the boundary shall be to the outside edge(s) of such right-of-way.
- (E) Boundaries that appear to follow a watercourse, such as a river, creek or stream, or the shoreline of a lake or pond shall be interpreted as following the outside edge of such watercourse or body of water and as changing with such physical edge as it may change.
- (F) Boundaries that do not appear to follow any recognizable natural features or man-made line of occupation or physical improvement shall in absence of any zoning case action or legal description in the initial establishment of such boundary be resolved by the Board of Zoning Appeals (BZA).

§ 2.103 ZONING DISTRICT PURPOSE STATEMENTS.

2.103.1 RU “Rural Residence Single Family” Zone

The purpose of the RU “Rural Residence Single Family” Zone is to recognize the existence of the demand for residential lots of a relatively rural and spacious nature on which agricultural activities may represent only a minor use by the occupants. This district is intended for application in outlying rural areas where urbanization and the extension or creation of central water supply and wastewater disposal systems are either not appropriate or not expected to occur for an extended period of time into the future.

2.103.2 R-1 “Residence Single Family” Zone:

The purpose of the R-1 “Residence Single Family” Zone is to recognize the existence of and the demand for residential uses and related accessory uses at a lower density controlled by a minimum 2 acre lot size. Public water supply and waste water disposal facilities shall be required for land placed in this district unless an alternative method is approved by the authorities having jurisdiction.

2.103.3 R-2 “One and Two Family” Zone:

The purpose of the R-2 “One and Two Family” Zone is to provide for the establishment of single family and two family residential dwellings and related accessory uses in a moderate density environment (controlled by a 14,000 square foot minimum lot size) where public sewer and water utilities are available.

2.103.4 R-3 “Multi-Family Residence” Zone:

The purpose of the R-3 “Multi-Family Residence” Zone is to provide for the establishment of single-family and two-family residential dwellings and multi-family residential units and related accessory uses in a higher density environment (controlled by a 12,000 square foot minimum lot size) where public sewer and water utilities are available.

2.103.5 B-1 “Neighborhood Commercial” Zone:

The purpose of the B-1 “Neighborhood Commercial” Zone is to encourage the development of a range of limited retail uses; personal, professional and business services, necessary to meet the needs of adjacent neighborhoods. The traffic impacts of these uses should be at a minimum so as not to affect the surrounding neighborhood uses.

2.103.6 B-2 “Community Commercial” Zone:

The purpose of the B-2 “Community Commercial” Zone is to encourage the establishment of areas for retail businesses, personal and professional services, office and service businesses that meet the needs of a community market area. Activities in this district are often large space uses along arterials, major collectors, or collectors, with conveniently located off-street parking areas.

2.103.7 B-3 “Community Commercial” Zone:

The purpose of the B-3 “Regional Commercial” Zone is to encourage the establishment of areas for retail businesses, personal and professional services, office and service businesses that meet the needs of a regional market area. Activities in this district are often large space uses located along arterials or major collectors, with conveniently located off-street parking areas.

2.103.8 I-1 “Light Industrial” Zone:

The purpose of the I-1 “Light Industrial” Zone is to provide for appropriate areas within the Township for light industrial and manufacturing uses with limited objectionable external effects, where public sewer and water utilities are available.

2.103.9 I-2 “General Industrial” Zone:

The purpose of the I-2 “General Industrial” Zone is to provide for appropriate areas within the Township for high impact industrial and manufacturing uses where external effects may be objectionable and need to be mitigated, and where public sewer and water utilities are available. I-2 zoned areas should be appropriately located so as to cause minimal disturbance to residential areas.

CHAPTER 2: USE PROVISIONS

§ 2.201 PERMITTING DESIGNATIONS OF LAND USES IN TABLES.

2.201.1 The following symbols are used in Section 2.203 (Table of Principal Uses by Zoning District) and Section 2.204 (Table of Other Uses by Zoning District) to designate whether or not a certain use listed is allowed in the various zoning districts of this Code, along with indication of whether subject to site plan approval.

<u>Symbol</u>	<u>Meaning</u>
<u>P</u>	<u>Permitted Use by Zoning Inspector</u>
<u>S</u>	<u>Permitted Use subject to Site Plan Review by Township Trustees</u>
<u>C</u>	<u>Subject to Conditional Use and Site Plan approval by BZA</u>
<u>(Shaded)</u>	<u>Prohibited Use</u>
<u>E</u>	<u>Exempt from Zoning</u>

§ 2.202 PERMITTING DESIGNATION FOR A USE NOT LISTED.

2.202.1 When a principal use is not listed in Section 2.203 (Table of Principal Uses by Zoning District), the Zoning Inspector shall either:

- (A) Make an administrative interpretation in accordance with Section 1.311 (Administrative Interpretation); or
- (B) Convene the Board of Zoning Appeals (BZA) to make a determination as to whether the use not listed shall be allowed as a permitted or conditional use or otherwise prohibited, based on being similar or not to one or more uses listed.

2.202.2 The BZA or the Zoning Inspector may determine that the use is an accessory use, associated with the principal permitted use. Accessory uses and structures are permitted in any zoning district, unless qualified within the code, but only in connection with, incidental to, and on the same lot with a principal permitted use or structure which is permitted within such district.

§ 2.203 TABLE OF PRINCIPAL USES BY ZONING DISTRICT.

This section consists of all tables on pages 2-10 of this Chapter.

LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
AGRICULTURAL & RELATED USES																
Agriculture (ORC Section 519.01)	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	N/A
Agriculture (non-exempt)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.102
Agricultural Research Facility (non-exempt)	C	C	C	C	S	S	S	S	S	C						N/A
Agricultural Support Services (non-exempt)	C	C			S	S	S	S	S	C						3.202.1
Agritourism	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.202.2

Farm Market or Produce Stand	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.202.3
Marijuana Cultivation																N/A
Marijuana Processing																N/A
Nurseries and Greenhouses (non-exempt)	C	C	C	C	S	S	S	S	S	S						3.202.4
RESIDENTIAL USES																
Single Family Dwellings	P	P	P	P						C						3.203.1
Two Family Dwelling Units			P	P												3.203.1
Multiple Family Dwelling Units				S												3.203.2
Boarding House	C	C														3.203.3

LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
Manufactured Home Park (ORC Section 4781.01(D))				C												N/A
COMMUNITY-BASED OR SOCIAL-SERVICE RESIDENTIAL USES																
Adult Family Homes (OAC Sec. 5122-33-01)	P	P	P	P												N/A
Adult Group Homes (OAC Sec. 5122-33-01)	C	C	S	S												N/A
Family Day-Care Homes, Type A (OAC Sec. 5104.01)	C	C	C	C	P	P	P									N/A
Family Day-Care Homes, Type B (OAC Sec. 5104.01)	P	P	P	P	P	P	P									N/A
Foster Homes (ORC Sec. 5103.02)	P	P	P	P						C						N/A

Institutional Care Facilities	C	C	C	C	C	C	C										3.204.1
COMMUNITY FACILITIES & ESSENTIAL SERVICES USES																	
Auditoriums & Performing Arts					S	S	S										3.205.1
Campground	C	C					C			S						S	3.205.1 3.205.3
Career Center/College, Universities	C	C	C	C	S	S	S			C			S				3.205.1 3.205.6
Cemeteries	C	C	C	C	S	S	S										3.205.1
Churches/ Places for Worship	C	C	C	C	S	S	S						S				3.205.1
Civic Clubs, Halls & Lodges	C	C	C	C	P	P	P			C			S			S	3.205.1
Commercial Swimming Pool	C	C	C	C	C	C	S			S							3.205.1 3.205.2
Conference/Training Center	C	C			C	S	S			C							3.205.1
Correctional Facilities													S				2.304.6 3.205.1
LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION	
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL							
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC		
Day Camp, Boarding Camp, Retreat Facility	C	C								S							3.205.1 3.205.3
Day Care Center	C	C	C	C	S	S	S										3.205.1 3.205.4
Fire & Police Station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3.205.1
Government Offices	C	C	C	C	S	S	S			C			S				3.205.1
Hospital, Clinic, Medical Center	C	C	C	C	S	S	S			C			S				3.205.1 3.205.5
Libraries, Museums, and Fine Arts Centers	C	C	C	C	S	S	S			S			S				3.205.1

Event / Recreational Facility – Indoor	C	C	C	C	S	S	S	S	S	S						3.205.1
Park / Recreational Facility – Outdoor Active	C	C	C	C	S	S	S	S	S	S						3.205.1
Park / Recreational Facility – Outdoor Passive	S	S	S	S	S	S	S	S	S	S						3.205.1
Public Works / Road Maintenance Yards	C	C	C	C	C	C	S			C						3.205.1
Schools (Pre-School, Elementary, Non-Elementary)	C	C	C	C	S	S	S			C			S			3.205.1 3.205.6
Telecommunications Facilities (Large)	S	S	S	S	E	E	E	E	E	E	E	E	E	E	E	3.205.1 3.205.7
Telecommunications Facilities (Small Cell)	P	P	P	P	E	E	E	E	E	E	E	E	E	E	E	3.205.1 3.205.7
Other Towers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.205.1 3.205.8
Wind Energy Conversion System, Large Wind Farm	C	C														3.205.1 3.205.9
COMMERCIAL BUSINESS USES																
Administrative, Business, and Professional Offices					S	S	S	S	S							3.206.1

LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
Animal Hospital or Veterinary Clinic	C	C	C	C	S	S	S									N/A
Artist or Creative Professional Studio				C	S	S	S									3.206.1
Automobile Body Repair Shop						C	S	S	S							3.206.1 3.206.4
Automobile Fueling Station					C	S	S	S	S							3.206.1 3.206.3
Automobile General Repair						C	S	S	S							3.206.1 3.206.4
Automobile Oil Change, Lube, Light Service						C	S	S	S							3.206.1 3.206.4

Automobile Sales or Rental					S	S	S	S								3.206.1 3.206.5	
Automobile Washing Facility					C	S	S	S	S							3.206.1 3.206.6	
Banks and Financial Institutions					S	S	S									3.206.1	
Bar, Billiard Parlor, Brewpub, Night Club, or Tavern					S	S	S									3.206.1 3.206.7	
Barber, Beauty Shop & Personal Care Salon					S	S	S									3.206.1	
Bed & Breakfast	C	C	C	C	S	S	S			S						3.206.1 3.206.8	
Casino							S									3.206.1	
Cinema					S	S	S									3.206.1	
Commercial Airport							C									3.206.1	
Commercial Amusement, Indoor					S	S	S									3.206.1	
Commercial Amusement, Outdoor / Drive-In Movie Theater							C			C						3.206.1	
LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION	
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL							
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC		
Commercial Parking Lot for Recreational Vehicles										S						S	3.206.1
Convenience Mart / Carry-Out Store					S	S	S										3.206.1
Country Inn	C	C								S							3.206.1 3.206.9
Farm Machinery and Small Engine Sales, Rentals & Repairs				C	S	S	S										3.206.1
Funeral Parlor, Crematory or Mortuary	C	C	C	C	C	S	S	S	S								3.206.1 3.206.10
Garden Center	C	C				C	S	S	S								3.206.1

Golf Course or Driving Range	C	C					C			S						3.206.1
Gunsmith & Firearms Dealer					C	S	S									3.206.1
Hardware, Home Improvement, Building Materials & Supplies Store					S	S	S									3.206.1
Health / Fitness Club, Gym or Spa					S	S	S								S	3.206.1
Helipads, Heliports or Helistops	C	C					C			C						3.206.1
Hotels / Motels					C	S	S									3.206.1
Landscaping Service						C	S	S	S							3.206.1
Large Scale Retail (Big Box) Stores					C	S	S	S								3.206.1 3.206.11
Laundromat or Dry Cleaner					C	S	S									3.206.1
Marijuana Dispensary																N/A

LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
Miniature Golf						C	S			C						3.206.1
Moving Truck & Trailer Rental						C	S	S	S							3.206.1
Office with Warehousing						C	C	S	S							3.206.1
Printing or Copying Shop					S	S	S									3.206.1
Race Tracks							C	S	S							3.206.1
Radio, TV or Other Broadcast Studio							C	S	S							3.206.1

Recording Studio					S	S	S	S	S							3.206.1
Restaurant, Fast Food					C	S	S									3.206.1
Restaurant, Full Service					S	S	S									3.206.1
Retail Stores – General					S	S	S									3.206.1
Retail Stores – Small-Scale					S	S	S	S	S							3.206.1
Self Storage Facility					C	S	S	S	S							3.206.1
Sexually-Oriented Businesses							C	C	C							3.206.1 3.206.13
Shooting Range (Indoor)						C	C	C	C							3.206.1
Shooting Range (Outdoor)								C	C							3.206.1
Tattoo & Body Piercing Parlor						C	C	S	S							3.206.1
Truck Stop						C	S	S	S							3.206.1

LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
Wholesale Business						S	S									3.206.1
INDUSTRIAL, MANUFACTURING, & OTHER SERVICE USES																
Acid, Chemicals, Inflammable Liquids or Gases Manufacturing & Storage									S							3.207.1
Animal Rendering Fertilizer or Glue Manufacture									S							3.207.1
Asphalt or Concrete Batch Plant or Products Manufacturing									S							3.207.1

Bakery or Candy Making Facility					C	S	S	S	S							3.207.1
Boat / Boat Equipment Sales, Rental, or Repair Shop								C	S	C						3.207.1
Building Exterior Trim & Roofing Repair, Supply, or Service Shop					C	C	S	S	S							3.207.1
Building Trusses Manufacture or Wood Milling Facility								C	S							3.207.1
Carpet/Rug Cleaning or Uniform Service Plant								C	S							3.207.1
Central Processing Facility for Solid Waste Transfer, Materials Resource Recovery or Recycling												C				3.207.1
Ceramic, Glass or Similar Product Manufacture								S	S							3.207.1
Composting Facility									C			C				3.207.1
Construction and Demolition Debris Disposal Facility									S					S		3.207.1
Container/POD Storage Facility								S	S							3.207.1
Cosmetics Manufacture									S							3.207.1

LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
Creamery, Bottling, Ice Making or Cold Storage Plant							C	S	S							3.207.1
Electrical Device or Component Manufacture or Assembly								S	S							3.207.1
Enameling, Lacquering, or Japanning									S							3.207.1
Explosives or Flammable Components Manufacture or Storage									S							3.207.1

Food Production, Processing or Packaging Plant								C	S							3.207.1
Furniture Making, Wood Products & Upholstering								S	S							3.207.1
Heating/AC/Sheet Metal Manufacturing								C	S							3.207.1
Industrial Printer								C	S							3.207.1
Junk & Wrecked Vehicle Salvage Yard Facility														S		3.207.1
Light Manufacturing						C	S	S	S							3.207.1
Metal Casting, Cutting, Dyeing, Milling, Plating, Punching, Rolling, Stamping, or Screw Making									S							3.207.1
Methane Recovery Facility associated with Soil Removal									S							3.207.1
Mineral Extraction or Surface Mining											C					3.207.1 3.207.2
Motor Vehicle Impound Lot or Wrecker Service									S					S		3.207.1
Mover Storage Facility								S	S							3.207.1
Music Instrument Novelty or Toy Manufacture								S	S							3.207.1
LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
Paint Mixing or Spraying Facility									S							3.207.1
Petroleum or Related Products Refining or Distributor Depot								C	S							3.207.1
Pharmaceuticals Manufacture									S							3.207.1
Plastic and Rubber Parts Manufacture								S	S							3.207.1

Pre-Made Parts & Materials Processing or Assembly								S	S								3.207.1
Recycling and Salvage Center									S								3.207.1
Research and Development Facility							C	S	S								3.207.1
Salvage Motor Vehicle Auction or Pool Facility															S		3.207.1
Sanitary Landfill												C					3.207.1
Sheet Metal & Machine Shops								S	S								3.207.1
Signs, Lighting, Outdoor Advertising & Manufacturing							C	S	S								3.207.1
Slaughterhouse and Stockyards									S								3.207.1
Solid Waste Disposal Facility												C					3.207.1
Solid Waste Incinerator												C					3.207.1
Truck Terminal or Distribution Facility								S	S								3.207.1
Warehousing/Depot							C	C	S								3.207.1
Welding Shop						C	C	S	S								3.207.1

§ 2.204 TABLE OF OTHER USES BY ZONING DISTRICT.

This section consists of the tables on pages 11-12. The tables in this section address uses which are not considered to be primary (principal) uses, but may be secondary or ancillary to a primary uses. Uses are split into three categories: Accessory Uses, Home Uses, and Temporary Uses.

LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
ACCESSORY USES																

Detaching Buildings or Other Accessory Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.208.2 3.208.3
Drive-In or Drive-Thru Service Facility					C	P	P	P	P							3.208.4
Drop-Off Box					P	P	P	P	P							3.208.5
Game Court or Play Structure	P	P	P	P						P						3.208.6
Outdoor Trash Container Enclosure (Dumpster)				P	P	P	P	P	P	P	P	P	P	P	P	3.208.7
Recreational/Commercial Vehicle Parking*	P	P	P							P						3.208.8
Satellite Dish*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.208.9
Solar Energy System*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.208.10
Swimming Pool	P	P	P	P	C	P	P			P						3.208.11
Wind Energy Conversion System, Micro-Wind Turbine	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.208.12
Wind Energy Conversion System, Small	C	C			C	C	C	C	C	C						3.208.13

LAND USES	ZONING DISTRICTS															USE-SPECIFIC STANDARDS SECTION
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL		SPECIAL						
	RU	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	C	G	L	PI	SY	TC	
HOME USES																
Home Occupation	P	P	P	P	P	P	P	P	P	P						3.209.1
Secondary Dwelling Unit (Attached)	C	C														3.209.2
Secondary Dwelling Unit (Detached)	C	C														3.209.3

TEMPORARY USES																
Temporary Tents*	P	P	P	P	P	P	P	P	P	P	P				P	3.210
Construction or Sales Office Trailer	P	P	P	P	P	P	P	P	P	P						3.210
Housing During Construction	P	P	P	P						P						3.210
Model Dwelling Sales Units	P	P	P	P						P						3.210
Portable Storage Containers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.210
Yard/Garage Sales, Estate Sales, Private Auctions	P	P	P	P	P	P	P	P	P	P					P	3.210

***Recreational/Commercial Vehicle Parking:** The parking of recreational or commercial vehicles does not require a zoning permit.

***Satellite Dish:** Dishes which are one (1) meter in diameter or less do not require a zoning permit.

***Solar Energy System:** A roof-mounted solar energy system does not require a zoning permit. A ground-mounted system shall require a permit.

***Portable Storage Containers:** Do not require a zoning permit.

CHAPTER 3: ZONING DISTRICT STANDARDS

§ 2.301 GENERAL PROVISIONS.

The provisions of this Chapter shall apply to the uses, buildings, and structures regulated by the requirements of the zone in which they are located along with other provisions, standards, and requirements specified elsewhere as applicable in this Code. In addition to the below standards, provisions for Parking and Loading (Article III, Chapter 3), Signage (Article III, Chapter 4), Lighting (Article III, Chapter 5), and Landscaping and Screening (Article III, Chapter 6) are outlined within separate chapters.

§ 2.302 RESIDENTIAL ZONING DISTRICT STANDARDS.

2.302.1 Lot Standards:

STANDARD			RESIDENTIAL ZONING DISTRICTS			
			RU	R-1	R-2	R-3
Minimum Lot Size*			5 acres	2 acres	14,000 sq. ft. per building	12,000 sq. ft. per building
Minimum Lot Frontage & Lot Width (feet)	Standard Frontage Lots*	Lots < 3 acres		150	75	65
		Lots < 4 acres		175	75	65
		Lots < 5 acres		200	75	65
		Lots ≥ 5 acres	225	225	75	65
	Curved Frontage Lots*	Lot Frontage at the road right-of-way	50	50	25	25
		Lot Width at the front yard setback line	150	150	75	65

***Minimum Lot Size:** The required lot area shall not include any road or street right-of-way as shown on the Warren County Official Thoroughfare Plan, and shall also be exclusive of any easements and/or setbacks for streams, wetlands, floodways, high-pressure gas pipelines, railroads, and high-tension power lines.

***Minimum Lot Frontage & Lot Width for Standard Frontage Lots:** The set of standards with the lowest acreage applicable to the lot shall apply. For instance, a 3.5 acre lot shall conform to the frontage requirements specified for lots less than 4 acres. Lot frontage shall be measured in common with the right-of-way line. Lot width and lot frontage shall be measured as shown in Section 3.103.6 (Lot Width) and 3.103.7 (Lot Frontage), respectively. Panhandle lots are not subject to minimum lot frontage requirements (see Section 3.103.3 for Panhandle lot standards).

***Minimum Lot Frontage for Curved Frontage Lots:** Lot frontage at the road right-of-way is defined as the length measured in common with the arc dividing the road right-of-way from the front of the lot. Lot frontage shall be measured as shown in Section 3.103.7 (Lot Frontage).

***Minimum Lot Width for Curved Frontage Lots:** Lot Width shall be measured as shown in Section 3.103.6 (Lot Width).

2.302.2 Principal Structure Standards:

STANDARD		RESIDENTIAL ZONING DISTRICTS			
		RU	R-1	R-2	R-3
Maximum Height* (feet)		35	35	35	35
Minimum House Size (square feet of living space per unit)	Single-Family Units	1,250	1,250	1,250	1,250
	Two-Family Units			900	900
	Multi-Family Units				800

Minimum Setbacks* (feet)	Front Yard	Lots < 3 acres		50	40	35
		Lots < 4 acres		50	50	50
		Lots < 5 acres		50	50	50
		Lots ≥ 5 acres	100	100	100	100
	Side Yard	Lots < 3 acres		25	15	10
		Lots < 4 acres		25	25	25
		Lots < 5 acres		25	25	25
		Lots ≥ 5 acres	50	50	50	50
	Rear Yard	Lots < 3 acres		50	25	25
		Lots < 4 acres		50	25	25
		Lots < 5 acres		50	25	25
		Lots ≥ 5 acres	50	50	50	50

***Maximum Height:** Refer to Section 3.103.4 (Height Measurement and Exceptions)

***Minimum Setbacks:** The set of standards with the lowest acreage applicable to the lot shall apply. For instance, a 3.5 acre lot shall conform to the requirements specified for lots less than 4 acres. Minimum setbacks shall be measured from property lines and Warren County Thoroughfare Plan right-of-way as shown in Section 3.103.1 (Minimum Setbacks).

2.302.3 Development Standards:

Non-residential uses within a residential district shall comply with the floor area ratio, minimum lot area, and impervious surface ratio standards of the B-1 Zone.

2.302.4 Accessory Structure Standards:

Accessory structures/use shall comply with the requirements of Section 3.208 (Accessory Use Standards).

2.302.5 Conservation Design Option (CDO):

The CDO is available to properties located in the RU and R-1 districts, and is optional at the landowner/applicant’s request. Developments utilizing this option shall undergo the Major or Alternative Subdivision process in accordance with the Warren County Subdivision Regulations. When utilizing the CDO, the minimum site development standards are modified to provide for required open space and allow flexibility in design.

Unless specifically modified hereunder, the development standards of the zoning district in which the development is located shall apply.

(A) Frontage

Developments utilizing the Conservation Design Option (CDO) need not meet the minimum lot frontage, minimum lot area, and minimum lot width requirements in Section 2.302.1 (Lot Standards), except for:

- (1) Panhandle lots, which shall meet the requirements of Section 3.103.3 (Panhandle Lot Standards); and
- (2) Lots fronting on a cul-de-sac, which shall have a minimum frontage of twenty-five (25) feet, and a minimum width of seventy-five (75) feet at the minimum front setback line.

(B) Lot Area

Larger lot area requirements may be required by the Warren County Combined Health District to accommodate on-site wastewater systems. The required lot area shall not include any road or street right-of-way as shown on the Warren County Official Thoroughfare Plan, and shall also be exclusive of easements and/or setbacks for streams, wetlands, floodways, high-pressure gas pipelines, railroads, and high-tension power lines.

(C) Buffer Standards

Along collector and/or arterial street networks, a buffer shall be required to separate CDO dwelling lot(s) from the road right-of-way in accordance with Landscaping and Screening Requirements (Article III, Chapter 6).

(D) Maximum Number of Units

(1) Calculation

The maximum number of units allowed for a Conservation Design Option (CDO) shall be determined by the following steps:

- (a) Determine gross tract acreage (total project area);
- (b) Multiply the gross tract acreage by 0.85;
- (c) Divide by 5 if in the RU district, or divide by 2 if in the R-1 district; calculate proportionally if the tract lies in two zoning districts;
- (d) Multiply by 1.4; and
- (e) Round down to the nearest whole number.

(2) Bonus Enhancements

Enhancements to the maximum number of units allowed in the project area as determined above shall be awarded where the approval authority determines that the applicant meets the intent of the requirements below. Each enhancement percentage shall be based upon the number of dwelling units established by Section 2.302.5(D)(1).

- (a) **Agriculture Enhancement:** A ten percent (10%) enhancement shall be awarded where the development provides for agricultural use by appropriate commitment. The affected lands must constitute a minimum of 10 acres. It is required only that the commitment is granted in a way that reasonably provides for agricultural use; whether the lands are actually placed in agricultural use does not affect the validity of this enhancement.
- (b) **Historic Resources Enhancement:** A ten percent (10%) enhancement shall be awarded where historically or architecturally significant buildings or structures are preserved, restored, and/or protected, as appropriate.

(3) **Approval of Bonus Enhancements**

- (a) A dwelling, in excess of the bonus enhancement, is permitted on open space committed to agricultural use.
- (b) Upon the Zoning Inspector's determination and approval by the Board of Township Trustees, a development may be approved for a bonus enhancement.
- (c) In deciding whether or not the property is awarded the Historic Resources Enhancement, the zoning inspector shall be guided by the following:
 - (i) The structure's value as a significant reminder of an event, the cultural or archaeological heritage of the county, state, or nation; or
 - (ii) The structure's identification with a person or persons who significantly contributed to the development of the county, state, or nation; or
 - (iii) The structure's identification as the work of a master builder, designer, or architect whose individual work was influential; or
 - (iv) The value of the structure that is recognized for the quality of its architecture; or
 - (v) The manner in which the development proposal preserves the character of the structure's setting.

(E) **Open Space**

Developments utilizing the Conservation Design Option (CDO) shall comply with the open space requirements of Section 3.101 (Open Space Standards).

§ 2.303 **COMMERCIAL AND INDUSTRIAL ZONING DISTRICT STANDARDS.**

2.303.1 **Lot Standards:**

STANDARD	BUSINESS ZONING DISTRICTS				
	COMMERCIAL			INDUSTRIAL	
	B-1	B-2	B-3	I-1	I-2
Minimum Lot Size (acres)	No minimum requirement			1	3
Minimum Lot Frontage* (feet)	200	200	200	200	200
Minimum Lot Width (feet)	200	200	200	200	200

***Minimum Lot Frontage:** Lot frontage must be on a dedicated public road for access, and shall be measured in common with the right-of-way line. Lot frontage shall be measured as shown in Section 3.103.7 (Lot Frontage).

***Minimum Lot Width:** Lot width shall be measured as shown in Section 3.103.6 (Lot Width).

2.303.2 **Development Standards:**

STANDARD	BUSINESS ZONING DISTRICTS				
	COMMERCIAL			INDUSTRIAL	
	B-1	B-2	B-3	I-1	I-2
Maximum Floor Area Ratio* (F.A.R.)	0.20	0.25	0.30	0.27	0.37
Maximum Impervious Surface Ratio*	0.50	0.55	0.60	0.60	0.70

***Floor area** shall mean the sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures. Floor Area Ratio (F.A.R.) is the sum of the area of all floors of buildings or structures divided by the total area of the site.

***Impervious Surface Coverage** shall mean that portion of a lot that is, unless otherwise specified, covered by the principal and accessory building(s), structures, and surfaces, including paving and driveways, which prevent the passage of absorption of stormwater. Impervious surface coverage shall be calculated by measuring, in a horizontal plane, the outer limits of all impervious surfaces on a lot and comparing the total square footage thereof with the total lot area. For the purpose of determining impervious surface coverage, areas designated to allow the infiltration of stormwater such as grass pavers, pervious pavement, specially designed graveled areas, and other innovative methods, shall not be considered impervious surfaces.

2.303.3 Principal Structure Standards:

Commercially or industrially zoned lots may contain multiple principal buildings and may include multiple permitted commercial or industrial uses within each building.

STANDARD		BUSINESS ZONING DISTRICTS				
		COMMERCIAL			INDUSTRIAL	
		B-1	B-2	B-3	I-1	I-2
Maximum Height* (feet)		35	35	35	35	35
Minimum Setbacks* (feet)	Front Yard	50	50	50	75	75
	Side Yard	20	20	20	50	50
	Rear Yard	40	40	50	50	50

***Maximum Height:** The maximum height of any structure is subject to adjustment based on input from the applicable fire/EMS jurisdictions as to emergency response capabilities. Refer to Section 3.103.4 for height measurement and exceptions.

***Minimum Setbacks:** Minimum setbacks shall be measured from property lines and Warren County Thoroughfare Plan right-of-way as shown in Section 3.103.1 (Minimum Setbacks).

2.303.3 Accessory Structure Standards:

Accessory structures/uses shall comply with the requirements of Section 3.208 (Accessory Use Standards).

§ 2.304 SPECIAL ZONING DISTRICT STANDARDS.

2.304.1 Recreational Zone (C):

(A) Purpose

The Recreational (C) Zone is for purposes of designating land primarily for recreation, environmental, and/or conservation-related activities within Wayne Township. Residential and community facilities uses, including those for tourism and amusement purposes, should be allowed in locations where the existence of such uses complements the recreational and environmental nature of this Zone. It is not the intent of this Zone to prevent parks or recreational areas as provided for in other zoning districts.

(B) Use Provisions

Permitted and conditional uses allowed in the C Zone shall be as specified in Article II Chapter 2 (Use Provisions). More than one principal use may be allowed on a single site, subject to approval by the Approving Authority, if the proposed uses are appropriately associated with one another and will not cause a substantially greater impact to surrounding properties.

(C) Minimum Area

The area of a site shall be as determined acceptable for site plan approval.

(D) Minimum Frontage and Width

The minimum frontage and width of a site shall be as determined acceptable for site plan approval.

(E) Maximum Height

No building or other structure shall exceed the height capability of the Wayne Township Fire Department equipment.

(F) Maximum Impervious Surface Ratio

The maximum impervious surface ratio is 0.2. This restriction shall apply to all uses listed in Article II Chapter 2 (Use Provisions), excepting Agricultural & Related Uses.

(G) Yard Requirements

All buildings and structures must be set back inward from the site property outermost boundary line to a distance not less than fifty (50) feet.

(H) Location

Buildings or structures shall be constructed and situated so as to minimize their effect on scenic views or vistas, prevent the threat of pollution or siltation of waterways and the filling of floodplains, and to complement the topography of the land by utilizing natural contours.

(I) Parking and Loading Requirements

On-site parking and loading shall be provided in accordance with Article III Chapter 3 (Parking, Loading, and Circulation Regulations) as specified for site plan approval.

(J) Landscaping and Screening Requirements

Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article III Chapter 6 (Landscaping and Screening Regulations) as specified for site plan approval.

(K) Lighting Requirements

Exterior lighting shall be provided in accordance with Article III Chapter 5 (Lighting Regulations) as specified for site plan approval.

(L) Signage Requirements

Signs for site identification, direction, and safety purposes shall be provided in accordance with Article III Chapter 4 (Signage Regulations) as specified for site plan approval.

(M) Supplemental Specifications

The following are applicable to any allowable use in the C Zone, unless otherwise specified:

- (1) No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central sewer system or, in the absence thereof, by a private on-site sewage treatment or containment system approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable.
- (2) No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central water supply system, or in the absence thereof, by a private on-site water supply well or other means approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District (WCCHD), as applicable.
- (3) No use shall be permitted without written certification from the Wayne Township Fire Department and/or appropriate applicable authority of jurisdiction that the use shall comply with all applicable fire code requirements and not exceed the emergency service capability of the applicable department.
- (4) Refuse and waste shall be contained and screened from view by landscape buffers and/or walled or fenced enclosures that are architecturally compatible with the principal use building(s) on the site.

2.304.2 Gravel Pits or Stone Quarries Zone (G):

(A) Purpose

In the interest of public health and safety, the Gravel Pits or Stone Quarries (G) Zone is for purposes of providing for mineral extraction operations and accessory related processing and finished aggregate products manufacturing and sales use activities in accordance with applicable requirements in this Section.

(B) Applicability

- (1) The requirements specified in this Section and as otherwise noted elsewhere in this Code are applicable to the permitted and conditional uses of property in this Zone, in addition to, separate from and consistent with hereunder specified required applicable compliance with Chapter 1514 and Sections 519.141 and 1563.11 of the ORC.
- (2) G Zone uses which were begun before zoning approval became a requirement for operation or which already received zoning approval prior to the effective date of these regulations and which have continuously been in operation since then without having been abandoned or discontinued for more than two (2) years are grandfathered from having to comply with these regulations, except for having to adhere to requirements necessary for safeguarding and maintaining public health and safety in pertinence to, or as affected by, the use operation. Otherwise, any change in the site, facilities, or operation of a use which now may only be permitted in the G Zone must be so zoned and meet the requirements of this Zone in order to receive a zoning permit to commence or, be reactivated, as applicable.

(C) Conditional Uses

The following uses are permitted in the G Zone subject to conditional use approval per Section 1.305 (Conditional Use Application) and meeting the applicable requirements specified by this Section. Any other principal use not listed below shall not be permitted.

- (1) Surface mining for extraction of sand, gravel, rock, stone, or other solid material resource other than coal, as defined by ORC Section 1514.01.
- (2) Processing, inclusive of crushing, cutting, washing and sorting, of minerals extracted on the same site as permitted per (1) of this subsection.
- (3) Manufacturing and sale of aggregate products made from the materials extracted and processed on the same site as permitted per (1) of this subsection, including production of asphalt or Portland cement-based concrete sold and trucked off-site in uncured form for building and paving purposes.

- (4) Manufacturing and sale of finished aggregate products which are made from base aggregates or recycled asphalt or concrete materials trucked in to such plant site, including for production of asphalt or Portland cement-based concrete to be sold and trucked off-site in uncured form for building and paving use purposes or as form-cured products for such.

(D) Minimum Area

The area of a site shall be as determined acceptable for site plan approval.

(E) Minimum Frontage and Width

The minimum frontage and width of a site shall be as determined acceptable for site plan approval.

(F) Maximum Height

No building or other structure shall exceed the height capability of the Wayne Township Fire Department equipment.

(G) Yard Requirements

All buildings and structures must be set back inward from the site property outermost boundary line to a distance not less than fifty (50) feet from a non-residential property line or zone, or two-hundred (200) feet from a residential use property line or zone, unless a lesser distance is otherwise found acceptable for site plan approval.

(H) Parking and Loading Requirements

On-site parking and loading shall be provided in accordance with Article III Chapter 3 (Parking, Loading, and Circulation Regulations) as specified for site plan approval.

(I) Landscaping and Screening Requirements

Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article III Chapter 6 (Landscaping and Screening Regulations) as specified for site plan approval.

(J) Lighting Requirements

Exterior lighting shall be provided in accordance with Article III Chapter 5 (Lighting Regulations) as specified for site plan approval.

(K) Signage Requirements

Signs for site identification, direction, and safety purposes shall be provided in accordance with Article III Chapter 4 (Signage Regulations) as specified for site plan approval.

(L) Use Standards and Operation Performance Requirement Standards

The standards and performance requirements for the permitted uses of this Zone are specified in Article III Chapter 2 (Use-Specific Standards and Requirements), as required in addition to the Zone and use location and installation requirements specified in this Section and requirements, if applicable, of ORC Section 1514.02(A) and 1563.

(M) Reclamation

An area which has been surfaced mined shall be reclaimed in accordance with the requirements specified in Section 3.207.2 (Mineral Extraction and Surface Mining).

(N) Other Required Compliance

Written certification of compliance with ORC and Ohio Administrative Code (OAC) or other requirements applicable to the use(s) permitted by this Zone is hereby required to be provided to the Zoning Inspector before this Zone may be granted for a property and the required site plan approval and zoning permit issued for a use of this Zone.

(O) Application Requirements

(1) Map Amendment Application Requirements

In addition to the requirements specified in Section 1.308 (Zoning Text and Map Amendments), the application to change the zoning on land to G shall also include the following supplemental information:

(a) Hydrological Study

A hydrological study giving a detailed description of ground and surface water conditions on and in vicinity of the proposed land to be rezoned shall be provided, with the area of and content of the study found acceptable and sufficient by recognized authorities and agencies involved in the evaluation of the study information to determine that the use(s) permitted by the rezoning will not result in harmful or adverse impacts on surface or ground water, including but not limited to the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR), Warren County Engineer, Warren County Soil and Water Conservation District (SWCD) and the Warren County Combined Health District (WCCHD). Surface water information provided shall include identification and description of the location of all watercourses and bodies of water in the involved watershed drainage areas, the area and depth of existing and proposed ponds, the flow volumes and directions of surface water in all natural watercourses, the same flowing into and out of any ponds as well as coming onto and leaving the site area, and other related information on water quality as may be determined necessary. The groundwater information shall include depth to water table, direction of groundwater movement (flow), the location,

ownership, yield and quality of water wells used for both domestic and agricultural purposes, and other information as may be determined necessary to establish pre-development water quality and quantity to the satisfaction of the involved reviewing and permitting authorities.

(b) Dewatering Statement

A statement indicating whether or not dewatering will be used in the mining operation and indication of how such will be accomplished if involved.

(c) Access Map and Traffic Impact Study (TIS)

A map indicating the proposed major roads that are to be utilized to provide access for the site and all involved use activities, with indication of all points of ingress and egress and a TIS approved by the Warren County Engineer or the Ohio Department of Transportation (ODOT), as applicable, in accordance with ORC Section 519.141.

(2) Site Plan Application Requirements

In addition to the requirements specified in Section 1.304.4 (Application Requirements), the application for site plan approval by the Board of Township Trustees that is required to be submitted to the Zoning Inspector must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:

(a) Submittal Letter

A letter indicating the following shall be submitted with the site plan:

- (i) That a request for site plan approval is being made.
- (ii) The name(s) of the applicant (proposed operator) seeking approval.
- (iii) Listing and locating on a map all sites within a ten (10) mile radius of the site proposed for approval in Wayne Township, indicating which, if at all, the applicant (proposed operator) has extraction rights and/or involvement with those operations.

(b) Aerial Photography

Aerial photo(s) showing the proposed site and surrounding properties within one-thousand (1,000) feet thereof, at the same scale as the plan, taken no longer than one (1) year before the plan submittal date.

(c) Access Map

A map indicating the proposed major roads that are to be utilized to provide access for the extraction and processing site and all involved activities shall be submitted, with indication of all points of ingress and egress approved by the Warren County Engineer or the Ohio Department of Transportation (ODOT), as applicable.

(d) Bond or Other Financial Guarantee

A copy of the bond or other acceptable financial guarantee as required by ORC Section 1514.04 within thirty (30) days after filed with the Chief of the Ohio Division of Mineral Resources Management, or as otherwise required by the Board of Township Trustees for an extraction operation not subject to State permitting, shall be provided to the Zoning Inspector.

(e) Surface Mining Permit

A copy of the surface mining permit required per ORC Section 1514.02 for the area to be mined and all use operation activities involved shall be provided to the Zoning Inspector.

(f) Permit for Mining Near Public Roads

If applicable, a copy of the permit required per ORC Section 1563.11 for mining near public roads shall be provided to the Zoning Inspector.

(g) Groundwater Testing

A copy of the groundwater information resulting from pre-development testing and research performed on samples from wells on and around the proposed use site to the requirements and specifications of the OEPA, ODNR, and/or the Warren County Combined Health District shall be provided to the Zoning Inspector, as well as regularly required thereafter for monitoring purposes during operation of the use, if approved.

(3) Zoning Permit Application Requirements

In addition to the requirements specified in Section 1.303 (Zoning Permit Application), the application for zoning permit approval required before commencing or reactivating a use in this Zone must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:

(a) Approved Site Plan

A copy of the site plan approved by the Board of Township Trustees for development and operation of the use(s), including any information item specified in above subsection (2), shall be provided to the Zoning Inspector.

(b) Proof of Other Required Permits Issued

Written proof in certification that other necessary required permits and/or licenses from the other applicable involved permitting authorities have been issued in approval of the use(s) to be installed and operated shall be provided to the Zoning Inspector before the zoning permit will be issued to allow the use(s) to commence operation.

(P) Requirements Following Permit Issuance

After a zoning permit has been issued, the following must be provided as part of maintaining a valid permit:

(1) Proof of Other Required Permits Maintained Current

Written proof in certification that other necessary required permits and/or licenses issued in approval of the use(s) from other applicable involved permitting authorities are maintained current shall be provided to the Zoning Inspector for the zoning permit to likewise remain valid in allowance of the use(s) to continue operation. The Zoning Inspector shall revoke zoning permit approval if this requirement is not met.

(2) Reports Required

A copy of the annual report required per ORC Section 1514.03 and any other regular, emergency, incident, clean-up or monitoring report required by other applicable involved permitting authorities regarding operation of the permitted use shall also be provided to the Zoning Inspector, no more than thirty (30) days after the date required.

2.304.3 Landfill Zone (L):

(A) Purpose

The Landfill (L) Zone is for the purpose of recognizing the need, and providing for the allowance of, use facilities, operations, and activities of or relating to the processing and disposal of solid waste and construction and demolition debris at approved locations in Wayne Township.

(B) Applicability

(1) The regulations in this Chapter and the definitions established in Section 4.103 of this Code for terms used herein shall apply to newly proposed facilities and expansion of existing facilities for the permitted uses specified in Section 2.304.3(C) for this Zone that are for the purpose of operations and/or activities

involving or related to the handling, transfer, processing, recovery, recycling, and/or disposal of solid and other wastes defined for regulation by this Zoning Code.

- (2) The requirements specified in this Chapter and as otherwise referred to elsewhere in this Code are applicable to the permitted uses of property in this Zone, in addition to, separate from, and consistent with hereunder specified required applicable compliance with provisions and requirements of Chapters 3714 (Construction and Demolition Debris) and 3734 (Solid and Hazardous Wastes) of the ORC (Ohio Revised Code) and corresponding applicable sections of the OAC (Ohio Administrative Code), as amended, in order for a zoning permit to be issued for a use permitted in this Zone. Except for certain definitions otherwise defined specific for use in this Zoning Code, all noted applicable statutes of the ORC and OAC, as may be amended, are hereby incorporated into, and made part of, this Zoning Code, and as applicable shall be complied with before a permitted use regulated by this Chapter shall be permitted to commence or continue thereafter.
- (3) L Zone uses which were begun before zoning approval became a requirement for operation or which already received zoning approval prior to the effective date of these regulations and which have continuously been in operation since then without having been abandoned or discontinued for more than two (2) years are grandfathered from having to comply with these regulations, except for having to adhere to requirements necessary for safeguarding and maintaining public health and safety in pertinence to, or affected by, the use operation or facility. Otherwise, any change to the site, facilities, or operation of a use which now may only be permitted in the L Zone must be so zoned and meet the requirements of this Zone in order to receive a zoning permit to commence or be reactivated, as applicable.
- (4) Notwithstanding the zone and use-specific location and installation requirements specified applicable in Section 2.304.3(E), an expanding existing or proposed new facility or use operation activity for purpose of solid waste disposal or processing shall only be subject to those requirements of the Ohio Administrative Code, the Ohio Revised Code and/or the Warren County Combined Health District, as applicable. All other requirements specified in this Code Chapter that are not addressed thereby shall prevail unless otherwise determined invalid and unenforceable by the court of appropriate jurisdiction. Any portion of this Chapter determined by a court of appropriate jurisdiction to be invalid and unenforceable shall only affect such portion and shall not affect any other portion thereof.

(C) Conditional Uses

The following are uses, defined in this Code the same as or consistent with, applicable sections in the ORC and OAC, which are conditionally permitted in the L Zone subject to conditional use approval per Section 1.305 and meeting the applicable requirements

specified by this Chapter. Any other use not listed below, or not listed as exempt, permitted, or conditionally permitted in Sections 2.203 or 2.204, shall not be permitted.

- (1) Sanitary landfill.
- (2) Solid Waste Disposal Facility.
- (3) Solid Waste Incinerator.
- (4) Composting Facility.
- (5) Construction and Demolition Debris Disposal Facility.
- (6) Central Processing Facility for solid waste transfer, material resource recovery and/or recycling.

(D) Prohibited Uses

Any other use not listed above in Section 2.304.3(C), or not listed as exempt, permitted, or conditionally permitted in Sections 2.203 or 2.204, shall not be permitted. Furthermore, for the purpose of this Zoning Code and in accordance with the following restrictions in Ohio Revised Code Section 3734.027:

- (1) No person shall commingle with any type of solid wastes, hazardous waste, or infectious wastes any low-level radioactive waste whose treatment, recycling, storage, or disposal is governed under division (B) of Section 3748.10 of the Ohio Revised Code; and,
- (2) No owner or operator of a solid waste facility, hazardous waste facility, or infectious waste treatment facility shall accept for transfer, storage, treatment, or disposal or shall transfer, store, treat, or dispose of, as applicable, any such radioactive waste.

(E) Zone and Use Location Requirements

- (1) Property shall not be zoned L, nor shall installation of a new use or expansion of an existing use listed as a permitted use of this zone, be considered for approval unless it is determined that the property on which such is proposed is in accordance with the following location requirements, except as otherwise permitted for a Construction and Demolition Debris Disposal Facility:
 - (a) Not within regulatory floodplain or a wetland;
 - (b) Not within a sand and gravel pit or an area wherein sand and/or gravel soils exist;

- (c) Not in a limestone or sandstone quarry or an area wherein limestone and sandstone exists;
- (d) Not within a government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area, or other similarly designated purpose area or formally designated candidate area for such purpose;
- (e) Not within an area formally designated or considered for formal designation as an historic or archaeological site;
- (f) Not within an area where there are rare or endangered species of flora, fauna, or wildlife dependent on a special habitat therein for their continuing survival;
- (g) Not within an area that is geologically unstable, by at least one (1) of the following being true:
 - (i) On-site soil and local soil conditions may result in significant differential settling;
 - (ii) The downslope movement of soil, rock, or other earthen material under gravitational influence occurs; or,
 - (iii) The lowering or collapse of the land surface occurs either locally or over a broad regional area within which the land is located.
- (h) Not located in either of the Groundwater Protection Overlays of Wayne Township;
- (i) Not within two-hundred (200) feet of a fault that has exhibited evidence of displacement in Holocene Time, where:
 - (i) Fault means a fracture along which strata on one (1) side have been displaced with respect to those on the other side;
 - (ii) Displacement means the relative movement of any two (2) sides of a fault measured in any direction; and,
 - (iii) Holocene means the most recent epoch of the Quaternary Period extending from the end of the Pleistocene Era to the present.
- (j) Not within ten-thousand (10,000) feet of an airport serving turbine-powered aircraft or within five-thousand (5,000) feet of an airport serving piston engine-type aircraft.

(F) Minimum Area

Minimum site area shall be twenty (20) acres.

(G) Minimum Frontage and Width

The minimum frontage and width of a site shall be as determined acceptable for site plan approval, but in no case shall be less than two-hundred (200) feet.

(H) Maximum Height

No building or other structure shall exceed the height capability of the Wayne Township Fire Department equipment.

(I) Yard Requirements

All buildings and structures must be set back inward from the site property outermost boundary line to a distance not less than one-hundred (100) feet.

(J) Parking and Loading Requirements

On-site parking and loading shall be provided in accordance with Article III Chapter 3 (Parking, Loading, and Circulation Regulations) as specified for site plan approval.

(K) Landscaping and Screening Requirements

Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article III Chapter 6 (Landscaping and Screening Regulations) as specified for site plan approval.

(L) Lighting Requirements

Exterior lighting shall be provided in accordance with Article III Chapter 5 (Lighting Regulations) as specified for site plan approval.

(M) Signage Requirements

Signs for site identification, direction, and safety purposes shall be provided in accordance with Article III Chapter 4 (Signage Regulations) as specified for site plan approval.

(N) Other Required Compliance

Written certification of compliance with the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) or other requirements applicable to the use(s) permitted by this Zone is hereby required to be provided to the Zoning Inspector before this Zone may be granted for a property and the required site plan approved and zoning permit issued for a use of this Zone.

(O) Application Requirements

(1) Map Amendment Application Requirements

In addition to the requirements specified in Section 1.308 (Zoning Text and Map Amendments), an application to change the zoning on land to L shall also include, but not be limited to, provision of the following supplemental information:

(a) Hydrological Study

A hydrological study giving a detailed description of ground and surface water conditions on and in the vicinity of the proposed land to be rezoned shall be provided, with the area of, and content of, the study found acceptable and sufficient by recognized authorities and agencies involved in evaluation of the study information to determine that the use(s) permitted by the rezoning will not result in harmful or adverse impacts on surface or ground water, including but not limited to the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR), Warren County Engineer, Warren County Soil and Water Conservation District (SWCD), and the Warren County Combined Health District (WCCHD). Surface water information provided shall include identification and description of the location of all watercourses and bodies of water in the involved watershed drainage areas, the area and depth of existing and proposed ponds, the flow volumes and directions of surface water in all natural watercourses, the same flowing into and out of any ponds as well as coming onto and leaving the site area, and other related information on water quality as may be determined necessary. The groundwater information shall include depth to water table, direction of groundwater movement (flow), the location, ownership, yield, and quality of water wells on and surrounding the site used for both domestic and agricultural purposes, and other information as may be determined necessary to establish pre-development water quality and quantity to the satisfaction of the involved reviewing and permitting authorities.

(b) Aerial Photography

Aerial photo(s) showing the proposed rezoning site and surrounding properties within one-thousand (1,000) feet thereof, taken no longer than one (1) year before submitted.

(c) Access Map and Traffic Impact Study (TIS)

A map indicating the proposed major roads that are to be utilized to provide access for the site and all involved use activities shall be submitted, with indication of all points of ingress and egress and a TIS approved by the Warren County Engineer or the Ohio Department of Transportation, as applicable.

(d) Airport Safety Letter

If applicable, the rezoning application shall include a letter from the administrator of the airport if in the vicinity of the L Zone proposed site, acknowledging that rezoning the property for the proposed solid waste disposal and/or central processing facility will not pose a bird attraction or emissions visibility hazard to aircraft.

(2) Site Plan Application Requirements

In addition to the requirements specified in Section 1.304.4 (Application Requirements), the application for site plan approval required by the Board of Township Trustees must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:

(a) Application Letter

A letter indicating the following shall be submitted with the site plan:

- (i) That a request for site plan approval is being made.
- (ii) The name(s) of the applicant-proposed operator seeking approval for a zoning permit.

(b) Zone Certification

Certification shall be provided that the required zoning is on the property submitted for site plan approval of the proposed use(s) permitted in the zone.

(c) Aerial Photography

Aerial photo(s) showing the site and surrounding properties within one-thousand (1,000) feet, at the same scale as the site plan, taken no longer than one (1) year before submitted.

(d) Access Management

The proposed plan or measures for managing vehicular access of the site use(s) to the approval satisfaction of the Warren County Engineer and/or the Ohio Department of Transportation (ODOT), as applicable, shall be provided.

(e) Emergency Prevention & Management

The proposed plan or measures for preventing fire, explosion, or spill containment emergencies and management of the same if such occur shall be provided to the approval satisfaction of the Fire/EMS/Rescue District of jurisdiction and the OEPA, Warren County Combined Health

District, and/or Warren County Solid Waste Management District, as applicable.

(f) Groundwater Testing

A copy of the groundwater information resulting from pre-development testing and research performed on samples from wells on and around the proposed use site to the requirements and specifications of the OEPA, ODNR, and/or the Warren County Combined Health District shall be provided to the Zoning Inspector, as well as regularly required thereafter for monitoring purposes during operation of the use, if approved.

(g) Air and Water Pollution Control

Proposed control plans for measures approved by involved environmental review and permitting authorities for preventing or mitigating pollution of air and surface water and groundwater shall be provided.

(h) Proof of Other Required Permits Filed

Proof of applications having been filed for other required permits and/or licenses that are necessary for approval of the use(s) from the OEPA, Warren County Combined Health District and/or others, as applicable, shall be provided when the zoning required site plan for the use(s) is submitted to the Zoning Inspector for approval. Applicable Ohio Administrative Code (OAC) permit-to-install requirements by use type are as follows, as respectively applicably required per Ohio Revised Code (ORC) Sections 3734.02 and 3734.05 and OAC Section 3745-27-02 for solid waste facilities and ORC Sections 3714.05 and 3714.06 for construction and demolition debris disposal facilities:

<u>Disposal Facility Type:</u>	<u>Applicable OAC Section For PTI:</u>
Sanitary Landfill	3745-27-06 and 3745-27-07
Residuals Landfill	3745-30-05 and 3745-30-06
Solid Waste Composting Class I*	3745-27-42 and 3745-27-43
Solid Waste Incinerator	3745-27-50 and 3745-27-51
Solid Waste Transfer**	3745-27-21 and 3745-27-22
Construction and Demolition Debris	3745-400

* Compliance with notification requirements per OAC Section 3745-27-41 is required for Class II, III, and IV facilities to be considered a “registered composting facility”.

** The same information required in OAC 3745-27-21 for permitting a solid waste transfer facility shall also be required for zoning site plan approval and zoning permit applications for a materials resource recovery facility or a legitimate recycling facility. If any type of fuel-fired

heat source is to be used to reduce or dispose of solid waste at a materials recovery facility, the additional information requirements for permitting listed in OAC 3745-27-50 and 51 shall also be required for the zoning permit.

(i) Use Development Standards Compliance

The site plan proposed for approval of the use(s) must show compliance with the standards required for development and operation of the use(s), specified in Article III, Chapter 2.

(3) Zoning Permit Application Requirements

In addition to the requirements specified in Section 1.303.2 (Permit Application Requirements), the application for the zoning permit required before commencing or reactivating a use in this Zone or that is subject to requirements of this Chapter which has received site plan approval must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:

(a) Approved Site Plan

A copy of the site plan approved by the Board of Township Trustees for development and operation of the use(s), including any information item specified in above subsection (2) if so required by the Zoning Inspector.

(b) Proof Of Other Required Permits Issued

Written proof in certification that other necessary required permits and/or licenses from the OEPA, Warren County Combined Health District, and/or others as applicable involved permitting authorities have been issued in approval of the use(s) to be installed and operated shall be provided to the Zoning Inspector before the zoning permit will be issued to allow the use(s) facility to be installed and commence operation.

(P) Requirements Following Permit Issuance

After a zoning permit has been issued, the following must be provided as part of maintaining the permit valid:

(1) Proof Of Other Required Permits Maintained Current

Written proof in certification that other necessary required permits and/or licenses issued in approval of the use(s) from the OEPA, Warren County Combined Health District, and/or others as applicable involved permitting authorities are maintained current shall be provided to the Zoning Inspector for the zoning permit to likewise remain valid in allowance of the use(s) to continue operation.

The Zoning Inspector shall revoke zoning permit approval if this requirement is not met.

(2) Reports Required

A copy of any regular, emergency, incident, clean-up, or monitoring report required by the Ohio Environmental Protection Agency (OEPA), Warren County Solid Waste Management District, Warren County Combined Health District, and/or other involved permitting authority regarding installation or operation of the permitted use facility shall also be provided to the Zoning Inspector, no more than thirty (30) days after the date required.

2.304.4 Salvage Yard Zone (SY):

(A) Purpose

The Salvage Yard (SY) Zone is for the purpose of providing for the need to permit junk yard use facilities, operations, and activities of, or relating to, the salvaging of metals and parts primarily from wrecked and discarded motor vehicles, but also including from discarded appliances, machinery, and solid non-toxic scrap metals in general discarded from other use purposes, in a manner and at locations that will be environmentally safe, non-disruptive to surrounding properties and uses, and not pose a nuisance, or hazard to public health and safety, or fire hazard.

(B) Use Provisions

Permitted and conditional uses allowed in the SY Zone shall be as specified in Article II Chapter 2 (Use Provisions). More than one principal use may be allowed on a single site, subject to approval by the Approving Authority, if the proposed uses are appropriately associated with one another and will not cause a substantially greater impact to surrounding properties.

(C) Minimum Area

Minimum site area shall be ten (10) acres.

(D) Minimum Frontage and Width

The minimum frontage and width of a site shall be as determined acceptable for site plan approval, but in no case shall be less than two-hundred (200) feet.

(E) Maximum Height

No building or other structure shall exceed the height capability of the Wayne Township Fire Department equipment.

(F) Yard Requirements

All buildings and structures must be set back inward from the site property outermost boundary line to a distance not less than one-hundred (100) feet.

(G) Parking and Loading Requirements

On-site parking and loading shall be provided in accordance with Article III Chapter 3 (Parking, Loading, and Circulation Regulations) as specified for site plan approval.

(H) Landscaping and Screening Requirements

Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article III Chapter 6 (Landscaping and Screening Regulations) as specified for site plan approval.

(I) Lighting Requirements

Exterior lighting shall be provided in accordance with Article III Chapter 5 (Lighting Regulations) as specified for site plan approval.

(J) Signage Requirements

Signs for site identification, direction, and safety purposes shall be provided in accordance with Article III Chapter 4 (Signage Regulations) as specified for site plan approval.

(K) Supplemental Specifications

The following are applicable to any allowable use in the L Zone, unless otherwise specified:

- (1) No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central sewer system or, in the absence thereof, by a private on-site sewage treatment or containment system approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable.
- (2) No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central water supply system, or in the absence thereof, by a private on-site water supply well or other means approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District (WCCHD), as applicable.
- (3) No use shall be permitted without written certification from the Wayne Township Fire Department and/or appropriate applicable authority of jurisdiction that the use shall comply with all applicable fire code requirements and not exceed the emergency service capability of the applicable department.

- (4) Refuse and waste shall be contained and screened from view by landscape buffers and/or walled or fenced enclosures that are architecturally compatible with the principal use building(s) on the site.
- (5) One (1) house trailer or other form of temporary living quarters on the same property as the allowed use is permissible by the Zoning Inspector.

2.304.4 Travel Trailer Camp Zone (TC):

(A) Purpose

The Travel Trailer Camp (TC) Zone is for the purpose of designating land for temporary parking, use, and enjoyment of recreational vehicles, trailers, campers, tents, and other camping and related recreational uses.

(B) Use Provisions

Permitted and conditional uses allowed in the TC Zone shall be as specified in Article II Chapter 2 (Use Provisions). More than one principal use may be allowed on a single site, subject to approval by the Approving Authority, if the proposed uses are appropriately associated with one another and will not cause a substantially greater impact to surrounding properties.

(C) Minimum Area

Minimum site area shall be ten (10) acres.

(D) Minimum Frontage and Width

The minimum frontage and width of a site shall be as determined acceptable for site plan approval, but in no case shall be less than two-hundred (200) feet.

(E) Maximum Height

No building or other structure shall exceed the height capability of the Wayne Township Fire Department equipment.

(F) Yard Requirements

All buildings and structures must be set back inward from the site property outermost boundary line to a distance not less than one-hundred (100) feet.

(G) Parking and Loading Requirements

On-site parking and loading shall be provided in accordance with Article III Chapter 3 (Parking, Loading, and Circulation Regulations) as specified for site plan approval.

(H) Landscaping and Screening Requirements

Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article III Chapter 6 (Landscaping and Screening Regulations) as specified for site plan approval.

(I) Lighting Requirements

Exterior lighting shall be provided in accordance with Article III Chapter 5 (Lighting Regulations) as specified for site plan approval.

(J) Signage Requirements

Signs for site identification, direction, and safety purposes shall be provided in accordance with Article III Chapter 4 (Signage Regulations) as specified for site plan approval.

(K) Site Planning and Use Requirements

- (1) No RV, trailer, camper, or similar vehicle shall reside in a trailer camp for more than fifteen (15) days in any one thirty (30) day period.
- (2) The owner or operator shall keep a record of occupants by name, date, home address, and license number, which record shall be available at all times for inspection by the Zoning Inspector.
- (3) Each trailer or tent site shall have frontage on an all weather road of no less than thirty (30) feet.
- (4) Sewer, water, and wastewater treatment systems shall be installed to meet the Warren County Board of Health and the State Board of Health requirements, as applicable.
- (5) No individual camp sites shall be sold, but may be leased or rented on a rotating basis.
- (6) Each individual camping site within a trailer camp shall be at least thirty (30) feet by sixty (60) feet.
- (7) At minimum, twenty-five (25) percent of the total area of a trailer camp property shall be open space.
- (8) RVs, trailers, campers, and tents shall not be closer than one hundred (100) feet from any off-site residential use or property.

(L) Supplemental Specifications

The following are applicable to any allowable use in the TC Zone, unless otherwise specified:

- (1) No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central sewer system or, in the absence thereof, by a private on-site sewage treatment or containment system approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable.
- (2) No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central water supply system, or in the absence thereof, by a private on-site water supply well or other means approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District (WCCHD), as applicable.
- (3) No use shall be permitted without written certification from the Wayne Township Fire Department and/or appropriate applicable authority of jurisdiction that the use shall comply with all applicable fire code requirements and not exceed the emergency service capability of the applicable department.
- (4) Refuse and waste shall be contained and screened from view by landscape buffers and/or walled or fenced enclosures that are architecturally compatible with the principal use building(s) on the site.

2.304.6 Public Institutional Zone (PI):

(A) Purpose

The Public Institutional (PI) Zoning District is intended to:

- (1) Provide an area for activities relating to the purpose of state and local governmental entities and semi-public institutions providing necessary public services;
- (2) Provide for continued operation and facilitate growth of existing major institutions.

(B) Permitted Uses

- (1) Government buildings or offices such as fire stations, schools and colleges, hospitals, community meeting or recreation halls;
- (2) Libraries, museums, or similar cultural facilities;
- (3) Churches;
- (4) Correctional facilities and other similar penal institutions;

- (5) Public utilities, such as electrical, sewer, water, natural gas, stormwater, telecom facilities, and other similar uses;
- (6) Residential uses as an incidental use to the permitted use, such as caretaker's quarters, or as an accessory use to institutional facilities such as housing for students, staff, or faculty of colleges, and hospitals;
- (7) Similar use as determined by the Zoning Inspector. The criteria for such finding of similarity shall include, but not be limited to, the following:
 - (a) The proposed use is appropriate in this area;
 - (b) The development standards for permitted uses can be met by the proposed use; and
 - (c) The public need is served by the proposed use.

(C) Minimum Area

The area of a site shall be as determined acceptable for site plan approval.

(D) Minimum Frontage and Width

The minimum frontage and width of a site shall be as determined acceptable for site plan approval, but in no case shall be less than two-hundred (200) feet.

(E) Maximum Height

No building or other structure shall exceed the height capability of the Wayne Township Fire Department equipment.

(F) Maximum Impervious Surface Ratio

The maximum impervious surface ratio is 0.2. This restriction shall apply to all uses listed in Article II Chapter 2 (Use Provisions), excepting Agricultural & Related Uses.

(G) Yard Requirements

All buildings and structures must be set back inward from the site property outermost boundary line to a distance not less than one-hundred (100) feet.

(H) Parking and Loading Requirements

On-site parking and loading shall be provided in accordance with Article III Chapter 3 (Parking, Loading, and Circulation Regulations) as specified for site plan approval.

(I) Landscaping and Screening Requirements

Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article III Chapter 6 (Landscaping and Screening Regulations) as specified for site plan approval.

(J) Lighting Requirements

Exterior lighting shall be provided in accordance with Article III Chapter 5 (Lighting Regulations) as specified for site plan approval.

(K) Signage Requirements

Signs for site identification, direction, and safety purposes shall be provided in accordance with Article III Chapter 4 (Signage Regulations) as specified for site plan approval.

(L) Supplemental Specifications

The following are applicable to any allowable use in the PI Zone, unless otherwise specified:

- (1) No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central sewer system or, in the absence thereof, by a private on-site sewage treatment or containment system approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable.
- (2) No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central water supply system, or in the absence thereof, by a private on-site water supply well or other means approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District (WCCHD), as applicable.
- (3) No use shall be permitted without written certification from the Wayne Township Fire Department and/or appropriate applicable authority of jurisdiction that the use shall comply with all applicable fire code requirements and not exceed the emergency service capability of the applicable department.
- (4) Refuse and waste shall be contained and screened from view by landscape buffers and/or walled or fenced enclosures that are architecturally compatible with the principal use building(s) on the site.

2.304.6 Manufactured Home Park Zone (MH):

- (A)** The regulations of this Section, or indicated applicable elsewhere in the Zoning Code, are the zoning regulations for the Manufactured Home Park Zone “M-H”.

Manufactured home parks are considered a form of planned unit development (PUD), either as a stand-alone development or as part of a larger project area, by being a mixed use area, typically having a managing office and recreational facilities in addition to the spaces for placement of a manufactured home residences. Manufactured home parks are regarded as a place of residence where the park setting, facilities, and services are to provide a residential environment not unlike that afforded in a plat of single-family homes. To this aim and to insure a high standard of residential use for the people living within them, the following conditions and standards are required for permitting.

- (B)** Existence of this Zone on premises in the Township shall be shown on the Wayne Township Zoning Map.

(C) Permitted Uses

The following uses are permitted:

- (1) Manufactured home park.

(D) Permitted Accessory Uses and Structures

- (1) Fences, Walls and Landscaped Buffer Berms
- (2) Manufactured home park signage and security lighting
- (3) Facilities and activities customary to the permitted uses, including, but not limited to: accessory storage buildings for manufactured home residences and manufactured home park clubhouse, office, laundry and swimming pool, provided such accessory facilities are for the exclusive use of the manufactured home park residents and their guests.

(E) Yards

The minimum setback for any structures or activity area in a manufactured home park shall be as follows:

- (1) Front Yard: The minimum is fifty (50) feet in depth from the road right-of-way(s) on which the property fronts.
- (2) Side Yards: Twenty-five (25) feet minimum for each.
- (3) Rear Yard: Fifty (50) feet minimum.

(See subsection (I)(2) for minimum yards required on an individual lot within a manufactured home park for placement of a manufactured home.)

(F) Lot Size, Road Frontage, and Width

Minimum lot size is ten (10) acres, with road frontage and width no less than two hundred (200) feet for a manufactured home park. (See subsection (I)(2) for minimum size and width requirements for individual mobile home lots within a manufactured home park.)

(G) Vehicular Provisions

Facilities for vehicular access, including parking, loading and trash dumpster provisions and driveways for related access and internal circulation shall be per requirements in Article III Chapter 3 (Parking, Loading, and Circulation Regulations).

(H) Height Regulations

No building over two (2) stories tall shall exceed the height capability of Wayne Township Fire Department equipment, excepting chimneys, water towers and other similar fire-proof structures.

(I) Supplemental Specifications

The following requirements are to be met by an applicant in order for a zoning permit to be issued, unless otherwise specified or approved with a planned unit development (PUD) overlay:

(1) General Requirements and Provisions

- (a) No use shall be permitted without written certification from the appropriate permitting authority that it shall be sufficiently served by a public central sewer system or, in the absence thereof, by a private on-site sewage disposal or containment system approved by The Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable.
- (b) No use shall be permitted without written certification from the appropriate permitting authority that it shall be sufficiently served by a public central water supply system, or in the absence thereof, by a private on-site water supply well or other means approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable.
- (c) No use shall be permitted without written certification from the Wayne Township Fire Department and/or other appropriate applicable authority of jurisdiction that the use shall comply with all applicable fire code requirements and not exceed the emergency service capability of the applicable department.

- (d) Refuse and waste shall be contained and screened from view by landscape buffers and/or walled or fenced enclosures that are architecturally compatible with the principal use building(s) on the site.
- (e) The owner and/or occupant of any use permitted in this zone shall comply with Article II Chapter 4 (Groundwater Protection Overlays) regulations, if applicable to the use location.

(2) Site Planning and Use Requirements

- (a) A manufactured home park shall be devoted exclusively to the parking of manufactured homes for residential use and the supporting service building or buildings. No other type of home, house, tent, trailer, or conveyance shall be used for residence, and if stored thereon, shall be placed in a separate area from the residential part of the park. Only sales of manufactured homes incidental to the utilization of lots within the park shall be permitted.
- (b) A park lot shall be no smaller than forty-five hundred (4500) square feet in area, shall have one side or end fronting on a park street and shall include a contiguous parking area of no less than two hundred (200) square feet in area, which shall be off of any manufactured home park street on the individual lot of the manufactured home it is to serve.
- (c) The individual lots shall be laid out in such a manner and homes placed thereon so as to insure a distance of not less than twenty-five (25) feet between manufactured homes or attached structures at the closest distance when the manufactured home is parked on the pad.
- (d) Each manufactured home shall be no closer to than fifteen (15) feet to any street in the manufactured home park, measured from the paved edge of such street to the manufactured home.
- (e) No mobile home or attached structure thereto shall be positioned or parking tracks or pad constructed closer than a distance of twenty-five (25) feet to a side property line, nor closer than fifty (50) feet to a rear property line of the manufactured home.
- (f) An area of no less than five (5) percent of the total usable park land, which shall be in excess to any amount of land included in individual lots for placement of manufactured homes, but which may include the land on which the park office and service buildings are located, shall be used for general recreational purposes to serve park residents and their guests.
- (g) Each manufactured home lot shall have a concrete parking pad or tracks fifty (50) feet in length by four (4) inches deep, on which the manufactured home shall be placed and anchored per following requirement (h).

- (h) Each manufactured home lot shall have a concrete patio of not less than one hundred eighty (180) square feet contiguous to the parking pad or tracks so as to provide a convenient access area to the manufactured home.
- (i) Each manufactured home lot shall be provided with anchors and tie-downs, such as cast-in-place concrete “deadman,” eyelets embedded in the concrete runaways, screw augurs, arrowhead anchors or other devices for providing stability for the manufactured home.
- (j) Each manufactured home shall have a slight barrier of reasonably permanent material such as wood, aluminum or other solid materials between the bottom of the mobile home and the top of the parking pad or tracks which shall enclose the entire perimeter of the mobile home. Such barrier shall be erected within thirty (30) days after the manufactured home has been placed on a lot.
- (k) The area of each manufactured home lot not covered by a concrete pad, tracks, patio, or parking space shall be covered and maintained with grass or other attractive natural landscaping material.
- (l) A manufactured home park shall have roads of either concrete or asphalt material no less width than thirty-five (35) feet. All roads shall have concrete curbing and gutter construction so as to provide adequate drainage for surface water. The approval of the Warren County Engineer must be secured as part of the approval of the road system.
- (m) Each manufactured home shall be provided with electrical t service connection, in accordance with the National Electrical Code and the Warren County Building Code, to provide not less than sixty (60) amperes of power capacity.
- (n) Each manufactured home lot shall be connected to a central sewage disposal system that has been approved as to design, installation, operation and maintenance in accordance with the regulations of the Ohio Department of Health, the Ohio Environmental Protection Agency (OEPA), the Warren County Sanitary Engineer, and/or the Warren County Combined Health District, as applicable.
- (o) The storage and collection of garbage and refuse within a manufactured home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. These containers shall be located no more than one hundred fifty (150) feet from any manufactured home lot and shall be collected from at least once weekly. Such containers shall be screened from view by permanent material, such as shrubbery, wood fencing or metal barriers.

- (p) A fire protection system, approved by the Ohio Department of Health, and the local fire authority, shall be provided for each manufactured home park.
- (q) All utility lines, including those for electricity and telephone service, shall be located underground, and of a design approved by and installed in a manner approved by the utility service provider and the Warren County Engineer's office.

CHAPTER 4: GROUNDWATER PROTECTION OVERLAYS

§ 2.401 PURPOSE.

The purpose of these regulations is to safeguard the public health, safety, and general welfare in the Wayne Township Zoning jurisdiction and to provide for the protection and availability of the existing and future potable groundwater supply in Wayne Township. Furthermore, it is intended that the protected public water supply, wells within designated sole source aquifer boundaries, and associated time-of-travel boundaries be protected from contamination, both by preventing increased risk and by reducing existing

risk to the public water supply. These regulations set forth requirements, standards and criteria for the control of toxic or otherwise hazardous contaminants within the sole source aquifer, primarily through the control of Regulated Substances.

§ 2.402 APPLICABILITY.

2.402.1 It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction of this Zoning Code to make a determination of the applicability of these regulations in pertinence to their property and/or business. Failure to do so shall not excuse any violations of these regulations.

2.402.2 Nothing contained in these regulations shall be construed as to interfere with any existing or future unlawful requirements that may be, or heretofore were, imposed by any other public body authorized to enact sanitary, health, or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of these regulations.

2.402.3 These regulations shall apply to the underlying zoning district and in addition to other overlays. If these regulations impose a greater restriction than the underlying zoning district or other overlay regulations, these shall control.

§ 2.403 AQUIFER PROTECTION OVERLAY.

2.403.1 Establishment of Boundary:

The Aquifer Protection Overlay is established as the area encompassing all parcels of land that are entirely or partly within the Sole Source Aquifer of the Little Miami Buried Valley Aquifer System as defined by the U.S. Environmental Protection Agency (EPA), that are not also entirely or partly within the Source Water Protection Area, as defined and endorsed by the Ohio EPA. The boundary of the Overlay shall be displayed on the Official Zoning Map. Where there is a discrepancy between the boundaries defined by the EPA and the boundaries shown on the Official Zoning Map, the EPA-defined boundaries shall prevail.

2.403.2 Use Provisions:

(A) The principal, conditional, and accessory permitted uses within the Aquifer Protection Overlay shall be those of the underlying zoning district with the exception of the following uses which shall be prohibited:

- (1) Landfills comprised of construction/demolition debris, municipal waste, industrial waste, hazardous waste, fly ash, foundry sand, or other non-approved matter, junkyards, dry wells, and newly sited sanitary landfills;

- (2) Septage spraying and sludge spreading, without prior approval from the Ohio Environmental Protection Agency (OEPA) and monitoring by the Warren County Combined Health District (WCCHD);
 - (3) Salt storage; and
 - (4) Any use deemed unacceptable as to actual or potential threat of contaminating groundwater, as determined by the OEPA or the Village of Waynesville.
- (B) When listed as a permitted or conditional use within the underlying zoning district, the excavation, extraction, mining or processing of sand, gravel and/or limestone from the earth shall remain as conditional uses in the Aquifer Protection Overlay subject to BZA approval.
- (C) A use, property, or business in operation at the time the Aquifer Protection Overlay was adopted and having an amount of Regulated Substances exceeding the quantities set forth in Section 2.404.5 (Groundwater Protection Standards) is a non-conforming use and is allowed to remain; however, no expansion involving Regulated Substances, or any modification resulting in an increased amount of Regulated Substances on the property is permitted without approval in accordance with these zoning regulations. A use, property, or business must comply with all other applicable regulations of the Aquifer Protection Overlay. If a non-conforming use of any land, building, or structure is discontinued for two (2) years or more, any further use shall be in full conformity with the standards and procedures of the Aquifer Protection Overlay.

2.403.3 Standards and Requirements:

The standards and requirements of the Aquifer Protection Overlay shall be the same as those for the Source Water Protection Overlay, as provided in Sections 2.404.3 through 2.404.12, herein.

§ 2.404 SOURCE WATER PROTECTION OVERLAY.

2.404.1 Establishment of Boundary:

The Source Water Protection Overlay is established as the area encompassing all parcels of land that are entirely or partly within the Source Water Protection Area as defined and endorsed by the Ohio Environmental Protection Agency (OEPA). The boundary of the Overlay shall be displayed on the Official Zoning Map. Where there is a discrepancy between the boundaries defined by the OEPA and the boundaries as shown on the Official Zoning Map, the OEPA-defined boundaries shall prevail.

2.404.2 Use Provisions:

- (A) The principal, conditional, and accessory permitted uses within the Source Water Protection Overlay shall be those of the underlying zoning district with the exception of the following uses which shall be prohibited:
- (1) Landfills comprised of construction/demolition debris, residential waste, industrial waste, hazardous waste, fly ash, foundry sand, or other non-approved matter, junkyards, dry wells, and newly sited sanitary landfills;
 - (2) Septage spraying and sludge spreading, without prior approval from the Ohio Environmental Protection Agency (OEPA) and monitoring by the Warren County Combined Health District (WCCHD);
 - (3) Disposal of hazardous waste;
 - (4) Storage of road salt or other deicing chemicals and the dumping of snow containing deicing chemicals;
 - (5) The outside storage of herbicides, pesticides, fertilizers or fungicides;
 - (6) Dry cleaning and commercial laundry establishments;
 - (7) Industrial uses which discharge processed water onsite;
 - (8) Chemical bacteriological laboratories;
 - (9) Metal polishing, finishing, and plating establishments, which includes auto body repair establishments;
 - (10) Commercial printing, photo copying and photographic processing establishments;
 - (11) Motor vehicle service and repair shops, junkyards, motor vehicle junkyards, motor vehicle salvage operations, car washes as well as any similar use, which might potentially affect ground water quality. Motor vehicle service and repair establishments include auto body repair and painting, quick lube stations, any establishment which performs mechanical repairs such as transmission, drive train, engine, brakes, or mufflers. These restrictions also apply to commercial/industrial equipment, earth moving equipment, tractors, motorcycles, and airplanes;
 - (12) Trucking and bus terminals;
 - (13) Machine shops or foundries;
 - (14) Leather tanning and finishing;

- (15) Electrical component manufacturing or assembly;
 - (16) New installation of underground storage tanks of liquid petroleum and/or chemical products of any kind;
 - (17) Storage of liquid petroleum products of any kind in excess of fifteen (15) gallons except for storage in a free standing container within a building, or fuel for heating of that building (fuel tanks of parked vehicles are not included in this subsection);
 - (18) Storage of petroleum and/or any other regulated substances in underground storage tanks;
 - (19) Salt storage; and
 - (20) Any use deemed unacceptable as to actual or potential threat of contaminating groundwater, as determined by the OEPA or the Village of Waynesville.
- (B)** When listed as a permitted or conditional use within the underlying zoning district, the excavation, extraction, mining or processing of sand, gravel and/or limestone from the earth shall remain as conditional uses in the Source Water Protection Overlay subject to BZA approval.
- (C)** A use, property, or business in operation at the time the Source Water Protection Overlay was adopted and having an amount of Regulated Substances exceeding the quantities set forth in Section 2.404.5 (Groundwater Protection Standards) is a non-conforming use and is allowed to remain; however, no expansion involving Regulated Substances, or any modification resulting in an increased amount of Regulated Substances on the property is permitted without approval in accordance with these zoning regulations. A use, property, or business must comply with all other applicable regulations of the Source Water Protection Overlay. If a non-conforming use of any land, building, or structure is discontinued for two (2) years or more, any further use shall be in full conformity with the standards and procedures of the Source Water Protection Overlay.

2.404.3 Development Standards:

The following standards shall be in addition to the standards and requirements of the underlying zoning district. If a conflict exists between these standards and the standards of the underlying zoning district, these standards shall control.

(A) Groundwater Recharge

Steps should be taken to minimize impervious surfaces and pavement, prevent mass grading, and reduce parking lot sizing. Conservation design techniques, such as clustering and narrower street widths, should be utilized. For residential development, eighty (80)

percent of the pre-development infiltration volume should be maintained. For non-residential development, seventy (70) percent of the pre-development infiltration volume should be maintained.

(B) Lot Size (Density) Restriction

For the portion of a development site within the Source Water Protection Overlay, the minimum lot size shall be five (5) acres.

(C) Impervious Surface Ratio Restriction

For the portion of a development site within the Source Water Protection Overlay, the impervious surface ratio shall not exceed 0.50.

2.404.4 Application Requirements:

The following are additional application requirements for any development use which will utilize Regulated Substances in a manner not excluded from these requirements by Section 2.404.5(B) (Limited Exclusions):

(A) Additional Site Plan Contents

- (1) The location(s) where Regulated Substances will be handled and stored, and/or contained, in the event of a spill or leak.
- (2) The location or type of security systems to be installed.
- (3) Detailed plans of all accidental spill or discharge containment measures.

(B) Description of Regulated Substances Operations

- (1) Description of operations, activities, and processes to be conducted at the site, emphasizing those involving Regulated Substances.
- (2) A list of Regulated Substances and expected quantities.

(C) Regulated Substances Management Plan

The Regulated Substances Management Plan shall specify methods to achieve compliance with Section 2.404.5 (Groundwater Protection Standards).

(D) Site Groundwater Monitoring Plan

The Site Groundwater Monitoring Plan shall be prepared by a Qualified Ground Water Professional (hired by the applicant) and include the following to demonstrate compliance with Section 2.404.6 (Groundwater Monitoring Requirements):

- (1) Detail the location of both baseline and continuing monitoring wells, as well as specifications for such wells (including construction details);
- (2) Detail the sampling and analysis procedures;
- (3) Schedules for well installation, sampling and reporting; and
- (4) Discuss the method(s) by which the laboratory results will be statistically analyzed for increases.

(E) Emergency Response Plan

The Emergency Response Plan shall specify procedures and responsibility, inclusive of required reporting provisions to appropriate officials, in the event of any accidental or otherwise unauthorized release of any Regulated Substance at the site. This may be provided at any time prior to the zoning permit being issued in allowance of the proposed use receiving site plan approval.

2.404.5 Groundwater Protection Standards:

(A) Quantity Limitation

Use, storage, handling and/or production of Regulated Substances in conjunction with permitted, accessory, and conditional uses in this overlay shall be limited to an aggregate of Regulated Substances. The aggregate of Regulated Substances in use, storage, handling, and/or production may not exceed fifty-five (55) gallons or four hundred forty (440) pounds, whichever is less at any time.

(B) Limited Exclusions

A limited exclusion from the provisions of Section 2.404.5(A) (Quantity Limitation) is authorized for the following types of Regulated Substances and quantities for purposes of reporting outlined in Section 2.404.9 (Regulated Substance Reporting); however, they are still Regulated Substances and are still subject to spill reporting requirements as outlined in Section 2.404.7 (Spills, Leaks or Discharges):

- (1) Regulated substances used for the non-routine maintenance and repair of property or equipment. The use, storage, handling, and/or production of Regulated Substances under this exclusion shall be limited to:
 - (a) The aggregate of Regulated Substances in use, storage, handling and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
 - (b) The total use, storage, handling and/or production of Regulated Substances may not exceed one hundred (100) gallons or eight hundred (800) pounds, whichever is less, in any twelve (12) month period.

- (2) Medical and research laboratory substances in containers not to exceed five (5) gallons or forty (40) pounds of each substance.
- (3) Cleaning agents, sodium hypochlorite as used for swimming pools, medicines, and cosmetics packaged for personal or household use.
- (4) On-site storage of agricultural chemicals to be used for routine on-site agricultural operations, provided such substances are stored in standard approved packaging and such chemicals are applied to cropland under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States Environmental Protection Agency (EPA) or the Ohio Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where such chemicals are brought in from other locations. This provision does not exempt such agricultural chemicals either stored on-site or brought in from other locations from the inventory, spill reporting and underground storage tank protection requirements of the Source Water Protection Overlay.
- (5) Transportation of regulated substances through the Source Water Protection Overlay provided that the transporting vehicle is in compliance with applicable federal, state, and local laws and regulations, and provided that the Regulated Substance is fueling the transporting vehicle or the transporting vehicle is in continuous transit, making delivery, or is stopped for a period of time not to exceed twenty-four (24) hours.
- (6) Regulated Substances that are within containers such as gas tanks, radiators, transmissions, brake lines and other similar containers that are an integral part of an operable motor vehicle or boat and used specifically and solely for the operation of the vehicle in which the substances are contained. Except as provided in Section 2.404.5(B)(5), the tanker portion of a tractor trailer shall not be included in this exclusion.
- (7) Regulated Substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained, provided such Regulated Substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating the surface and/or ground water.
- (8) Refrigerants contained in equipment used for on-site air cooling or contained in household appliances.
- (9) Cosmetics as defined by Section 321(l)(1) of Title 21 of the United States Code provided these products are prepackaged for personal or household use by the general public. The manufacture, extraction, warehousing, or repackaging of these products shall not be excluded.
- (10) Housing fuels used solely for building heat provided such heating fuel is stored in standard approved tanks.

- (11) Animal maintenance and medicinal substances packaged for residential or agricultural purposes.

(C) Underground Storage Tanks

All underground storage tanks shall be in accordance with the following provisions:

(1) Existing Tanks

Owners and operators of underground storage tank systems which are located within the Source Water Protection Overlay shall comply with the latest rules adopted by the State of Ohio Bureau of Underground Storage Tank Regulations (BUSTR).

(2) New Tanks

New underground storage tanks and/or replacement of existing underground tanks are not permitted.

(D) Containment Systems

Drums and other types of containers holding Regulated Substances and wastes of such substances shall be stored within secondary containment. Secondary and tertiary containment systems include the use of containment during chemical storage, transfer, and use. The containment system shall be designed to capture one hundred ten (110) percent of a release from a primary containment unit. Existing containment systems and procedures shall not be removed, nor shall their ability to contain spills be compromised, so long as Regulated Substances are stored, transferred, or used within the containment areas. Improvements and/or additions to containment systems may be performed so long as the ability to contain a spill is not compromised. Temporary approved containment systems may be required during maintenance and/or improvement activities.

(E) Septic Systems

Warren County Combined Health District (WCCHD) administers Ohio Administrative Code Chapter 3701-29 and has regulatory authority over household sewage treatment systems. All household sewage treatment shall be permitted by WCCHD and maintained by the owner in accordance with state and WCCHD regulations. Commercial septic systems are governed by the Ohio EPA if they produce over 1,000 gallons of wastewater per day. All commercial septic systems shall be permitted by the Ohio EPA and be maintained in accordance with state law. Systems that do not create over 1,000 gallons per day and meet the definition of a Small Flow On-Site Sewage Treatment System will be under the regulatory authority of the WCCHD.

(F) Disposal of Sewage Sludge Waste (Biosolids)

Disposal of septic waste is governed by the U.S. Code of Federal Regulations (40 CFR) Part 503. Disposal of such waste is prohibited.

(G) Wastewater Treatment Facilities

Disposal of bio solids from waste-water treatment facilities is prohibited.

(H) Application of Agricultural Chemicals

Agricultural chemicals shall be applied in accordance with Best Management Practices and/or label directions.

2.404.6 Groundwater Monitoring Requirements:

The following monitoring provisions may apply to new operations, modification of any existing operation, and/or any change of occupancy of all non-residential uses requiring a building permit, zoning permit, and/or site plan approval within the Source Water Protection Overlay that store or handle Regulated Substances.

(A) Exemptions from Requirements

Application of agricultural chemicals, etc., as outlined in Section 2.404.7(B) (Application of Agricultural Chemicals), and the existing storage facilities for such applications on land used for agricultural purposes as defined in this Zoning Code, shall be exempted from groundwater monitoring requirements. However, newly constructed storage facilities for such purposes, erected after the initial effective date of this Zoning Resolution, may require groundwater monitoring, if applicable, as required below per (B).

(B) Consideration for Applicability

The following criteria shall be utilized in determining the necessity of a monitoring system. If it is determined by the Zoning Inspector that groundwater monitoring is necessary, the below listed requirements per (C) and (D) shall apply:

- (1) The nature of the proposed operation.
- (2) The amount and potential risk of the Regulated Substances to be utilized.
- (3) The existence and location of current monitoring systems.
- (4) The characteristics of the aquifer in the vicinity of the site.
- (5) The proximity to a protected public water supply.

(C) Baseline Monitoring

Baseline groundwater monitoring shall be conducted by a Qualified Ground Water

Professional and is required at the proposed site of a new operation for a period of not less than three (3) months prior to the date of commencing the permitted use zoned. The requirements for baseline groundwater monitoring includes the following:

- (1) Prior to baseline monitoring, a site groundwater monitoring plan shall be prepared in accordance with Section 2.404.4 (Application Requirements);
- (2) Wells for such monitoring shall be of sufficient number, design, and location as to determine prevailing hydrogeologic conditions and baseline groundwater quality. The number, design, and location of said wells shall be approved by the designated regulatory authority prior to installation.
- (3) Sampling parameters or constituents for baseline monitoring shall be determined by the applicant and approved by the Village of Waynesville, the designated regulatory authority and/or OEPA as applicable. The applicant shall provide data indicating the depth to normal groundwater table and the direction of groundwater movement.
- (4) Baseline monitoring wells shall be sampled at least quarterly twice (i.e., 2 times in 6 months) by the applicant or applicant's representative, with results forwarded to the WCCHD, Zoning Inspector, and the Village of Waynesville within seventy five (75) days of collection event.

(D) Continuing Monitoring

Following baseline monitoring, a program of continuing monitoring is required at the proposed site and shall be conducted by a Qualified Ground Water Professional. Wells installed for baseline monitoring shall be used for the continuing monitoring program, along with supplemental monitoring wells installed as directed by the designated regulatory authority based on review of the baseline monitoring results and based on the existing and proposed facility operations at the site. Continuing monitoring wells shall be sampled at least quarterly as specified by the designated regulatory authority, and provided to the Zoning Inspector and the Village of Waynesville. Parameters for continuing monitoring shall be approved by the designated regulatory authority, with consultation by qualified water quality professionals as necessary.

- (1) Supplemental monitoring wells shall be installed at selected locations down-gradient of specific sources (existing or proposed) of Regulated Substances such as storage tanks, loading areas, etc.
- (2) Results of continuing monitoring shall be statistically analyzed in accordance with the U.S. Environmental Protection Agency "Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance" and forwarded to the Zoning Inspector, Waynesville Village Manager, and the designated regulatory authority within seventy five (75) days of sample collection.
- (3) When results of continuing monitoring indicate the presence of sampling parameters or constituents not present in baseline monitoring results, or

statistical increases in the level(s) of such parameters, the applicant or applicant representative shall report said findings to the Zoning Inspector, Waynesville Village Manager, WCCHD, and the Ohio EPA. The applicant/owners/officials in charge of the facility or facilities in questions shall then determine the origin of the parameters/constituents and develop plans for addressing the situation.

2.404.7 Spills, Leaks or Discharges:

(A) Notification Required

Any person with direct knowledge of a spill, leak, or discharge of a Regulated Substance within the Source Water Protection Overlay shall, if such spill, leak, or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remedied, give notice to the local Fire Department (911) and the operator on duty at the affected or potentially affected water treatment facility by telephone within thirty (30) minutes of occurrence. The notification shall include at minimum, the location of the incident, name and telephone number of the person reporting the incident, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations as required by law. When it is impractical for a person to give such notice within the first thirty (30) minutes, notice shall be given as soon as it becomes practical to do so, but not to exceed two (2) hours.

(B) Application of Agricultural Chemicals

The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc., used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this Section.

(C) Liability and Required Documentation

Any entity or person who spills, leaks, or discharges said substance(s) shall be liable for any expense, loss, or damages incurred by Wayne Township or the public water supply operator in response to such an incident, in addition to the amount thereof under State and Federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spills, leaks, or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.

2.404.8 Clean Closure Requirements:

(A) Removal of Regulated Substances

Except in the case of a seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of ninety (90) consecutive days shall remove all Regulated Substances from the property, other than those used exclusively for heating, cooling, and providing electrical lighting for the premises, within ninety (90) days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or operator shall notify the Zoning Inspector in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and new address.

(B) Abandonment of Wells

Abandonment of wells shall be in accordance with state law.

2.404.9 Regulated Substance Reporting:

(A) Reporting

Owners and operators with applicable types and quantities of Regulated Substances shall, upon request of the Zoning Inspector, provide Material Safety Data Sheets (MSDS) and inventory information on those Regulated Substances and evidence and/or documentation of the applicable Best Management Practices (BMP) being used to manage them. Information including, but not limited to, types, quantities, containment, and location of Regulated Substances may be required either in writing or verbal form at the discretion of the Zoning Inspector.

(B) Falsifying of Information

No person shall make any false statement, representation, or certification in any report or any other document filed or required to be maintained pursuant to this Resolution.

(C) Retention of Records

Any reports or records compiled or submitted pursuant to this subsection shall be maintained by the user for a minimum of five (5) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

(D) Guidance

Forms and guidance for Regulated Substance reporting may be obtained from the Zoning Inspector.

2.404.10 Enforcement:

(A) Enforcement Provisions

The Zoning Inspector or his/her designee shall administer, implement, and enforce the provisions of this Section. When considering the exercise of any of the following authorities or actions, the Zoning Inspector shall consult with the appropriate administrative official of any potentially affected community water supply system. Such consultation shall determine what measures need to be taken to ensure the public water supply is reasonably and adequately protected from contamination for the present and the future.

(B) Notice of Violation

Any person found in violation of any provisions of this Section or any other requirement, rule or regulation issued under the authority of this Section will be served with a written notice stating the nature of the violation, and an order to cease such activity and abate or mitigate the contamination, providing reasonable time for compliance.

(C) Public Water Supply Protection Authority

If any activity or use of a Regulated Substance is deemed by the Wayne Township Zoning Inspector to pose a real and present danger of contaminating surface and/or groundwater that would normally enter the public water supply, the Zoning Inspector is hereby authorized to:

- (1) Notify the Public Water Purveyor;
- (2) Cause cessation of said activity or use of the Regulated Substance;
- (3) Require the provision of administrative controls and/or facilities sufficient to mitigate said danger; and/or
- (4) Cause the provision of pollution control and/or abatement activities.

(D) Emergency Enforcement

In recognition of the sensitive nature of the aquifer, additional and/or emergency enforcement may be necessary. In the event an activity or use poses an imminent and severe danger of contamination to the surface and/or groundwater, the Zoning Inspector may seek immediate enforcement. In addition, the Zoning Inspector will notify the appropriate administrative official of any action taken.

(E) Inspections

Subject to applicable provisions of law, the Zoning Inspector or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as

inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Zoning Resolution to ensure that activities are in accordance with the provisions of this Section. If the owner or tenant does not consent to the entry of the Zoning Inspector for the above stated purposes, the Zoning Inspector may apply to a court of proper jurisdiction for an appropriate order or other authority to enter said property.

2.404.11 Liability:

Any entity or person who spills, leaks, or discharges contaminates shall be liable for any expense, loss, or damages, including cleanup, incurred by Wayne Township or any other affected party.

2.404.12 Penalties for Violations:

A violation of the provisions of this Section shall constitute a violation of this Resolution subject to the provisions of Section 1.312 (Violations and Penalties).

CHAPTER 5: PLANNED UNIT DEVELOPMENTS

§ 2.501 PURPOSE.

The purpose of the Planned-unit development (PUD) process is to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, ensure orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to

the community. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as-of-right by the current district regulations.

§ 2.502 AUTHORITY.

The Board of Township Trustees may approve a rezoning request and preliminary site plan for a PUD in accordance with the procedures specified in Section 1.309 (Planned-Unit Development) and the standards specified in this Chapter and other regulations applicable to the district in which the subject property is located.

§ 2.503 APPLICABILITY.

This Chapter applies to development on one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose density or intensity transfers, density or intensity increases, mixing of land uses, changes in lot size, bulk, lot coverage, parking, required open space, or other standards of the zoning and subdivision codes otherwise applicable to the area in which the project is located. A PUD overlay adopted prior to the effective date of this Code is governed by the previous regulations and shall be identified on the zoning map as a PUD overlay.

§ 2.504 APPROVAL PROCESS.

2.504.1 The process to approve a Planned-unit development (PUD) shall be in accordance with Section 1.309 (Planned-Unit Development) of this Zoning Code, and the PUD must follow the standards and regulations of one (1) of the following:

- (A) General PUD Overlay, as regulated by Section 2.505;
- (B) PUD District, as regulated by Section 2.507.

§ 2.505 GENERAL PUD OVERLAY REGULATIONS.

2.505.1 Overlay Qualification:

- (A) A General PUD may be applied as an overlay to any property in the Township at the election of the property owner(s), so long as the overall site area is five (5) acres or greater in size.
- (B) The regulations of a General PUD Overlay are supplementary to any underlying zoning district. A rezoning of the underlying zoning district may run concurrently with the PUD Overlay rezoning process. District regulations shall apply except to the extent modified by the overlay.

2.505.2 Permitted Uses:

One (1) or more principal uses may be proposed within a General PUD Overlay. Permitted uses shall be determined at the time the rezoning, PUD Conceptual Plan, and PUD Proposal Document are approved. Development within the district shall be limited to the uses specifically requested as part of the application and approved by the Board of Township Trustees. Any addition of uses following approval shall require a Stage 1 modification per Section 1.309.12(A). The development may provide for the authorization of uses that do not correspond with or are not expressly permitted by the zoning district regulations for the area in which a PUD is located.

2.505.3 Prohibited Uses:

The following non-residential uses are prohibited in a General PUD Overlay:

- (A) Sexually Oriented Businesses
- (B) Outdoor Shooting Range
- (C) Asphalt or Concrete Batch Plant or Products Manufacturing
- (D) Slaughterhouse and Stockyards
- (E) Mineral Extraction
- (F) Sanitary Landfills
- (G) Solid Waste Disposal Facility
- (H) Motor Vehicle Impound Lots
- (I) Scrap Metal Salvage Yard and Recycling Centers
- (J) Outdoor Storage or Displays associated with Industrial Use

2.505.4 Development Standards:

The following mandatory provisions shall apply to residential development within a General PUD Overlay, and cannot be varied as part of any proposed PUD:

- (A) The minimum lot size shall not be less than one (1) acre.
- (B) The maximum lot size shall not be more than five (5) acres.
- (C) The maximum number of residential units allowed for a General PUD Overlay shall be determined by the following steps:
 - (1) Determine gross tract acreage (total project area);

- (2) Multiply the gross tract acreage by 0.85;
- (3) Divide by 2;
- (4) Multiply by 1.2; and
- (5) Round down to the nearest whole number.

2.505.5 Open Space Requirement:

The General PUD Overlay shall comply with the open space requirements of Section 3.101 (Open Space Standards).

2.505.5 Buffer Standards:

Along collector and/or arterial street networks, a buffer shall be required to separate buildings/structures and other development areas from the road right-of-way in accordance with Section 3.606 (Thoroughfare Buffer Yard Requirements).

§ 2.506 This section deleted in its entirety and intentionally left blank

§ 2.507 PUD DISTRICT REGULATIONS.

2.507.1 District Qualification:

Any property in the Township may be rezoned as a PUD District at the election of the property owner(s), so long as the overall district area is ten (10) acres or greater in size, and the following provisions are met:

- (A) The proposed PUD development is innovative or extraordinary in such a way that significant variations from regulations of this Zoning Code are required for implementation;
- (B) The proposed standards and development plans for the PUD District are consistent with the vision expressed by the Comprehensive Plan;
- (C) The proposed PUD development would provide quality development through unified planning and the establishment of high-quality site, landscape, and architectural design standards, while encouraging efficient land use;
- (D) The proposed PUD development provides for a mix of uses which are compatible with one another and are developed in an integrated manner, exemplified by:
 - (1) Mixed-use structures that vertically integrate residential dwelling units with office, restaurant, retail, and similar non-residential uses;

- (2) A mix of residential types, such as free-standing residential structures, duplexes, and apartments;
 - (3) An emphasis on pedestrian connectivity; and
 - (4) Quality open spaces which add to the character and uniqueness of the development.
- (E) The PUD District is located on and has sufficient access to an arterial or collector road, or has planned acceptable connections to an adjacent development which provides sufficient access to an arterial or collector road;
 - (F) The proposal demonstrates the ability to provide for adequate water and sewer utilities found acceptable by the applicable reviewing authority; and
 - (G) Both the PUD Conceptual Plan and PUD Proposal Document required at Stage 1 provide enough detail, to the satisfaction of the Board of Township Trustees, on standards regulating the development in order to compensate for the displacement of underlying zoning district standards and any other use-specific or site-specific standards waived or varied; and
 - (H) All other criteria in accordance with Section 1.309.9 (Review Criteria) are met.

2.507.2 Permitted Uses:

The applicant must specify the permitted principal uses within the PUD District at Stage 1.

2.507.3 Prohibited Uses:

The following uses shall not be permitted in any proposed PUD District:

- (A) Sexually Oriented Businesses
- (B) Outdoor Shooting Range
- (C) Asphalt or Concrete Batch Plant or Products Manufacturing
- (D) Slaughterhouse and Stockyards
- (E) Mineral Extraction
- (F) Sanitary Landfills
- (G) Solid Waste Disposal Facility
- (H) Motor Vehicle Impound Lots

- (I) Scrap Metal Salvage Yard and Recycling Centers
- (J) Outdoor Storage or Displays associated with Industrial Use

2.507.4 Development Standards:

The applicant must specify appropriate development standards for the PUD District. Any variations or modifications to regulations or standards of this Zoning Code shall be indicated and corresponding sections and chapters noted.

2.507.5 Open Space Requirement:

The PUD District shall comply with the open space requirements of Section 3.101 (Open Space Standards).

ARTICLE III: SUPPLEMENTAL PROVISIONS

CHAPTER 1: GENERAL PROVISIONS

§ 3.101 OPEN SPACE STANDARDS.

3.101.1 Applicability:

This section establishes standards and requirements for the amount, use, function, ownership, dedication, and maintenance of open space areas for developments utilizing the following processes:

- (A) Conservation Design Option (CDO), regulated by Section 2.302.5.
- (B) Planned Unit Developments (PUD), including the following two (2) types:
 - (1) General PUD Overlay, regulated by Section 2.505.
 - (2) PUD District, regulated by Section 2.507.

3.101.2 Required Open Space:

The following open space percentages shall be the minimum required for developments utilizing the CDO or PUD processes:

DEVELOPMENT TYPE	PARAMETERS		REQUIRED OPEN SPACE
Conservation Design Option (CDO)	Development in RU Zoning District		40% of the site
	Development in R-1 Zoning District		30% of the site
Planned Unit Developments (PUD)	Single Use	Residential	20% of the site
		Non-Residential	10% of the site
	Multiple Uses*	Single-Family or Two-Family Residential	10% of the site
		Multi-Family Residential	10% of the site
		Non-Residential	10% of the site

***Multiple Uses:** Percentages of required open space shall be cumulative for proposed uses in the PUD. For example, a PUD which proposes single-family residential, multi-family residential, and non-residential components would require 30% of the site be set aside as open space.

3.101.3 Open Space Types and Dedication Methods:

The following table shall guide the applicant to determining the required percentages of Open Space Types within the Required Open Space determined per Section 3.101.2, as well as acceptable dedication methods for each Open Space Type.

TASK	OPEN SPACE TYPES			
	ENVIRONMENTAL OPEN SPACE		COMMON OPEN SPACE	
	Natural Resource Protection Area	Conservation Area*	Active Open Space*	Passive Open Space*
Determining Requirements	<p><u>Required</u> in accordance with Section 3.101.4(A), and shall include:</p> <ul style="list-style-type: none"> (1) Stream Corridor Setback Areas, per Section 3.101.4(A)(1) (2) Floodways and 100-year Floodplain, as determined by FEMA (3) Wetlands, as determined by USFWS 	<p><u>Encouraged</u> in accordance with Section 3.101.4(B), and may include:</p> <ul style="list-style-type: none"> (1) Mature woodlands and existing vegetation (2) Intermittent streams (3) Areas with slope or other unique natural and/or geological features (4) Natural water bodies (5) Agricultural areas 	<p><u>Required</u> in accordance with Section 3.101.5(B), a minimum of 25% of the Required Open Space shall be improved for active park and recreational uses, which may include:</p> <ul style="list-style-type: none"> (1) Clubhouses (2) Athletic fields or courts (3) Recreational trails (4) Playgrounds (5) Gardens or fountains 	<p>In accordance with Section 3.101.5(D), Passive Open Space is any remaining Required Open Space after reserving Environmental Open Space and Active Open Space, such as:</p> <ul style="list-style-type: none"> (1) Mowed or landscaped areas (2) Buffer areas (3) Stormwater Management Devices
Determining Dedication Method	<p>Conservation easement established in accordance with Section 3.101.7(B), recorded in the following way(s):</p> <ul style="list-style-type: none"> (1) On separate open space parcel(s); and/or (2) On private lot(s) within the development. 		<p>Conservation easement established in accordance with Section 3.101.7(B), recorded on an open space parcel on the final plat. Common Open Space shall not be recorded on private lots within the development.</p>	

***May be Reduced or Waived:** During Stage 1 of a PUD process, the developer/applicant may request the Board of Township Trustees grant a reduction of the Required Open Space, exclusive of the Natural Resource Protection Area, by up to one hundred (100) percent by offering to make a payment in-lieu of dedicating the open space within the proposed development (see Section 3.101.9). The minimum 25% Active Open Space requirement may also be waived or reduced by the Board of Township Trustees in either a CDO or PUD (see Section 3.101.5(C)).

3.101.4 Environmental Open Space:

(A) Natural Resource Protection Area

The following types of land shall be required to be preserved in a natural state as part of the Natural Resource Protection Area and shall count toward the Required Open Space established by Section 3.101.2:

- (1) Stream corridor setback areas (both sides) as established below based on the drainage area of the stream. The drainage area shall be determined by the Warren County Soil and Water Conservation District and the setbacks shall be measured from the centerline of the stream.
 - (a) 50 feet for streams with a drainage area of up to 320 acres.
 - (b) 75 feet for streams with a drainage area between 320 acres and 20 square miles.
 - (c) 100 feet for streams with a drainage area between 20 square miles and 300 square miles.
 - (d) 300 feet for streams and rivers with a drainage area over 300 square miles (e.g. Little Miami River).
- (2) Floodways and the 100-Year Floodplain as determined by the Federal Emergency Relief Administration (FEMA).
- (3) Wetlands as determined by the U.S. Fish and Wildlife Service (USFWS).

(B) Conservation Area

The following types of land are encouraged, but not required, to be preserved in a natural state as part of a Conservation Area and shall count toward the Required Open Space:

- (1) Mature woodlands and existing vegetation.
- (2) Intermittent streams.
- (3) Areas with steep slopes, generally greater than twenty-five (25) percent, or other unique natural and/or geologic features.
- (4) Natural water bodies.
- (5) Agricultural areas, of at least ten (10) contiguous acres.

3.101.5 Common Open Space:

(A) Planning of Common Open Space

The location of Common Open Space shall be planned as much as possible as a contiguous area located for the maximum benefit of the residents of the development, and shall be located in areas with the least impact on natural amenities and resources. These areas should also be of a usable size and shape for the intended purpose with a minimum width of twenty (20) feet in any one dimension.

(B) Active Open Space

A minimum of twenty-five (25) percent of the Required Open Space shall be Active Open Space. The minimum amount must be reserved even if the Natural Resource Protection Area exceeds seventy-five (75) percent of the Required Open Space area, in which case the overall open space would be greater than the Required Open Space percentage. Active Open Space shall be improved for active park and recreational uses or facilities, which may include but is not limited to the following features:

- (1) Benches or other seating areas;
- (2) Pedestrian-scaled lighting;
- (3) Gazebos or other decorative structures;
- (4) Fountains or other water features;
- (5) Play structures for children;
- (6) Gardens or seasonal planting areas;
- (7) Swimming pools;
- (8) Athletic fields or courts;
- (9) Golf courses;
- (10) Recreational trails; and
- (11) Clubhouses.

(C) Request for Reduction of Active Open Space

The Board of Township Trustees has the authority to reduce or waive the Active Open Space requirement. For a CDO development, the developer/applicant shall submit a formal request in writing to the Board of Township Trustees, after which time the Trustees shall set a meeting date to make a determination; once such a request is granted by the Trustees, the applicant may proceed with the subdivision process in accordance with the Warren County Subdivision Regulations. For a PUD development, any waiver/reduction request must be made as part of the application for Stage 1 approval. Criteria to be considered by the Trustees for approval of an Active Open Space reduction/waiver shall include, but are not limited to, the following:

- (1) There are no substantial physical barriers or impediments to future residents of the proposed development accessing neighborhood parks, community parks, and other public recreational facilities. For instance, existing parks are determined to

be within a half-mile radius from the proposed development, or within an area where children can safely walk and ride their bicycles to and from an active park space.

- (2) The proposed development's topography or soils are not well suited for the development of an active park space.
- (3) Locating an active park space would generate adverse impacts to surrounding sites.
- (4) The reduction or elimination of active park space would contribute to the rural theme or nature of the development and/or surrounding environment and neighborhood.
- (5) Based on past usage patterns for area parks, there is no need for an additional active park space at the proposed location.

(D) Passive Open Space

Any remaining acreage necessary to satisfy the Required Open Space per Section 3.101.2 shall be reserved as Passive Open Space, which may include but is not limited to the following features:

- (1) Areas that connect the tract to neighboring open space;
- (2) Buffer areas around Natural Resource Protection or Conservation Areas;
- (3) Planting strips;
- (4) Street medians/islands;
- (5) Open mowed or landscaped areas; and
- (6) Stormwater management devices

(E) Unqualified Areas for Common Open Space

The following areas shall not count toward the Common Open Space:

- (1) Public and private roads, and associated rights-of-way;
- (2) Public or private parking areas, access ways, and driveways related to any residential use; and
- (3) Private yards, including front, rear, and side yards within platted lots, except in accordance with Section 3.101.6 (Open Space on Platted Lots).

3.101.6 Open Space on Platted Lots:

This section provides the rules by which Environmental Open Space is permitted to occur on a lot. Only large lots that may accommodate a construction envelope equal to one (1) acre shall be eligible for this provision. The construction envelope is defined as a delineated area that identifies the location within which all grading, clearing, excavation and development shall occur, including but not limited to septic systems, wells, dwellings, storage buildings or other structures or improvements. Construction envelopes shall be identified on the record plat and may be changed through the PUD amendment process as provided in Section 1.309. The following standards apply:

- (A) The construction envelope shall extend at least fifteen (15) feet from the foundation and five (5) feet from any other area to be developed or disturbed to provide for machinery and earth movement.
- (B) All eligible lots shall conserve the resource area in question, restricting the use of that land to open space uses and prohibiting the fencing and the clearing, cutting, or disturbing of vegetation, unless necessary for the purpose of removing invasive species or to provide for the general maintenance of the resource area.
- (C) All lot construction and clearing shall be confined to a construction envelope that includes buildings, decks or patios, driveways, lawns, pools, tennis courts, septic tanks and tile fields, and utility access.
- (D) The construction envelope shall be designated on the subdivision plan.
- (E) The areas outside of the construction envelope may be credited toward Environmental Open Space.

3.101.7 Ownership, Dedication and Maintenance:

(A) Ownership

The Required Open Space areas shall be owned by either:

- (1) A public entity or agency, such as Wayne Township, Warren County, the State of Ohio, or the Warren County Park District, subject to acceptance by the appropriate legislative body;
- (2) An individual or group of individuals;
- (3) A non-profit organization;
- (4) A homeowners' association or similar association, where the open space is held jointly or in common by the owners of the building lots; or
- (5) Any combination of the entities mentioned above.

(B) Dedication

- (1) A conservation easement shall be placed on all lands and waters used to satisfy the Required Open Space. The conservation easement shall:
 - (a) Run with the land, regardless of ownership;
 - (b) Provide for protection of the land in perpetuity;
 - (c) Be granted and deeded to the Township, a Township-approved land trust, or other qualified organization approved by the Township;
 - (d) Be solely for the purpose of ensuring the land remains undeveloped; and
 - (e) Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.
- (2) Open space and corresponding conservation easements or covenants shall be dedicated on either a separate parcel or parcels, or on private lots in accordance with Section 3.101.6 (Open Space on Platted Lots), excepting Common Open Space which shall only be recorded on separate parcel(s).
- (3) While the Township, Township-approved land trust, or other qualified organization may hold the conservation easement, the property itself shall still be owned by the property owner, which may be the developer (applicant), the homeowners' association, or other owner. If it is to be owned by the homeowners' association, the association's documents shall be recorded with the subdivision plat and a copy submitted to the Zoning Inspector to be maintained as part of the Township's records.
- (4) The conservation easement shall include information on how the property will be maintained by the property owner in accordance with the easement agreements.

(C) Maintenance of Open Space on Private Lots

When a certain percentage of Environmental Open Space is dedicated on a private lot, it shall be the responsibility of the owner of the private lot to maintain the areas which make up said percentage of the Environmental Open Space.

(D) Maintenance of Open Space on Separate Parcels

For all other cases where Environmental Open Space and/or Common Open Space is dedicated on separate parcel(s), and is not owned and maintained by a public entity or non-profit organization, a homeowners' association or similar association shall be responsible for maintenance of the open space in accordance with the following provisions:

- (1) All homeowners' association agreements shall be submitted to the Zoning Inspector as part of the development plan. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.
- (2) All homeowners' associations shall guarantee the maintenance of all Required Open Space not dedicated on private lots within the boundaries of the development through the deed restrictions or covenants.
- (3) When a homeowners' association is established, membership in the association shall be mandatory for all purchasers of lots in the development.
- (4) The homeowners' association shall be responsible for maintenance, control, and insurance of all Required Open Space not dedicated on private lots.

3.101.8 Increasing the Required Open Space in a PUD:

The Board of Township Trustees may increase the Required Open Space percentage in a PUD, if an area covered by significant natural resources or land exceeds the area covered by the Required Open Space percentage of the site, in which case the additional resource area(s) in question should be preserved as either a Natural Resource Protection Area or a Conservation Area.

3.101.9 Payment In-Lieu Request for a PUD:

- (A) During Stage 1 of the PUD process, the developer/applicant may request the Board of Township Trustees grant a reduction of the Required Open Space, exclusive of the Natural Resource Protection Area, by up to one hundred (100) percent by offering to make a payment in-lieu of dedicating the open space within the proposed development.
- (B) The Board of Township Trustees may consider such proposal for a payment in-lieu of dedication provided that the developer/applicant can prove the following:
 - (1) The developer/applicant identifies a site (such as an existing park or open space area) that will either be expanded (additional acreage) or improved with the funds from the payment in-lieu of dedicating open space.
 - (2) Said site shall provide a direct benefit and be within close proximity to the residents of the proposed subdivision or development that the developer/applicant is proposing to develop.
 - (3) The site which is to be expanded or improved with the funds from the payment in-lieu of dedication of open space shall be accessible to the residents of the proposed development with no restrictions that are not applicable to other users. No resident of the proposed development shall be required to pay a fee to use the site.

- (4) The developer/applicant shall provide an agreement stating that the owner of the site that is proposed to be expanded or improved is capable of and agreeable to receiving the payment for additional acreage or improvements. Said agreement shall provide proof that the receiving party has ownership of the site, has the capability to maintain and manage the site and any additions thereto, has the financial resources to maintain and manage the site and any additions thereto, and the ability to preserve the site indefinitely.
- (5) The developer/applicant shall provide evidence that the funds collected can be used within a reasonable period of time. Funds shall not be held for an indefinite period of time.
- (C)** The payment in-lieu of dedicated open space shall be calculated by multiplying the deducted open space acreage by the fair market value. Fair market value shall equal the average value per acre of all land involved in the proposed subdivision or development in its raw, undeveloped state, at the time of the request. A state certified appraiser approved by the Trustees shall make a determination of fair market value. The developer/applicant shall pay the fee for the appraiser.
- (D)** The Board of Township Trustees shall make a determination as to whether they will accept the payment in-lieu of dedication of open space or will require the dedication of open space within the proposed development. The Trustees are under no obligation to accept a payment in-lieu of dedication of open space.

§ 3.102 AGRICULTURAL USE IN SUBDIVISIONS.

3.102.1 Requirements for Non-Exempt Agricultural Uses:

ORC Section 519.21 exempts certain agricultural practices from local zoning authority as specified in Section 1.110.1 (Agriculture). Non-exempt agricultural uses shall comply with the following requirements:

- (A) The use shall not create a nuisance, disturb the peace, and result in a health or safety violation reported to or acted upon by the appropriate enforcement authority, and animals shall be contained on the site.
- (B) Agricultural structures shall comply with applicable requirements of Section 3.208 (Accessory Use Standards). No such agricultural structure shall be located in the front yard, nor in an area required for one (1) of the following:
 - (1) On-site sewage treatment (septic);
 - (2) A well isolation radius; or
 - (3) Any easement for drainage or utilities.
- (C) Agricultural use structures shall not exceed eighteen (18) feet in height.
- (D) Agriculture is prohibited on lots which are one (1) acre or less.

3.102.2 Animal Husbandry:

(A) Animal and Bird Units Permitted

Animal and bird units are regulated on platted lots in accordance with Section 1.110.1(B)(3). The following table specifies, according to lot size and/or other subdivision conditions, whether the given lot is exempt from, or has restrictions on, the number of animal/bird units allowed.

UNITS	SIZE OF PLATTED LOT					
	1 acre or Less	35% or more lots developed in subdivision		Less than 35% of lots developed in subdivision		Greater than 5 acres
		1 to 3 acres*	3 to 5 acres*	1 to 3 acres*	3 to 5 acres*	
Animal Units	None allowed	None allowed	1 per fenced acre	(Exempt)	(Exempt)	(Exempt)
Bird Units	None allowed	0.5 maximum	1 per fenced acre	(Exempt)	(Exempt)	(Exempt)

*1 to 3 acres: Includes lot sizes which are less than or equal to three (3) acres, but greater than one (1) acre.

*3 to 5 acres: Includes lot sizes which are less than or equal to five (5) acres, but greater than three (3) acres.

(B) Animal and Bird Units Defined

- (1) Each of the following constitutes one (1) animal unit:
 - (a) One (1) head of cattle
 - (b) One (1) horse, mule, or donkey
 - (c) Two (2) ponies or burros
 - (d) Two (2) swine
 - (e) Three (3) alpacas
 - (f) Three (3) goats
 - (g) Three (3) llamas
 - (h) Three (3) sheep
- (2) Each of the following constitutes one (1) bird unit:
 - (a) Eight (8) geese
 - (b) Eight (8) turkeys
 - (c) Twelve (12) ducks
 - (d) Twenty (20) chickens
- (3) Animals not described by subsections (1) and (2) above may be considered by the Zoning Inspector based upon the impact of the animal. The keeping of any species not listed as domestic animals requires Zoning Inspector approval.

(C) Other Provisions

- (1) All animal units shall be confined to a minimum one-half acre area. An accessory structure or confinement area shall be set back at least fifty (50) feet from a non-farm use if housing animal units; if housing bird units, the structure/area shall be set back twenty five (25) feet.
- (2) No more than one (1) rooster is allowed on parcels greater than three (3) acres in size. Roosters are prohibited on parcels three (3) acres or less in size.
- (3) No more than five (5) swine are allowed per parcel.
- (4) No more than sixty (60) chickens are allowed per parcel.

- (5) The keeping of animals in accordance with the provisions of Section 3.102.2 (Animal Husbandry) does not require a zoning permit.

3.102.3 Beekeeping:

- (A) Beekeeping is regulated on platted lots in accordance with Section 1.110.1(B)(3). The following table specifies, according to lot size and/or other subdivision conditions, whether the given lot has restrictions on the practice of beekeeping, or is exempt from such provisions.

SIZE OF PLATTED LOT					
1 acre or Less	35% or more lots developed in subdivision		Less than 35% of lots developed in subdivision		Greater than 5 acres
	1 to 3 acres*	3 to 5 acres*	1 to 3 acres*	3 to 5 acres*	
Prohibited	Permitted	Permitted	(Exempt)	(Exempt)	(Exempt)
Prohibited	Permitted	Permitted	(Exempt)	(Exempt)	(Exempt)

*1 to 3 acres: Includes lot sizes which are less than or equal to three (3) acres, but greater than one (1) acre.

*3 to 5 acres: Includes lot sizes which are less than or equal to five (5) acres, but greater than three (3) acres.

- (B) If beekeeping is allowed on the lot per subsection (A) above, then the use shall be subject to the following standards:

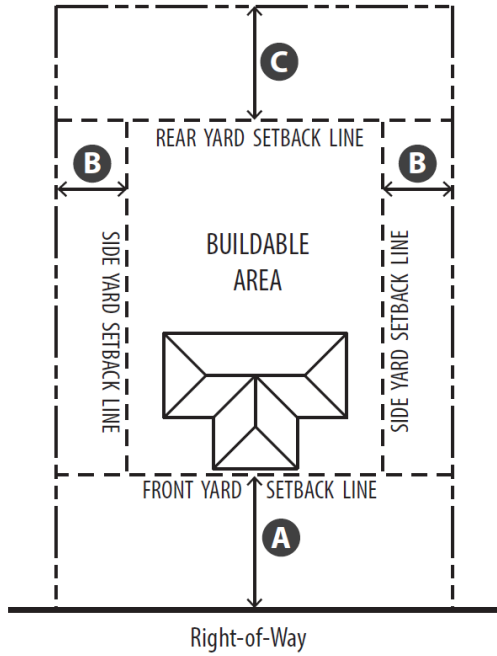
- (1) The principal use of the lot is a single-family dwelling.
- (2) No more than two (2) hives are allowed on lots less than or equal to three (3) acres.
- (3) A beehive shall be kept no closer than ten (10) feet to any lot line and no closer than twenty five (25) feet to any residential structure on an adjacent lot, or shall comply with the principal structure setbacks of the applicable zoning district, whichever is greater.
- (4) The front of any beehive shall face away from the property line of the adjoining residential property closest to the beehive.
- (5) A solid fence or dense hedge, known as a flyway barrier, at least five (5) feet in height shall be placed around the beehive. A boundary fence or hedge at least five (5) feet in height may be used to meet this requirement. No such flyway barrier shall be required if all beehives are located at least twenty five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.

- (6) No Africanized bees may be kept on a property.
- (7) A supply of fresh water shall be maintained in a location readily accessible to all beehives on the property.

§ 3.103 DEVELOPMENT STANDARDS.

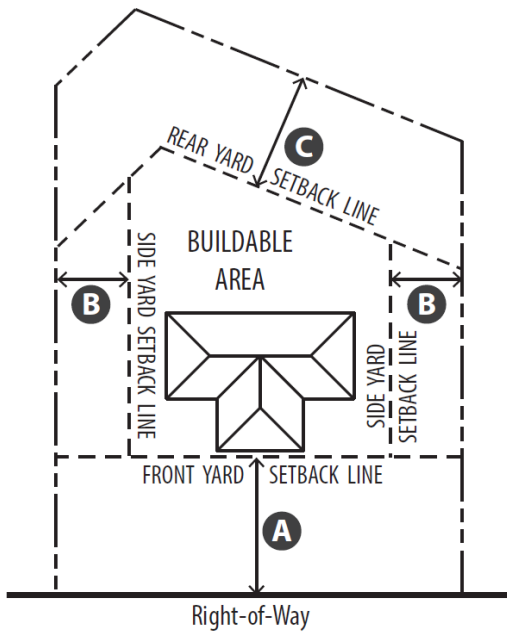
3.103.1 Minimum Setbacks:

The illustrations in this section dictate the manner in which minimum setbacks shall be measured for different lot types. Structures shall be built within the buildable area only.



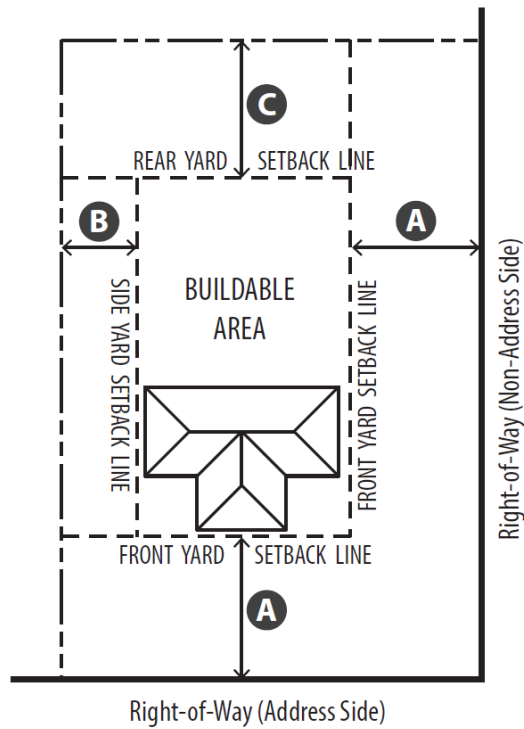
STANDARD LOT

- A** Front Yard Setback
- B** Side Yard Setback
- C** Rear Yard Setback



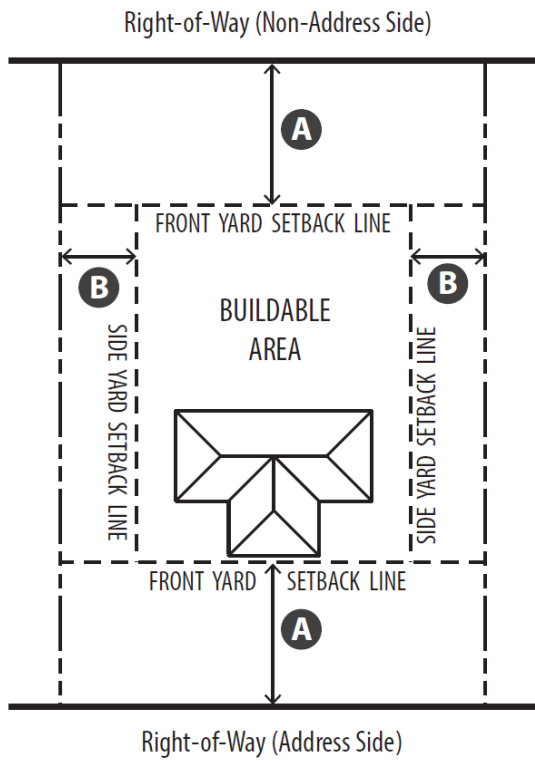
IRREGULAR LOT

- A** Front Yard Setback
- B** Side Yard Setback
- C** Rear Yard Setback



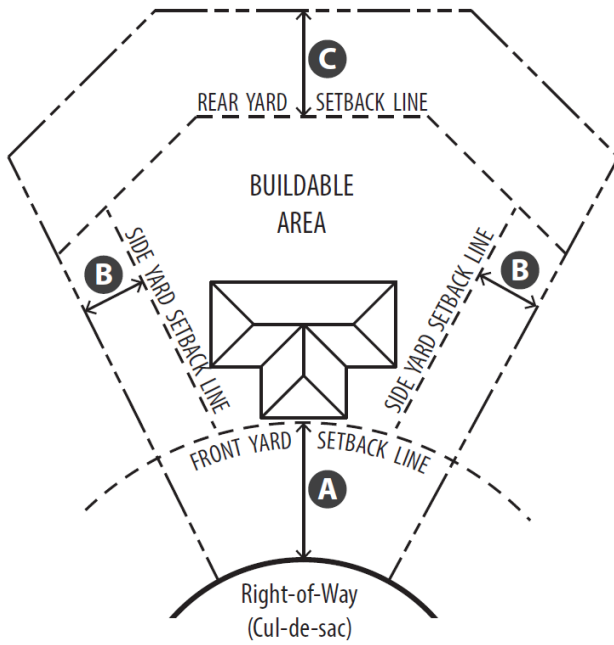
CORNER LOT

- A** Front Yard Setback
- B** Side Yard Setback
- C** Rear Yard Setback



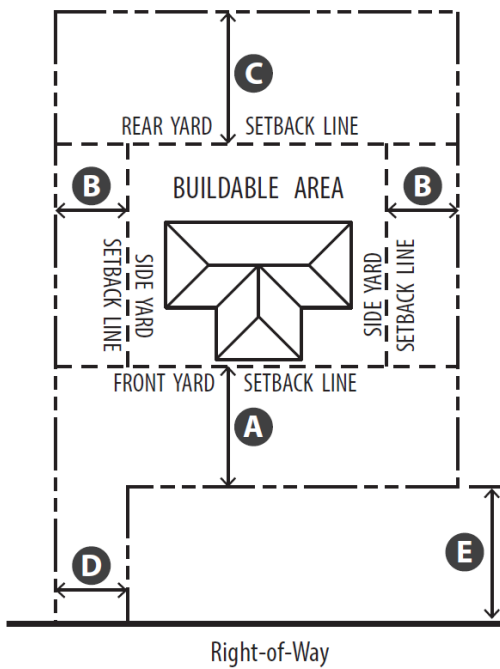
DOUBLE FRONTAGE LOT

- A** Front Yard Setback
- B** Side Yard Setback



CUL-DE-SAC LOT

- A** Front Yard Setback
- B** Side Yard Setback
- C** Rear Yard Setback

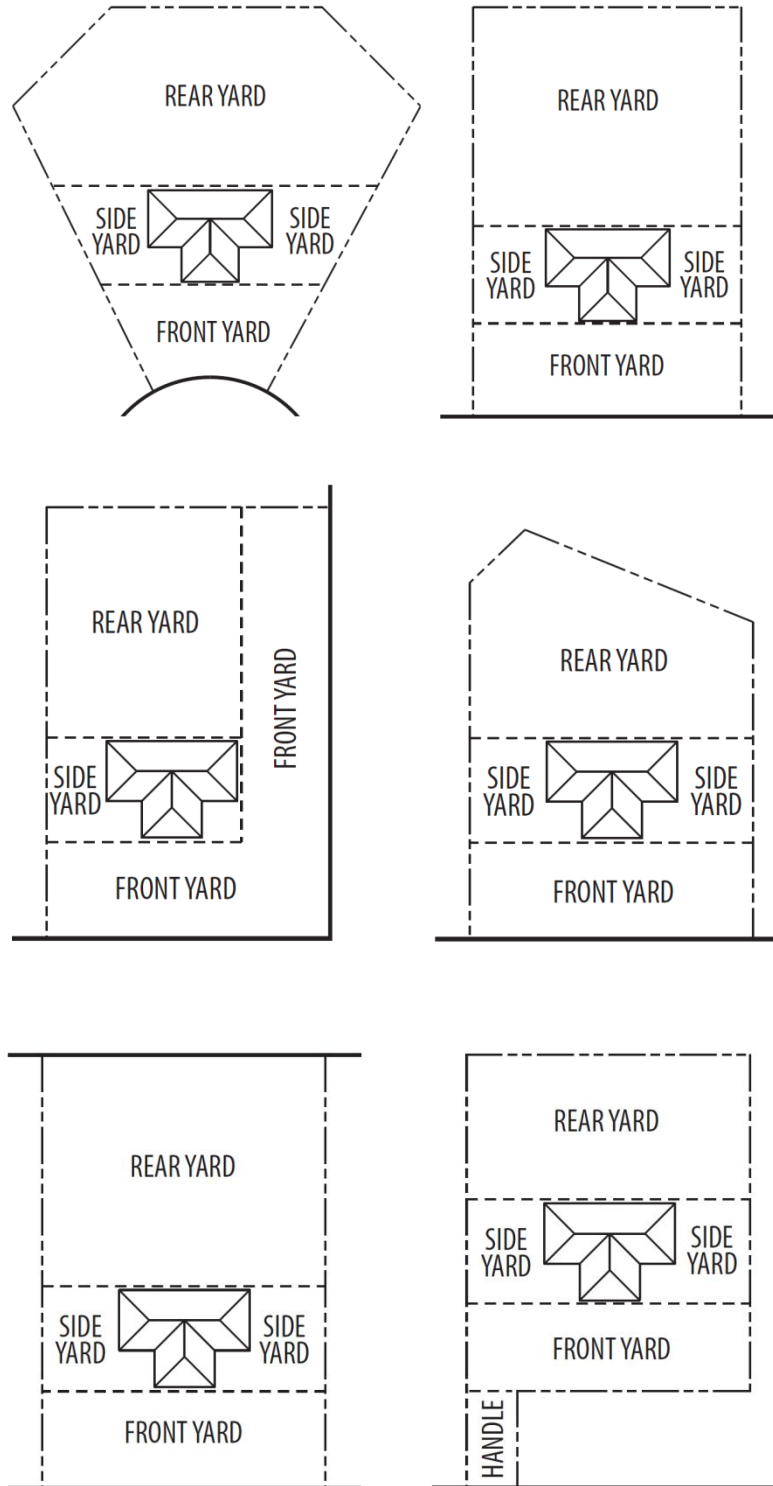


PANHANDLE LOT

- A** Front Yard Setback
- B** Side Yard Setback
- C** Rear Yard Setback
- D** Continuous panhandle width of 30 to 50 feet
- E** Continuous width from the right-of-way to the body of the panhandle

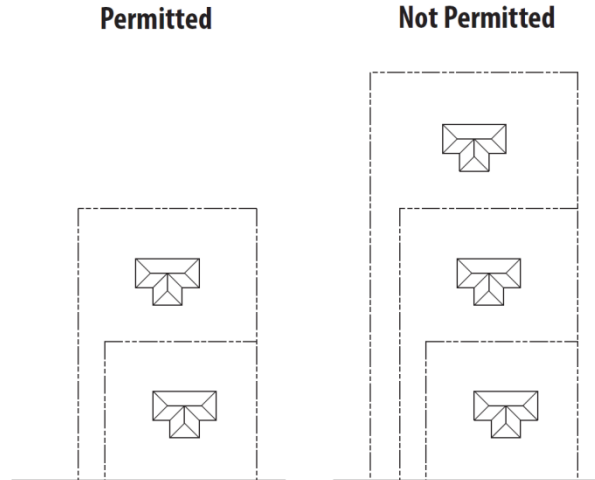
3.103.2 **Yards:**

The illustrations in this section dictate the manner in which yards shall be measured for different lot types, based on the location of the principal structure.



3.103.3 Panhandle Lot Standards:

- (A) There shall not be more than one (1) panhandle lot behind a frontage lot, as shown in the illustration below.



- (B) The body of the panhandle lot, exclusive of the panhandle area, shall be no less than five (5) acres in size.
- (C) The panhandle portion of the lot shall have a continuous width of a minimum of thirty (30) feet and a maximum of fifty (50) feet, measured from the Warren County Thoroughfare Plan Right-of-Way to the body of the panhandle lot.
- (D) Buildings may be constructed only within the body of a panhandle lot.
- (E) The body of a panhandle lot shall meet the minimum lot width requirements per Section 2.302.1 (Lot Standards). Panhandle lots are not subject to standard lot frontage requirements as would otherwise be required by Section 2.302.1 (Lot Standards).
- (F) The front yard setbacks shall be established from the front property line that parallels the roadway from which the panhandle lot has access.
- (G) A panhandle lot shall conform to the setback standards of the zoning district in which it is located.
- (H) There shall be a continuous width from the right-of-way to the body of the panhandle lot, as shown in the Panhandle Lot illustration in Section 3.103.1 (Minimum Setbacks).

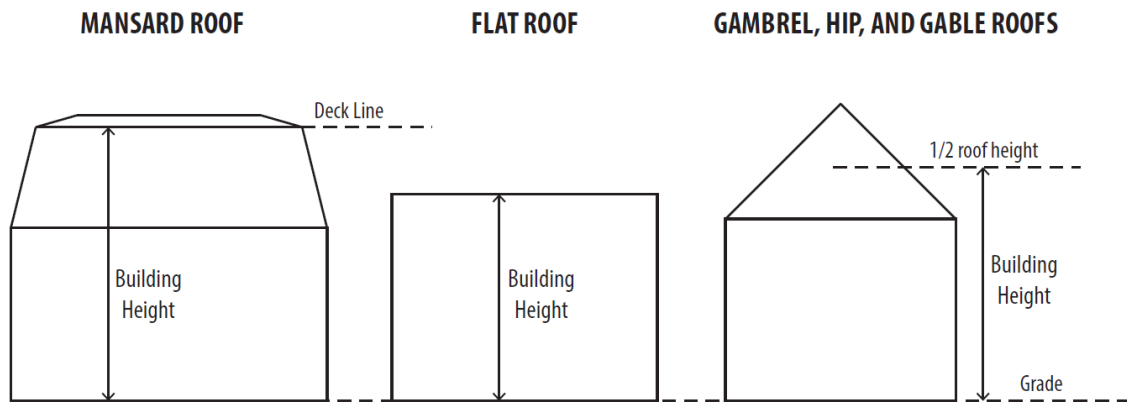
3.103.4 Height Measurement and Exceptions:

(A) **Height Measurement**

- (1) Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public

street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.

- (2) Where specified in feet, building height shall be measured as the vertical distance from grade at the front door/entrance of the structure to to:
- (a) The highest point of a flat roof;
 - (b) The deck line of a mansard roof; or
 - (c) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.



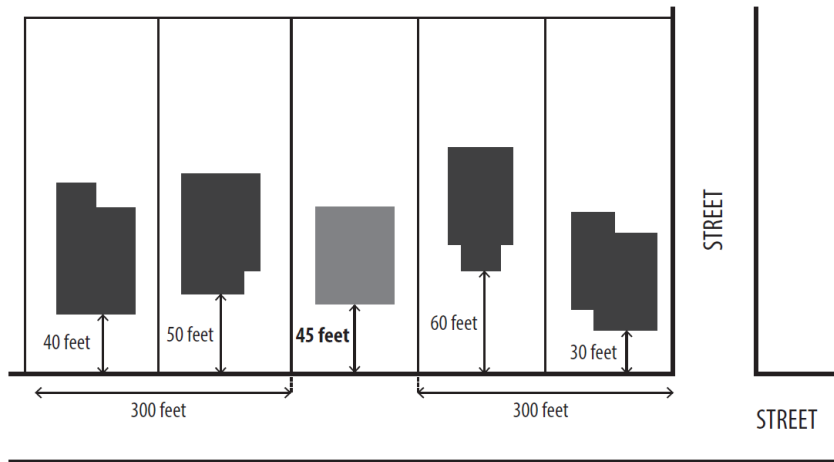
(B) Exceptions to Height Limits

Permitted height exceptions in all districts shall be as follows:

- (1) The height limitations of this Zoning Code shall not apply to chimneys, clocks, or bell towers, spires, belfries, water tanks, public monuments, steeples, personal radio or TV antennae, flag poles, vent pipes, structures housing or screening fans, air conditioning units or elevator machinery, and other similar features provided that nothing on a structure shall exceed twice the district height.
- (2) Architectural features that include building and roof line elements (parapet walls, cornice) that are intended to add architectural interest and not for the purpose of adding signage to the building may be allowed to exceed the maximum height of the district by not more than ten (10) feet.

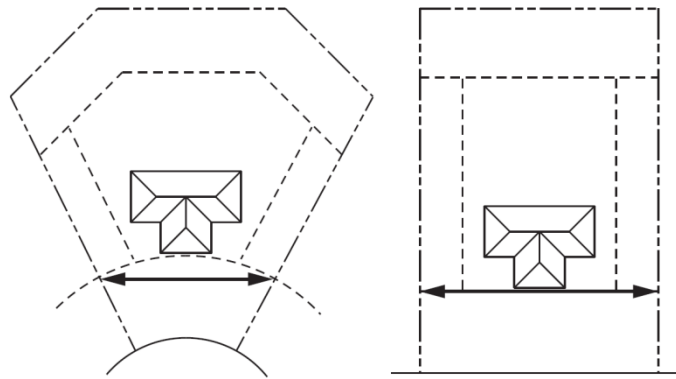
3.103.5 **Front Yard within an Established Block:**

Where the average depth of existing front yards within three hundred (300) feet of the lot (as measured from the lot line) in question and within the same block front in the same district, is less than the minimum front yard depth required by the resolution, the required minimum front yard depth on such lot shall be modified to be the average depth of such existing front yards, as shown in the illustration.



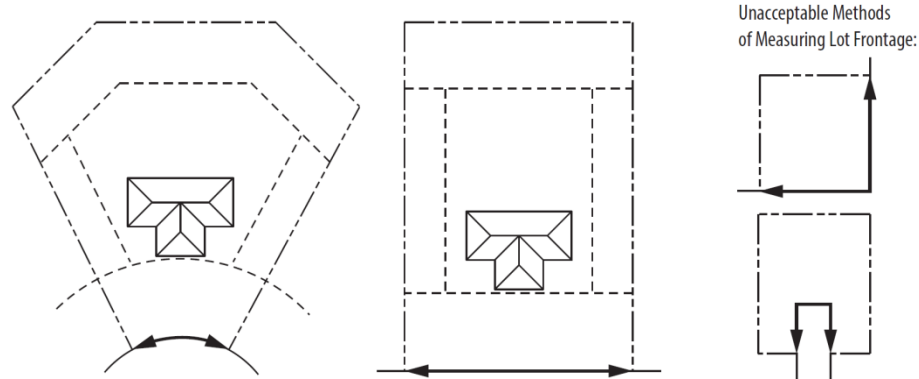
3.103.6 **Lot Width:**

Lot width is the distance between the side lot lines measured at the points of intersection with the minimum front yard setback line.



3.103.7 Lot Frontage:

Lot frontage is the common boundary line between a lot and adjacent road right-of-way, measured in accordance with the illustrations below.



3.103.8 Reduction of Area or Space:

The lot size, setbacks, dedicated open space or required parking area shall not be reduced in area or dimension, thereby making said area or dimension less than the minimum required by this Zoning Code.

3.103.9 Building Additions/Add-Ons/Expansions:

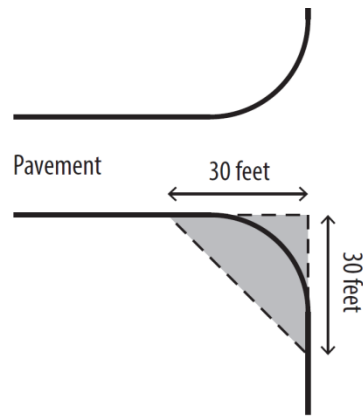
Additions/add-ons/expansions to principal structures, inclusive of porches, decks, and other attachments (including stairs), are subject to the principal structure setbacks of the district in which they are located and require a zoning permit in accordance with Section 1.303 (Zoning Permit Application).

3.103.10 Site Access and Circulation:

Lot access and circulation shall be approved by the Warren County Engineer in accordance with the Warren County Access Management Regulations and the Fire/EMS department of jurisdiction.

3.103.11 Traffic Safety Visibility Triangle:

- (A) A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring thirty (30) feet from the intersection of the extension of the front and side curb lines (or pavement lines if there is no curb) and connecting the lines across the property.



- (B) No structure, sign, or landscape element shall exceed thirty (30) inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the zoning inspector.
- (C) An exception to this requirement shall be that trees with at least eight (8) feet of limbless trunk may be permitted in the visibility triangle.
- (D) The provisions of subsections (A) through (C) above only apply to intersections of public roads. Driveways and private streets are not applicable.

§ 3.104 JUNK, JUNK VEHICLES, AND OTHER SALVAGEABLE ITEMS RESTRICTIONS.

- 3.104.1** No person or entity shall accumulate, collect, deposit, dump, dispose, maintain, or store, or allow the same on any property under the person or entity’s control or responsibility, any junk, junk vehicle, or other types of salvageable solid waste, or construction/demolition debris, outside of an enclosed structure, except in the zoning district where expressly permitted.
- 3.104.2** Processed firewood for a property owner’s personal use is not junk. Raw materials that have not been processed into firewood (cut, split, and/or stacked for use as a heating source on-site), including but not limited to, pallets, untreated dimensional lumber, and other wood products that have not been painted, stained, chemically treated or coated, is not firewood and may constitute junk subject to Section 3.104.1.
- 3.104.3** Violation of this section shall be subject to prosecution in a court of competent jurisdiction, unless one (1) or more person or entity which is responsible for the violation permanently removes or causes permanent removal of the violating items within seven (7) days after receipt of notice of violation to another property or use location, whereon such items are permitted to be located outdoors for the purpose of a junkyard business, or are otherwise placed within an enclosed structure.

§ 3.105 MOBILE HOME USE.

Mobile homes, and manufactured homes that do not qualify as permanently sited, shall not be used as a single family dwelling or permanent residence in any district, except within an existing manufactured home park as defined in ORC Section 4781.01(D).

§ 3.106 SEWER SERVICE AREA REQUIREMENT.

Any use or development that requires central sanitary sewage system service connection may not be accepted until the area has been approved by the Warren County Board of Commissioners (BOCC) for service by a central sanitary sewage system.

§ 3.107 ADAPTIVE REUSE OF HISTORIC STRUCTURES INCLUDING BARNs.

3.107.1 Purpose:

To encourage the viability, reuse, restoration and rehabilitation of historic structures including barns which are no longer associated with an agricultural use, by allowing for specified uses not otherwise allowed in the district in which they are located, within the current dimensions of such structure.

3.107.2 Applicability:

All adaptive reuse, and associated restoration and/or rehabilitation, of historic structures including barns shall be considered a conditional use subject to review by the BZA.

3.107.3 Allowed Uses:

The following additional uses, if not otherwise allowed in the district, may be allowed, subject to conditional use review:

- (A) Artist Studio/Gallery
- (B) Community Center
- (C) Cultural Facility
- (D) Day Care Facility
- (E) School
- (F) Storage
- (G) Ecotourism uses
- (H) Antique/Gift Shops
- (I) Restaurants
- (J) A combination of the above listed uses
- (K) Other uses approved by the BZA

3.107.4 Special Requirements:

All adaptive reuse, restoration, and rehabilitation of historic structures shall also meet the following requirements:

- (A)** The proposed adaptive reuse shall not significantly alter the footprint, essential character, or immediate surroundings. In reviewing proposals for adaptive reuse of historic structures, the BZA shall also consider the suggestions of the Comprehensive Plan and whether the historic character can be retained to a practical extent.
- (B)** A zoning permit issued for an adaptive reuse shall clearly state that the use is allowed only as a permitted use of the existing structure, and shall not be re-established if the structure is substantially modified, except in accordance with the requirements of these regulations.
- (C)** In the event that the structure is destroyed or demolished, the structure may be reconstructed and the use re-established with the approval of the BZA. In allowing such reconstruction and re-establishment, the BZA shall determine that, in addition to meeting conditional use standards, the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, and building materials.

CHAPTER 2: USE SPECIFIC STANDARDS

§ 3.201 OVERVIEW.

This Chapter describes the standards governing permitted and conditional uses as designated in Article II, Chapter 2 (Use Provisions). These standards are in addition to and may supersede other standards required elsewhere in the Code. The requirements include buffer, location, bulk and scale, and environmental standards intended to ensure compatibility with surrounding land uses and to ensure orderly development. The standards for each use may vary by zoning district.

Uses designated as “P” in Section 2.203 (Table of Principal Uses by Zoning District) are permitted uses subject to staff review; however, they may require additional standards. Uses designated as “S” are permitted uses subject to site plan review by the Board of Township Trustees. Uses designated as “C” are conditional uses, requiring additional standards, and must be considered and approved by the BZA. Conformance with these standards shall be subject to site plan review.

§ 3.202 AGRICULTURAL & RELATED USE STANDARDS.

Non-exempt agricultural uses shall comply with the parking, lighting, signage, landscaping, site access, and all other applicable standards of this Code.

3.202.1 Agricultural Support Services:

Agricultural support uses shall demonstrate that:

- (A) The use will not require the extension of central sanitary sewer or central water system;
- (B) The use does not substantially detract from agricultural production on-site or in the area;
- (C) The use does not create a concentration of commercial uses in the immediate area;
- (D) The use is compatible with, and does not adversely impact, surrounding residential neighborhoods;
- (E) The use shall be located along, and have direct access to, an arterial roadway; and
- (F) A feed store or related retail use size shall not exceed five thousand (5,000) square feet.

3.202.2 Agritourism:

Agritourism shall meet the following requirements:

(A) General

The farm must be a working farm.

(B) Site Plan Requirements

- (1) Identify the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, areas where visitors will be permitted and restricted, and landscaping if required to buffer adjacent properties;
- (2) Locate sanitary facilities.

(C) Visitor Service

Food and/or beverages may include value-added products, produced or grown by the farm.

(D) Transportation

- (1) An approved curb cut and adequate off-street parking is provided;
- (2) Parking areas are screened from residential properties; and
- (3) No vehicles shall be parked on the shoulders of adjacent roads.

(E) Lodging

Lodging used primarily for agritourism is limited to six (6) rooms.

(F) Maximum Floor Area Ratio

The maximum floor area ratio is 0.01. The Board of Township Trustees may moderate this requirement based on the following criteria:

- (1) The design of the structure is characteristic of the township's rural vernacular and minimizes the mass of the structure; or
- (2) The location and proposed landscaping screens the structure from the public right-of-way and adjacent properties.

3.202.3 Farm Markets and Produce Stands:

Farm markets and produce stands are permitted in accordance with the following standards:

(A) Gross Income Requirement

Pursuant to ORC 519.21, at least fifty (50) percent of all gross income received by the market must be derived from produce raised on farms owned or operated by the market operator in a normal crop year. The farm market or produce stand should be located on the farm where the merchandise was grown.

(B) Other Standards

The use shall comply with all other standards regarding size of parking areas, building setbacks, and egress and ingress, as specified herein.

3.202.4 Nurseries and Greenhouses (non-exempt):

- (A)** Plants, products, and materials offered for sale shall be intended for household use or home gardening activities.
- (B)** Retail sales are permitted provided the use is located along, and has direct access to, an arterial roadway.
- (C)** Storage and display areas shall meet the zoning district setback requirements for structures; and
- (D)** Soil, fertilizer, or similar loosely packaged materials shall be covered and maintained.

§ 3.203 RESIDENTIAL USE STANDARDS.

3.203.1 Single-Family and Two-Family Dwelling Units:

No more than one (1) principal building (primary structure) is permitted per lot.

3.203.2 Multi-Family Developments:

- (A) Individual apartment and/or condominium buildings within a multi-family development shall contain a maximum of four (4) dwelling units each. Such developments shall be subject to site plan review by the Township Trustees.
- (B) Multi-family development proposals which include one (1) or more buildings containing more than five (5) dwelling units but no more than twelve (12) dwelling units are subject to the conditional use process with the BZA. The BZA may choose to approve, deny, or approve with conditions the proposed development based on impacts to surrounding properties and the character of the existing neighborhood.
- (C) Multi-family development which is a part of a mixed-use development proposal is encouraged to utilize the PUD District process outlined in Section 2.507 (PUD District Regulations).

3.203.3 Boarding Houses:

A boarding house is subject to the conditional use process with the BZA. If approved by the BZA, with or without additional conditions, the use shall demonstrate compliance with the following requirements:

- (1) The owner or manager shall reside on site.
- (2) Sleeping rooms shall not constitute dwelling units (secondary dwelling units are subject to separate regulations in Section 3.204.6).
- (3) Sleeping rooms are to be used as a primary residence and are let or sublet for a period of thirty (30) days or more.
- (4) Sleeping rooms shall not have cooking facilities.
- (5) The structure includes a common entrance, shared utilities, and is limited to one (1) kitchen facility.
- (6) The shared kitchen is accessible to all occupants.
- (7) Parking must comply with standards for multi-family dwellings, in accordance with Section 3.303 (Off-Street Parking Requirements).
- (8) Meals are not served to the general public.

- (B)** A boarding house is not to be used as a hotel, motel, inn, dormitory, or convalescent home, nursing home, or group home.
- (C)** Individuals living together as a single housing unit does not constitute a boarding house.

§ 3.204 COMMUNITY-BASED OR SOCIAL-SERVICE RESIDENTIAL USE STANDARDS.

3.204.1 Institutional Care Facilities:

- (A) Institutional housing shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan and shall not use a local residential street as the principal access route.
- (B) All buildings shall be set back a minimum of one-hundred (100) feet from any abutting residential lot line, residential district, or recorded subdivision.

§ 3.205 COMMUNITY FACILITIES & ESSENTIAL SERVICE USE STANDARDS.

3.205.1 All Uses:

The use shall be located along and have direct access from an arterial roadway, unless the Approving Authority finds that access to an adjoining collector or local street is safer, and provides improved design, benefitting the Township.

3.205.2 Commercial Swimming Pool:

- (A) The area containing the pool shall be completely enclosed by a wall or fence not less than six (6) feet in height, with all access gates being lockable, self-closing and self-latching, and always maintained in good condition.
- (B) Pumps and filtering equipment and appurtenant structures shall be located at least two hundred (200) feet from off-site property lines.

3.205.3 Day Camps, Campgrounds, and Retreat Facilities:

A recreational vehicle or tent shall not be used as a place of permanent residence. Use of a recreational vehicle or tent for occasional, daily or overnight occupancy for not more than thirty (30) consecutive days is permitted.

3.205.4 Day Care Centers:

All structures shall be set back fifty (50) feet from any abutting residential lot line, residential district, or recorded subdivision.

3.205.5 Hospitals, Clinics, and Medical Centers:

All structures shall be set back two hundred (200) feet from any abutting residential lot line, residential district, or recorded subdivision. This setback may be reduced for small clinics at the discretion of the Approving Authority.

3.205.6 Schools, Colleges, and Universities:

All structures shall be set back two hundred (200) feet from any abutting residential lot line, residential district, or recorded subdivision.

3.205.7 Telecommunications Facilities:

(A) Purpose

Pursuant to ORC Section 519.211 (as amended), the location, erection, construction, reconstruction, change, alteration, or enlargement of a cellular antenna tower, base station, support structure, and/or small cell tower shall be subject to the following provisions.

(B) Applicability

The table below serves as a summary and guide only. General descriptions are paraphrased from the sections that follow and are not a substitute for any definition or standard herein.

FACILITY TYPE	GENERAL DESCRIPTION	REVIEW PROCESS	RELEVANT SECTIONS
Telecommunications Facility (Large)	50 feet in height or greater	Site Plan Review by Board of Township Trustees	3.205.7(C) 3.205.7(D)
Telecommunications Facility (Small Cell System)	Less than 50 feet in height, but greater than base zoning district height restriction	Administrative Review by Zoning Inspector	3.205.7(E) 3.205.7(F)
Exemptions	Less than base zoning district height restriction or not considered a "substantial change"	Administrative Approval by Zoning Inspector	3.205.7(C)(2) 3.205.7(E)(5)

(C) Review Process for Telecommunication Facilities (Large)

(1) New Facility Request

A Site Plan Review in accordance with Section 1.304 shall be reviewed and acted on by the Wayne Township Board of Trustees, either for approval as submitted, approval with conditions, or disapproval, within one hundred-fifty (150) days after submitted to the Zoning Inspector, plus any tolling periods that may have been granted per subsection (3).

(2) Existing Facility Modification Request

- (a) Modification of an existing facility may involve one (1) or more of the following:
 - (i) Collocation of new transmission equipment;
 - (ii) Removal of transmission equipment; and/or
 - (iii) Replacement of transmission equipment.
- (b) A modification request that constitutes a “substantial change” to the physical dimensions of an existing facility shall be reviewed and acted upon by the Wayne Township Board of Trustees, either for approval as submitted, approval with conditions, or disapproval, within ninety (90) days after submitted to the Zoning Inspector, plus any tolling periods that may have been granted per subsection (3).
- (c) Modifications of an existing facility are deemed a “substantial change” subject to approval by the Wayne Township Board of Trustees pursuant to Section 1.304 (Site Plan Review) if the modification meets any of the following criteria:
 - (i) For towers not in the public right-of-way, the height of the structure is increased by more than ten (10) percent or more than twenty (20) feet, whichever is greater. For towers in the public right-of-way and all base stations, the height of the structure is increased by more than ten (10) percent or more than ten (10) feet, whichever is greater;
 - (ii) For towers not in the public right-of-way, an appurtenance added to the body of the tower would protrude by more than twenty (20) feet from the edge of the tower or more than the width of the tower structure at the level of the appurtenance, whichever is greater. For towers in the public right-of-way and all base stations, an appurtenance added to the body of the structure would protrude by more than six (6) feet from the edge of the structure;
 - (iii) Entails any excavation or deployment outside the existing site;
 - (iv) Would defeat the concealment elements of the eligible support structure; or
 - (v) Would not comply with conditions associated with site approval for the construction or modification of the eligible support structures or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in items (i) through (iv) above.

- (d) A modification request that does not constitute a “substantial change” to the physical dimensions of an existing facility, per the criteria outlined in subsection (c), shall be deemed exempt from zoning and approved by the Zoning Inspector within sixty (60) days following submission, plus any tolling periods that may have been granted per subsection (3).

(3) Tolling

- (a) The review period begins when the application is filed, and may be tolled only by mutual agreement by the Board of Township Trustees and the applicant, or in cases where the Zoning Inspector determines that the application is incomplete.
- (b) To toll the time frame for incompleteness, the Zoning Inspector must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application. Tolling begins on the date when such notice is mailed.
- (c) Following a supplemental submission, the Zoning Inspector will notify the applicant within ten (10) days about the completeness of the application. Subsequent notices of incompleteness shall not specify missing documents or information that was not delineated in the original notice of incompleteness. Tolling ceases on the date when the Zoning Inspector mails notice to the applicant specifying that the application is complete.

(D) Development Standards for Telecommunication Facilities (Large)

(1) Justification

The applicant for a new telecommunications facility tower or other type of support structure shall demonstrate the need by submitting a needs study that identifies the location, or group of locations, where a facility will meet the communications need. Justification shall include, but is not limited to, copies of certified mail requests sent to all other tower owners in the vicinity of the proposed tower, stating the applicant’s needs. The applicant shall provide documentation of each request and responses. Among the locations identified, the applicant shall locate the facility according to the following priority locations, listed from greatest priority (a) to least priority (e):

- (a) Collocation on another tower that meets the requirements of this section.
- (b) On an existing utility structure such as a water tower.
- (c) On an existing structure such as a steeple where the antenna can be camouflaged to retain the appearance of the structure.

- (d) On a site where the tower will largely be screened from view from residential property and public rights-of-way by distance, intervening buildings, and vegetation.
- (e) On another location, with screening as approved.

(2) Collocation

A new tower facility shall provide at least two (2) collocation opportunities.

(3) Setbacks

- (a) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height, as a clear falling zone.
- (b) A tower may encroach within the required setback only upon securing the following:
 - (i) An easement for the affected area from an adjacent/involved property owner; or,
 - (ii) A variance from the BZA upon certification by the American National Standards Institute (ANSI), the Electronic Industry Association (EIA), the Telecommunication Industry Association (TIA), and/or other recognized authorities that the engineered fall radius of the tower will be contained within the parcel boundary in which the site is located.
- (c) Setbacks for accessory structures (such as cabinets) may be reduced at the sole discretion of the Zoning Inspector to allow the integration of a telecommunication device into an existing or proposed structure such as a church steeple, lighting structures, electric transmission tower, or similar structure.

(4) Screening and Landscaping

Existing trees and shrubs shall be maintained to the greatest degree possible to screen the view of the tower and base facility. Additionally, the perimeter of the tower and base facility shall be planted with evergreen landscaping capable of forming a continuous visual buffer screen at least five (5) feet in height within two (2) years after planting.

(5) Height

Accessory structures (such as cabinets) are subject to the maximum building height permitted in the zoning district.

(6) Site Access and Circulation

(a) Site access shall be:

- (i) Installed and maintained by the site owner;
- (ii) Constructed of a dust-free surface material and load-bearing capacity sufficient to provide for safe intersection of the public road.
- (iii) Approved by the applicable fire/rescue department and the Warren County Engineer's Office or the Ohio Department of Transportation.

(b) Circulation shall be designed to provide for the following:

- (i) A T-turnaround or parking spaces configured to facilitate forward movement by vehicles.
- (ii) A driveway that is not less than ten (10) feet wide and that provides a double-width segment.

(6) Off-Street Parking

A minimum of one (1) parking space shall be provided.

(7) Lighting

Telecommunications towers shall not be illuminated unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority for security and/or for safety purposes. The applicant shall provide documentary evidence of compliance with FAA and Federal Communications Commission (FCC) requirements, unless not lawful to require for a modification request which does not qualify as a "substantial change."

(8) Security Fencing

- (a) A security fence, not less than six (6) feet tall with locking gate, shall enclose equipment areas and the base of the tower.
- (b) On each side of the fence, signage shall be prominently displayed stating "Keep Out - No Trespassing."
- (c) If the fence is electrified, additional signage warning "DANGER - HIGH VOLTAGE" shall be displayed.
- (d) Fencing shall be set back at least twenty (20) feet from any adjacent property line.

(9) Structural Sufficiency

- (a) The structural sufficiency of all new or altered telecommunications towers shall be certified by an engineer licensed in the State of Ohio, according to current standards of the Telecommunication Industry Association (TIA).
- (b) To ensure structural integrity and the health, safety, and general welfare of the public, telecommunications tower inspections shall take place as follows:
 - (i) Mono-pole towers at least every ten (10) years.
 - (ii) Lattice towers at least every five (5) years.
 - (iii) Guy-wire cable-secured towers at least every (3) years.
- (c) Inspections are the sole responsibility of the tower operator of record and shall be performed by an individual or company that is a member of the National Association of Tower Erectors. Results of the inspections shall be provided in writing to the Zoning Inspector and based upon the results, the Board of Township Trustees may require the repair or removal of a telecommunications tower.

(10) Liability Insurance

The owner of a wireless telecommunications facility and/or site owner shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage.

(11) Subdivision Compliance

A telecommunications tower site may be a leased area, on part or all of a parcel, subject to compliance with the Warren County Subdivision Regulations.

(12) Abandonment

The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.

(E) Review Process for Telecommunication Facilities (Small Cell Systems)

(1) Pre-Application Conference

A pre-application conference with the Zoning Inspector is required. Upon receipt of this request, the Zoning Inspector will coordinate with the applicant, any applicable utility providers, and the owner of the right of way or property on which the Small Cell System is proposed to be installed. Applicants shall provide preferred locations, structure design style and structure height upon request for the pre-application meeting.

(2) Application Submittal

All proposed Small Cell Systems shall be subject to administrative review and approval by the Zoning Inspector. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this section and other applicable sections of this Code. Where the Zoning Inspector finds that circumstances or conditions relating to the particular application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more requirements unreasonable, the Zoning Inspector may modify or waive such requirement, either permanently or on a temporary basis. Any modification or waiver shall be requested in writing by the applicant.

(3) Application Information

Multiple cell towers may be proposed in one (1) application to the Zoning Inspector. Applicants for the construction of Small Cell Systems shall submit:

- (a) The required application fee;
- (b) A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the application.
- (c) A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service.
- (d) A statement by an authorized representative that the applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission (FCC), and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the applicant to construct the proposed facility.

- (e) A full description of the number and dimensions of all Small Cell Towers proposed to be installed.
- (f) A site plan, signed and sealed by a professional engineer registered in Ohio, showing the proposed location of the tower and existing structures within five hundred (500) feet of the proposed site. For applications in which multiple towers are proposed, an overall site plan showing all proposed locations must be provided.
- (g) A vertical profile sketch or drawing of the towers, signed and sealed by a professional engineer licensed in Ohio, indicating the height of the tower and the placement of all antennas and equipment enclosures.
- (h) Written approval from the private property owner stating the applicant or provider has permission to construct a facility on their property. In the case of public right-of-way, public utility easements, or public property, written approval or the applicable permits must be submitted from the duly-authorized representative of the governing body. Should the right-of-way or public utility easement in question be located on private property (e.g. the property line goes to the centerline of the road), the private property owner shall also be notified.
- (i) Description of whether other overhead utilities exist within five hundred (500) feet of the proposed antenna location.

(4) Processing of Application

The Zoning Inspector shall review and take final action on applications for new Small Cell Systems within sixty (60) days of a completed application. This time period will not begin until the filing fee is submitted and the application is deemed complete. The Zoning Inspector shall notify the applicant once the application is deemed complete. The Zoning Inspector shall either: approve the application as submitted, or deny the application citing aspects of the application which do not conform to applicable Code requirements. After a Small Cell Tower is approved, separate applicable building, zoning, and electrical permits, and permission from the local jurisdiction, right-of-way or property owner are required prior to the beginning of construction. An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Inspector in the administration of these regulations may appeal the action to the BZA.

(5) Amendments to Approved Plans

Any amendments to plans, except for the minor adjustments outlined below, shall be made in accordance with the procedure of this Section, subject to the same limitations and requirements as those under which such plans were originally approved. The following activities shall be considered minor adjustments from the original approval of an application for towers located in

public rights of way; changes are measured cumulatively from the original approval of the tower or base station:

- (a) Tower height increases by less than ten (10) percent or ten (10) feet, whichever is greater.
- (b) Change in the tower width of less than ten (10) percent or six (6) feet, whichever is greater.

(F) Design Standards for Telecommunication Facilities (Small Cell Systems)

A new Small Cell System is subject to design review and approval by the Zoning Inspector. The design criteria required for the new Small Cell Towers is determined by the type of location or zoning district in which the facility is to be located.

(1) Non-Tower Small Cell System Locations

No administrative review by Staff is required for antennas locating on existing telecommunications structures, water towers, buildings, utility poles (as defined by this regulation) or other existing structures. These non-tower locations must adhere to all other applicable federal, state, and local codes, including building codes or permitting requirements.

(2) New Small Cell System Tower Locations in Residential Zoning Districts

The regulations in this section apply to all new Small Cell System Towers:

- (a) Temporary, mobile or wheeled cellular antenna towers shall not be permitted.
- (b) New Small Cell Towers shall not exceed the maximum building height for the zoning district within which they are located.
- (c) New Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
- (d) New Small Cell Towers shall not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
- (e) New Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the stealth technology, such as a design intended to look like a street light pole.
- (f) New Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the

stealth technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the stealth technology such as a design which integrates a decorative banner.

- (g) A Small Cell Tower located in an area with primarily underground utilities shall adhere to stealth technology that incorporates the telecommunications equipment into a streetscape amenity, such as a decorative lamp post, street light or other approved design. In areas with overhead utilities, cylindrical antennas are required.
- (h) A Small Cell Tower shall not be located closer than fifty (50) feet to an existing residential structure or the front setback line of a residentially zoned parcel.
- (i) A new Small Cell Tower shall not be located within five hundred (500) feet of an existing Small Cell System Tower. Multiple carriers are permitted and encouraged to locate on one tower, where possible.

3.205.8 Other Towers:

(A) Setbacks

- (1) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height.
- (2) A tower may encroach within the required setback only upon securing the following:
 - (a) An easement for the affected area from an adjacent/involved property owner; or
 - (b) A variance from the BZA upon certification by a recognized authority that the tower's engineered fall radius is contained within the parent parcel.

(B) Structural Sufficiency

Structural sufficiency shall be certified by a licensed engineer.

(C) Lighting

Towers shall not be illuminated unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority for security and/or for safety purposes. The applicant shall provide documentary evidence of compliance with all Federal Aviation Administration and Federal Communications Commission requirements.

(D) Abandonment

The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.

(E) Liability Insurance

The tower owner shall secure, and at all times maintain, public liability insurance for personal injuries, death, and property damage.

3.205.9 Wind Energy Conversion Systems (WECS) - Large Wind Farms:

WECS-Large Wind Farms are wind energy conversion systems that are designed to generate five (5) or more megawatts. WECS designed to generate less than five (5) megawatts are permitted as accessory uses pursuant to the standards of Section 3.208.12 for micro turbines and Section 3.208.13 for small WECS. Large Wind Farms shall comply with the following standards:

(A) Maximum Height

No turbine shall be more than one hundred sixty (160) feet in height to the top of the rotor blade at its highest point.

(B) Minimum Height of Exposed Rotors

The minimum height of exposed rotors shall be thirty (30) feet.

(C) Minimum Setbacks

- (1) All buildings incidental to the WECS shall meet the setbacks required for principal structures in the district in which the WECS is located.
- (2) Electrical substations shall be set back not less than seventy (70) feet from the property lines of all properties that are not included within the project area.
- (3) All turbines shall be set back from the property lines of all properties not included within the project area to not less than one hundred ten (110) percent of their height from grade to the top of the rotor blade.

(D) Additional Standards

- (1) Appropriate warning signage (e.g. electrical hazards) shall be placed on the system.
- (2) The Approving Authority shall adopt standards governing the location, erection, construction, reconstruction, alteration, maintenance, removal, and use of the system and the impact on public infrastructure and services.

§ 3.206 COMMERCIAL BUSINESS USE STANDARDS.

3.206.1 All Uses:

Commercial uses within a residential zoning district are limited to access from an arterial or collector road, but may also take access from a local road that is not more than five hundred (500) feet, or one (1) lot away, from an arterial or collector road; bed and breakfasts are exempt from this provision.

3.206.2 Animal Hospitals and Veterinary Clinics:

- (A) All structures shall be set back a minimum of one-hundred (100) feet from any abutting residential lot line, residential district, or recorded subdivision.
- (B) The use shall be designed so that noise or odor cannot be detected off-site as determined by the appropriate authority.
- (C) All activities, except animal exercising, shall be conducted within an enclosed building.
- (D) Outdoor exercising is not allowed between the hours of 9:00 p.m. and 8:00 a.m.
- (E) Boarding is limited to animals brought in for treatment or surgery.

3.206.3 Automobile Fueling Stations:

- (A) The use shall not include outdoor storage or impound yards for towed vehicles.
- (B) Fuel pumps shall be located a minimum of thirty (30) feet from the Warren County Thoroughfare Plan right-of-way.
- (C) Canopies may be erected over service station pump islands provided that the canopy shall be no closer than twenty (20) feet to the Warren County Thoroughfare Plan right-of-way and provided that the vertical supports for the canopy shall not be closer than twenty-five (25) feet to the Warren County Thoroughfare Plan right-of-way. Such canopy shall not exceed eighteen (18) feet above the ground level and shall be at least fourteen (14) feet above the ground level.

3.206.4 Automobile Repair:

- (A) Vehicles shall not be parked on the public right-of-way.
- (B) The use shall not include outdoor storage or impound yards for towed vehicles.
- (C) Repair work shall be conducted completely within an enclosed building and all automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building.
- (D) Vehicles shall not be parked or stored as a source of parts.

- (E) A temporary outdoor storage area must be no larger than twenty five (25) percent of the buildable area of the lot, and located behind or to the side of the principal structure. Temporary outdoor vehicle storage should not be allowed for more than thirty (30) days.
- (F) The use shall be located at least one hundred (100) feet from a residential use or district, school, or day care. A painting/body shop use shall be located at least five hundred (500) feet from any residential zoning district, school, or day care.
- (G) Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors and shall comply with OSHA and EPA requirements.

3.206.5 Automobile Sales and Rentals:

- (A) Vehicles shall not be parked on the public right-of-way.
- (B) The use shall not include outdoor storage or impound yards for towed vehicles.
- (C) Repair work shall be conducted completely within an enclosed building and all automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building.
- (D) No vehicle or equipment displays shall be located within a required parking area setback or perimeter buffer.
- (E) The use shall not have more than one display pad for one vehicle for every seventy five (75) feet of street frontage. The vehicle display pad may be elevated up to two (2) feet above grade level.
- (F) No vehicles shall be displayed on the top of a building.
- (G) All vehicles stored outside shall be parked on an asphalt or concrete surface.

3.206.6 Automobile Washing Facilities:

- (A) Car washes shall be completely enclosed, except at points of ingress and egress.
- (B) Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street. All maneuvering areas, stacking spaces, and exit aprons shall be located within the vehicle wash property.
- (C) Vacuum activities shall be located at least one hundred (100) feet from an adjoining residential use or district.

3.206.7 Bars, Billiard Parlors, Brewpubs, Night Clubs, and Taverns:

Structures shall be set back one hundred (100) feet from any abutting residential lot line, residential district, or recorded subdivision.

3.206.8 Bed and Breakfasts:

- (A) There shall be a maximum of six (6) guest rooms.
- (B) The bed and breakfast is a reuse of an existing single-family building having a minimum floor area of two thousand (2,000) square feet, or is a historic structure.

3.206.9 Country Inns:

- (A) There shall be a maximum of eight (8) guest rooms.
- (B) Individual guest rooms shall not contain cooking facilities.

3.206.10 Funeral Parlors, Crematories and Mortuaries:

- (A) A caretaker's residence may be provided as an accessory use within the main building.
- (B) Crematories must be in conformance with established Ohio Environmental Protection Agency (OEPA) standards.

3.206.11 Large Scale Retail (Big Box) Stores:

The following guidelines shall be used by the Approving Authority:

- (A) Building architecture should be attractive, varied, and human-scaled.
- (B) Building design should use materials, forms, and colors that provide visual interest.
- (C) Monotonous or blank walls should be avoided by appropriately scaled doors, windows, awnings, and detailing or landscaping, particularly at ground floor level.
- (D) Entry features should be clearly defined, should give orientation, and should add aesthetically pleasing character to the building. Entrances should combine different colors, textures, and the architectural elements required throughout this subsection to emphasize entrances and to break the monotony of large vertical surfaces.
- (E) Facades should be articulated to provide visual interest by incorporating color, texture, and material changes or through architectural, landscaping, or structural changes. Facades should incorporate recesses, off-sets, arches, colonnades, columns, pilasters, detailed trim, and contrasting courses of material, cornices, or porches to vary building facades.

- (F) Architectural and landscaping features should be used to mitigate the impacts of rear or sides of buildings visible from a public or private right-of-way, loading areas, storage areas, HVAC units, garbage receptacles, and other such features.
- (G) Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Rooflines may be varied with cantilevers, gables, parapets, and/or cornice lines. The continuous plane of a roofline should not exceed one hundred (100) feet.

3.206.12 Sexually-Oriented Businesses:

- (A) The purpose of these regulations is to regulate the potential secondary effects that are often caused by sexually-oriented businesses, and not to regulate the content of the message promoted by the business.
- (B) No sexually-oriented business shall be established within:
 - (1) Five hundred (500) feet of any land with a zoning district that permits residential uses.
 - (2) One (1) mile from another sexually-oriented business.
 - (3) A radius of one thousand (1,000) feet of any school, library, or educational facility, whether public or private, governmental or commercial, that is attended by persons under eighteen (18) years of age.
 - (4) A radius of one thousand (1,000) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
 - (5) A radius of one thousand (1,000) feet of any religious institution that is attended by persons under eighteen (18) years of age.
- (C) Distances shall be measured in a straight line from the nearest wall of the proposed sexually-oriented business to the property line of the potentially restrictive structure.
- (D) A sexually-oriented business lawfully operating as a conforming use is not rendered non-conforming by the subsequent location of another use which would normally restrict the sexually-oriented business from locating to the existing location.
- (E) All building openings, entries, windows, etc., for sexually-oriented businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk, or street. For new construction, the building shall be oriented as to minimize any possibility of viewing the interior from any public or semi-public areas.

§ 3.207 INDUSTRIAL, MANUFACTURING, & OTHER SERVICE USE STANDARDS.

3.207.1 All Uses:

(A) Outdoor Storage

- (1) Open storage shall not be located within fifty (50) feet of a property line directly abutting a residential use or zoning district. (see section 3.605.3, perimeter buffer yards)
- (2) Hazardous materials including petroleum shall be in accordance with all applicable federal, state, and local rules.
- (3) Outside storage shall be permitted only for materials which are associated with the principal use or manufacturing process on the lot.

(B) Noise

The noise emanating from premises shall be muffled so as to not become a nuisance.

(C) Fire and Safety Hazards

The storage and handling of flammable, hazardous, and combustible materials shall be subject to review by Fire/Emergency Services.

(D) Vibration

Uses shall not create continuous or intermittent vibrations beyond property lines.

(E) Liquid, Solid, and Hazardous Wastes

The use shall not discharge in a manner that would endanger public health, safety or welfare, the surrounding environment, or cause injury or damage to animals, vegetation, property, or surrounding businesses. The disposal of all industrial waste types shall be governed by the regulations and standards of applicable state and federal agencies.

(F) Nuisances

Dust, fumes, smoke, or odor shall not be detectable off-site.

(G) Setbacks from Residential Properties and Districts

For all industrial uses, the minimum setback for buildings, structures, and activities from an abutting residential use, residential district, or recorded subdivision is one-hundred (100) feet, unless otherwise specified specific to a use.

3.207.2 Mineral Extraction and Surface Mining:

In addition to the requirements stipulated in ORC Sections 519.141 and 1514.02, the following regulations shall apply to all mineral extraction and processing facilities and activities:

(A) Setback Requirements

All structures and activities, except parking, fencing, and offices, shall be set back one thousand (1,000) feet from a residential property line in existence, outside the G Zone, on the date the rezoning application was received by the Zoning Inspector.

(B) Water Pollution

- (1) Mining shall be prohibited in the floodway.
- (2) All excavations shall be graded or backfilled to assure that the excavated area will not collect and retain stagnant water.
- (3) Where floodwater or flooding potential exists, soil banks shall be graded and bermed high enough to prevent the overflow of floodwater into the gravel pits.
- (4) During mining and reclamation, drainage shall be controlled to prevent water pollution, flooding, landslides, erosion hazards, and off-site transport of soil sediments to adjoining lands.
- (5) The flow and quality of stream water from the site shall not be degraded by the use.

(C) Noise

Blasting and vibrations shall not exceed the levels permitted by applicable Federal and State laws, nor create a nuisance or hazard.

(D) Air Pollution

Control measures shall be implemented to control dust. The Board of Township Trustees may require the paving of travel surfaces, the upgrading of dust control devices, and other treatments to control dust as may be deemed necessary.

(E) Slope Stability and Setbacks

The sides of excavation sites shall be set back a minimum of fifty (50) feet from the property line, with a sufficient slope of excavation to ensure the lateral support of surrounding property with the following provisions:

- (1) The reclaimed sides of excavation sites shall be set back a minimum of one hundred fifty (150) feet from the right-of-way of all public streets or roads.

- (2) If the adjoining property is zoned G, no setback of mining operations from the common property line shall be required if the owners of each site, by signed agreement, are mining their properties per the respectively approved plan for each.
- (3) Final slopes shall be graded, contoured, or terraced sufficient to achieve soil stability and prevent landslides, erosion, and sedimentation. High walls will be permitted if compatible with the site plan approved future uses and measures are taken to ensure public safety. Where ponds or other resulting bodies of water are intended for recreational use, the banks and slopes around them shall be such to provide safe access, and if not for such use, appropriate safeguards provided to warn and control against unwanted intrusion, with only EMS access.

(F) Soil Erosion Sedimentation Control

- (1) The area of land affected, meaning the area of land which has been excavated, or upon which a spoil bank exists, or both, shall be recovered, wherever determined necessary per the approved reclamation plan, with topsoil or suitable subsoil, fertilizer, lime, or other soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.
- (2) A diverse vegetative cover of trees, grasses, and legumes capable of self-regeneration and plant succession shall be provided wherever required by the approved site plan.

(G) Transportation

- (1) Points of ingress and egress shall be located as approved by the Warren County Engineer or the Ohio Department of Transportation (ODOT), as appropriate.
- (2) The applicant shall include a map indicating the proposed major access roads to be utilized for ingress and egress for the excavation operation, unless otherwise waived in accordance with procedures outlined in ORC Chapter 1514.

(H) Reclamation

Mining and reclamation shall be carried out in the orderly sequence and timely manner required in accordance with the reclamation plan approved by the Ohio Division of Resources Management and/or as part of the zoning site plan approval. Reclamation shall be completed no later than three (3) years following termination of use. For a mineral extraction operation exempt from State permit requirements, a performance surety may be required.

(I) Additional Requirements

- (1) Written certification of compliance with requirements of the Ohio Revised Code (ORC) and the requirements of applicable authorities. The zoning permit shall be revoked if this required compliance is not demonstrated and maintained.
- (2) For sites along the Little Miami River, the excavation area shall be set back a minimum of three hundred (300) feet from the ordinary high-water mark of the river, unless otherwise permitted by Federal and State permitting authorities.

§ 3.208 ACCESSORY USE STANDARDS.

3.208.1 Accessory Use:

Accessory uses must:

- (A) Be customarily associated with and incidental, subordinate and secondary to a legally established principal permitted use and be in accordance with all requirements of this Code;
- (B) Be operated on the same lot as the principal use, unless otherwise provided.

3.208.2 Residential Accessory Structures:

Accessory structures, including detached garages and car ports, shall be permitted as an accessory use to principal use structures in any residential district in accordance with the following requirements:

(A) Residential Accessory Structures Standards Table

STANDARD	SIZE OF LOT				
	1 acre or Less	1 to 2 acres*	2 to 3 Acres*	3 to 5 acres*	Greater than 5 acres
Number of Structures Permitted	2	3	3	3	4
Number of Structures Greater than 200 Sq. Ft. Permitted	1	1	1	2	3
Maximum Total Footprint as a Percentage of Principal Structure*	50%	100%	150%	200%	None
Maximum Height (feet)	25	25	25	25	25
Minimum Setbacks* (feet)	10	10	10	10	10
Minimum Setback from Principal Structure (feet)	10	10	10	10	10

*1 to 2 acres: Includes lot sizes which are less than or equal to two (2) acres, but greater than one (1) acre.

*2 to 3 acres: Includes lot sizes which are less than or equal to three (3) acres, but greater than two (2) acres.

*3 to 5 acres: Includes lot sizes which are less than or equal to five (5) acres, but greater than three (3) acres.

*Maximum Total Footprint as a Percentage of Principal Structure: The total footprint of all accessory structures on a lot shall not exceed the percentage of the principal structure footprint as shown for each lot size category.

*Minimum Setbacks: Measured from property and Warren County Thoroughfare Plan right-of-way lines as shown in Section 3.103.1 (Minimum Setbacks).

(B) Setback from Right-of-Way

Accessory structures less than one-hundred fifty (150) feet away from the right-of-way shall be located in the rear or side yard, with exception for gazebos, pergolas, and archways which shall be located at least ten (10) feet from the right-of-way.

(C) Zoning Permit Required

Accessory structures require a permit in compliance with Section 1.303 (Zoning Permit Application). In addition to the requirements of that Section, the zoning permit application shall include the following:

- (1) A plot plan of the lot, premises, or parcel that illustrates the location of the proposed accessory structure and all other buildings and structures on the property.
- (2) The approved or future site of the wastewater treatment system, if applicable.

(D) Permitting of Accessory Structures Prior to Principal Use Structure

- (1) An accessory structure is not permitted on a lot less than or equal to three (3) acres, prior to the establishment of a principal use structure, unless the following requirements have been met:
 - (a) A building permit has been issued and the footer approved and installed for the principal use structure;
 - (b) The location of an accessory structure is found acceptable in relation to the future principal structure;
 - (c) The location of the accessory structure does not interfere with the central sanitary sewer or the on-site wastewater treatment system as determined by the appropriate authority; and
 - (d) The size of the accessory structure is no larger than 200 square feet.
- (2) An accessory structure is permitted on lots greater than three (3) acres prior to the establishment of the principal structure if the use is for storage of equipment, materials, supplies, and vehicles which are necessary for maintaining the property, and complies with the following requirements:
 - (a) One (1) accessory structure with a maximum size of twelve hundred (1200) square feet shall be permitted if a building permit has been issued, and the footer approved and installed for the principal use structure.

(b) Minimum setback is one hundred fifty (150) feet from the right-of-way or required front yard setback for panhandle lots.

(c) The location of the accessory structure does not interfere with the central sanitary sewer or the on-site wastewater treatment system as determined by the appropriate authority.

(E) Accessory Structures for Agricultural Purposes

In platted subdivisions, any accessory structure used for agriculture, including the containment of animals, shall also be subject to the requirements specified in Section 3.102 (Agricultural Use in Subdivisions).

(F) Anchoring of Accessory Structures

Accessory structures must be anchored per the building code or if less than two hundred (200) square feet then must be anchored on all four (4) corners with screw-type or post-in concrete type of anchors.

(G) Prohibited as Accessory Uses

Storage/shipping containers and transportation vehicles without wheels shall not be used as accessory structures.

3.208.3 Non-Residential Accessory Structures:

(A) An accessory structure is not permitted prior to the establishment of a principal use structure, unless the following requirements have been met:

(1) A building permit has been issued and the footer approved for the principal use structure; and

(2) The location of the accessory building is found acceptable in relation to the future principal structure; and

(3) The location of the accessory building does not interfere with the sanitary sewer or the on-site wastewater treatment system as determined by the appropriate authority.

(B) The total area of accessory buildings shall be included in the floor area ratio allowance for the site.

(C) Detached accessory buildings shall meet the minimum setbacks required for principal uses in the district in which located.

(D) Accessory buildings must be anchored per the building code or if less than two hundred (200) square feet, then must be anchored on all four (4) corners with screw-type or post-in concrete-type of anchor.

3.208.4 Drive-In or Drive-Thru Service Facilities:

A drive-in or drive-through service facility shall satisfy the following requirements:

(A) Development and Operation Requirements

- (1) Vehicle stacking requirements specified in Section 3.304 and sufficient stacking shall be provided to prevent obstruction of any street, sidewalk or sight-distance;
- (2) Ingress and egress shall only be permitted from an internal private driveway serving the principal use of the site;
- (3) All access driveway intersection(s) of public streets shall only be permitted to the allowance, design and construction specifications of the Warren County Engineer or the Ohio Department of Transportation (ODOT), as applicable;
- (4) The location shall not impair or obstruct provision of emergency services of the site, as determined to the satisfaction of the Fire/EMS Department;
- (5) The turning radius of any curve in a driveway lane shall be sufficient to require only forward movement; i.e., no backing up to get through any curve in the drive-through lane.

(B) Facility Support Requirements

- (1) Signage shall comply with requirements specified in Article III Chapter 4, except for the following menu board and clearance sign provisions:
 - (a) May have two-way audio communication broadcasting;
 - (b) Limited to forty-eight (48) square feet;
 - (c) Shall not exceed eight (8) feet in height with the exception of clearance signs and they may be determined by the height and width of the structure or opening to be protected; and,
 - (d) Shall not be visible or audible from any off-site residential use or district.
- (2) A buffer shall be provided to prevent visual, noise and light impact, in addition to requirements specified in Article III, Chapter 6.
- (3) The height and width of vehicles the facility can accommodate shall be posted.

3.208.5 Drop-Off Boxes:

Drop-off boxes and dumpster style recycling collection containers for public use are permitted in accordance with the following standards:

- (A) One (1) drop-off box may be located in any yard area, but shall not be located in any area that is required to be landscaped.
- (B) Drop-off boxes must be placed on a hard paved surface and located outside of driveways and parking spaces required in accordance with Article III, Chapter 3 (Parking, Loading, and Circulation Regulations).
- (C) Drop-off boxes must be enclosed per the requirements of Section 3.607 (Screening Requirements) if not kept in a clean, new appearing condition. Drop-off boxes which are not kept within an enclosure shall not have dents, any deformation to the outside painted surface, any dirt or residue on the outside surface, graffiti, etc.
- (D) No more than three (3) boxes may be kept on a single site.
- (E) If two (2) or three (3) drop-off boxes are kept on a site, all boxes shall be kept within a common enclosure in conformance with Section 3.607 (Screening Requirements). The common enclosure for multiple boxes shall not be located in any area that is required to be landscaped, nor shall it be located in the front yard.
- (F) Each drop-off box shall be limited in size to ten (10) cubic yards and shall have a lid.
- (G) Trash/garbage collection areas and recycling collection containers for private on-site use are not considered “drop-off boxes” and are instead subject to the provisions of Section 3.208.7 (Outdoor Trash Container Enclosure).

3.208.6 Game Courts or Play Structures:

Outdoor recreation facilities, including game courts (e.g. tennis courts, basketball courts, etc.) and play structures (e.g. play sets, tree houses, trampolines, etc.), are subject to the following:

- (A) The facility shall be located in the rear and/or side yard and shall be set back ten (10) feet from any adjacent property line.
- (B) The use does not create a nuisance, disturb the peace, or result in a health or safety violation as reported to, acted upon by, an enforcement authority.
- (C) The use does not interfere with the operation of an on-site sewage treatment system or drinking well, as determined by the Warren County Combined Health District.
- (D) Trampolines must be secured to the ground in a way which withstands normal weather patterns.

3.208.7 Outdoor Trash Container Enclosures:

Trash and/or recycling container areas on non-residential and multi-family residential use sites shall be located in the side or rear yard and are subject to Section 3.607 (Screening Requirements).

3.208.8 Recreational and Commercial Vehicle Parking:

Parking of commercial and recreational vehicles are limited to the side and rear yards. Such vehicles shall be located on a driveway typical of the neighborhood and shall comply with the requirements of Section 3.104 (Junk, Junk Vehicles, and Other Salvageable Items Restrictions). Recreational and Commercial Vehicles are subject to the following:

(A) Recreational Vehicles

- (1) Recreational vehicles for the purpose of storage on a lot with a principal residential structure and not for purpose of habitation are subject to the following:
 - (a) A maximum of two (2) recreational vehicles are permitted in the rear and side yards.
 - (b) Any additional recreational vehicles must be stored in an enclosed building.
- (2) Recreational vehicles for the purpose of habitation are subject to the following:
 - (a) The use is prohibited, except for the purpose of providing temporary visits for a period lasting not more than fourteen (14) days and not exceeding two (2) times in twelve (12) months.
 - (b) May be used in accordance with Section 3.210.3 (Construction Related Activities), subject to applicable permitting requirements.
- (3) Parking or storage of recreational vehicles, boats, utility trailers or similar items is prohibited within the front yard, except for loading and unloading which does not exceed forty eight (48) hours.

(B) Commercial Vehicles

- (1) On lots less than five (5) acres, one (1) commercial vehicle, with or without a connected trailer, not exceeding thirteen (13) tons combined gross vehicle weight may be parked in any unenclosed area.
- (2) On lots greater than or equal to five (5) acres, two (2) commercial vehicles, with or without connected trailers, each not exceeding thirteen (13) tons combined gross vehicle weight, may be parked in any unenclosed area.

3.208.9 Satellite Dishes:

(A) Satellite dishes that are one (1) meter (3.28 feet) in diameter or less shall be subject to the following standards:

- (1) Such dishes shall not require a zoning permit.
- (2) To the maximum extent feasible, such dishes should be located to the side or rear of a structure. However, the township shall not have the authority to prevent the location of these smaller satellite dishes in the front yard.

(B) Satellite dishes that exceed one (1) meter (3.28 feet) in diameter shall be subject to the following standards:

- (1) Installation of these satellite dishes shall require a zoning permit.
- (2) Satellite dishes may be erected or installed on the ground of any property.
- (3) Roof mounting of dishes is only permitted in Commercial and Industrial districts.
- (4) Ground-mounted satellite dishes shall be set back a minimum of ten (10) feet from all lot lines.
- (5) Satellite dishes shall be prohibited in the front yards of any property on which it is located.
- (6) The maximum height of the satellite dish shall be fifteen (15) feet as measured from the average grade.
- (7) The maximum diameter of the satellite dish shall be twelve (12) feet.

3.208.10 Solar Energy Systems:

(A) Solar energy equipment shall be set back twenty (20) feet from all property lines and shall meet principal building height requirements for the district.

(B) Ground-mounted solar energy equipment shall be limited to a maximum height of five (5) feet and shall be located in the rear yard or side yard and screened from the public right-of-way.

(C) A ground-mounted solar energy system shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning permit.

(D) Non-functioning solar energy equipment shall be removed within three (3) months of becoming nonfunctional.

(E) The system's apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.

3.208.11 Swimming Pools:

- (A) Swimming pools shall be located only in the side or rear yard and shall be set back twenty (20) feet from any adjacent property line. This setback shall be measured from the edge of the pool water.
- (B) Swimming pools shall be surrounded by a wall or fence not less than four (4) feet in height for residential pools and not less than six (6) feet in height for community and public pools, with access gates that are lockable, self-closing, and self-latching and shall be maintained in good condition. The fencing requirement does not apply to residential swimming pools that:
 - (1) Are installed with a retractable rigid cover, tested per ASTM Standard F 1346; or
 - (2) Are above ground pools with sides greater than four (4) feet in height and the access point is secured in one of the following ways:
 - (a) With a fence that has a lockable, self-closing, and self-latching gate; or
 - (b) With a removable ladder or a ladder that swivels and latches in a position so that all parts of the ladder are above four (4) feet in height and capable of being locked.
- (C) Community and public pools and all related supportive installations, such as restrooms, changing rooms, food service, and eating areas must satisfy the construction and operation requirements of the Ohio Department of Health.

3.208.12 Wind Energy Conversion Systems (WECS) - Micro-Wind Turbine:

A micro-WECS is permitted as an accessory use structure in accordance with the following requirements:

- (A) No more than two (2) wind turbines shall be permitted per lot.
- (B) The height and location of a micro-WECS shall be such that, if the system were to collapse, it would fall within the boundaries of the subject lot.
- (C) Micro-WECS that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.
- (D) Micro-WECS stand-alone systems shall comply with the following requirements:
 - (1) May be permitted on lots with a minimum lot area of one (1) acre.
 - (2) The pole or supporting structure shall be set back a minimum of fifty (50) feet from any property line.

- (3) The minimum height from finished grade to the lowest portion of the blades is twelve (12) feet.
- (4) The maximum height shall be seventy five (75) feet measured from the average grade to the highest point on the blade.
- (5) The system shall comply with district setback standards.

3.208.13 Wind Energy Conversion Systems (WECS) - Small:

Small wind energy conversion systems are wind turbines that are designed to generate less than five (5) megawatts. They are permitted as an accessory use pursuant to the standards of this Section. WECS-Large Wind Farms are wind energy conversion systems that are designed to generate five (5) or more megawatts and are regulated by Section 3.205.11 (WECS - Large Wind Farms). Small wind energy conversion systems shall conform to the following standards:

- (A) The maximum height to the top of the rotor blade at its highest point shall be one hundred twenty (120) feet.
- (B) The minimum height from finished grade to the lowest portion of the blades is thirty (30) feet.
- (C) Minimum setbacks shall be measured equal to the height of the top of the rotor blade measured from all:
 - (1) Property lines; and
 - (2) Overhead utility lines (except those connecting to the principal building).
- (D) Access shall be limited by:
 - (1) A minimum six (6) foot high fence around the base of the tower; or
 - (2) A tower climbing apparatus twelve (12) feet or greater above the ground; or
 - (3) A design that does not include a climbing apparatus because the turbine is lowered for service.
- (E) Noise levels from the generator shall not exceed forty (40) DBA at the property line.
- (F) The system shall not be used for advertising.
- (G) All access doors or panels to wind turbine towers and electrical equipment shall be lockable.
- (H) Appropriate warning signage (e.g., electrical hazards) shall be placed on the system.

- (I) The approving authority may adopt additional standards governing the location, erection, construction, reconstruction, alteration, maintenance, removal, and use of the system and the impact on public infrastructure and services.

§ 3.209 HOME USE STANDARDS.

3.209.1 Home Occupations:

- (A) The purpose of the home occupation provisions is to allow for home occupations that are compatible with the neighborhood in which they are located. Home occupations are allowed as either a permitted use or a conditional use in accordance with this section.
- (B) Home occupations which comply with the following standards shall be permitted:
- (1) A home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
 - (2) Home occupations shall not use more than twenty-five (25) percent of the floor area used for human occupancy.
 - (3) No home occupation shall be conducted in any accessory building, although an accessory structure no larger than two hundred (200) square feet may be used for storage.
 - (4) There shall be no outside storage of equipment, vehicles, or supplies associated with the home occupation, except as provided in Section 3.208.7(B) for commercial vehicle parking.
 - (5) There shall be no display of products visible in any manner from outside of the dwelling.
 - (6) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
 - (7) Not more than one (1) person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.
 - (8) There shall be no clients or customers visiting the site.
 - (9) No sign, other than one non-illuminated nameplate, two (2) square feet in area and mounted flat on the front face of the dwelling or on a driveway lamppost, shall be erected or maintained on the premises.
 - (10) No equipment or process shall be used in such home occupation, which creates noise, vibrations, glare, fumes, odors or electrical interference detectable off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in the voltage off the premises.
- (C) Should a home occupation be proposed which deviates from one (1) or more of the standards and requirements listed above in subsection (B), the home occupation shall be

subject to the conditional use process with the BZA. The BZA may choose to approve, deny, or approve with additional conditions, the proposed home occupation based on impacts to surrounding properties and the character of the existing neighborhood.

(D) The following home occupations shall be prohibited:

- (1) Homes that serve as a gathering point for employees engaged in the business that takes place off premises. This may include, but is not limited to, landscape business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation;
- (2) Home occupations that involve the use or storage of tractor trailers, semi trucks, or heavy equipment such as construction equipment used in a business, except as provided in Section [3.208.8\(B\)](#);
- (3) Home occupations that require fire safety inspections, precautions or permits or other regulatory inspections or permits involving public health and safety;
- (4) Home occupations that require the use of mechanical ventilation systems to exhaust hazardous by-products of the home occupation; or
- (5) Home occupations that involve the use of controlled substances.

3.209.2 Secondary Dwelling Units (Attached):

(A) Standards

One (1) attached secondary dwelling unit is allowed per lot in conjunction with an owner-occupied single-family residential unit (elsewhere in this section referred to as the “primary dwelling unit”), in accordance with the following requirements:

- (1) The secondary dwelling unit is located entirely within the principal structure, and has at least one (1) internal connection to the primary dwelling unit.
- (2) Access points (i.e. all door entrances including garage doors) serving the secondary dwelling unit shall not be located on the front facade of the structure. An exception is made for garage doors which are attached to the principal structure and located adjacent to another garage door serving the primary dwelling unit.
- (3) The secondary dwelling unit shares the same address and utility bill as the primary dwelling unit.
- (4) Off-street parking is sufficient to accommodate all occupants of both the primary dwelling unit and secondary dwelling unit.

- (5) The secondary dwelling unit's maximum living space shall be fifty (50) percent of the total living space of the primary dwelling unit, but at no time shall exceed fifteen hundred (1,500) square feet of living space.

(B) Zoning Permit Required

The applicant shall provide a site plan, building elevations, and floor plan for review and approval in accordance with the zoning permit review process specified in Section 1.303 (Zoning Permit Application).

(C) Conditional Use Limit

Another conditional use may be approved on the same lot as an approved secondary dwelling unit (a secondary dwelling unit subject to the conditional use process shall not be counted toward the maximum conditional use allowance per Section 1.305.4(B)(9)).

3.209.3 Secondary Dwelling Unit (Detached):

(A) Standards

One (1) detached secondary dwelling unit is allowed per lot in conjunction with an owner-occupied single-family residential unit (elsewhere in this section referred to as the "primary dwelling unit"), in accordance with the following requirements:

- (1) The secondary dwelling unit is a standalone accessory structure subject to the provisions of Section 3.208.2 (Residential Accessory Structures), except that such structure shall be subject to the same district setback requirements as the principal structure.
- (2) The secondary dwelling unit shares the same address and utility bill as the primary dwelling unit.
- (3) Off-street parking is sufficient to accommodate all occupants of both the primary dwelling unit and secondary dwelling unit.
- (4) The secondary dwelling unit's maximum living space shall be fifty (50) percent of the total living space of the primary dwelling unit, but at no time shall exceed fifteen hundred (1,500) square feet of living space.

(B) Zoning Permit Required

The applicant shall provide a site plan, building elevations, and floor plan for review and approval in accordance with the zoning permit review process specified in Section 1.303 (Zoning Permit Application).

(C) Conditional Use Limit

Another conditional use may be approved on the same lot as an approved secondary dwelling unit (a secondary dwelling unit subject to the conditional use process shall not be counted toward the maximum conditional use allowance per Section 1.305.4(B)(9)).

§ 3.210 TEMPORARY USE STANDARDS.

3.210.1 General Standards:

This section allows for the establishment of uses of limited duration, provided such uses are discontinued upon the expiration of a set time period. Special events in County/Township facilities and parks shall be regulated by the County/Township respectively and are not limited by this section. All temporary uses or structures shall:

- (A)** Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (B)** Be compatible with the principal uses taking place on the site;
- (C)** Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (D)** Not include permanent alterations to the site;
- (E)** Not maintain temporary signs associated with the use or structure after the activity ends;
- (F)** Not violate the applicable conditions of approval that apply to a site or use on the site;
- (G)** Not interfere with the normal operations of any permanent use located on the property;
- (H)** Not encroach on established landscaped areas of developed sites; and
- (I)** Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

3.210.2 Setbacks:

Temporary uses, including display or sale of items, shall adhere to the same setback requirements as principal uses in the zoning district where located, unless expressly stated otherwise in this Code, and shall provide for clear vision area at each intersection or driveway.

3.210.3 Construction-Related Activities:

(A) General

Temporary construction-related activities, including construction and sales office buildings may occur on the same site as the construction activity or a nearby site by obtaining a permit. Such uses shall be removed within thirty (30) days after issuance of the last certificate of occupancy for the development.

(B) Residential Construction

Temporary housing, including but not limited to a manufactured home or RV, may be permitted in accordance with the following requirements:

(1) Timing of Approval

The temporary housing unit may not be placed on the property prior to the issuance of a building permit for the permanent residence, the approval of the foundation, the approval of a curb cut, and health department permit.

(2) Renovation and Remodeling

The temporary housing unit may be occupied on site during renovation or remodeling of the principal structure. Upon completion of the renovation or remodeling, if the temporary housing unit is an RV, the RV may remain on the site but it shall comply with the requirements of Section 3.208.8 (Recreational and Commercial Vehicle Parking) within thirty (30) days of the date of the last final inspection. In no case shall the primary residential structure and the temporary housing unit be occupied at the same time. A manufactured home may not be stored on the site upon completion of the renovation or remodeling.

(3) Occupancy Limitations

The temporary housing unit may be occupied for a period of six (6) months and an additional six (6) month period may be approved by the Zoning Inspector if construction progress has occurred. In no case shall the unit be occupied for more than one (1) calendar year.

3.210.4 Portable Storage Containers:

Portable Storage Containers (e.g. PODS™) shall be permitted in accordance with the following requirements:

(A) Location

Containers shall be located on the driveway or within the rear or side yard.

(B) Time Limits

The maximum number of days a storage container may be placed on any property shall be thirty (30) days within any twelve (12) month period and may be extended by the Zoning Inspector up to thirty (30) additional days.

(C) Additional Requirements

- (1) No more than two (2) temporary portable storage units shall be located on a property.
- (2) Containers shall not be located within ten (10) feet of any lot line unless located on a driveway.
- (3) The property where the temporary portable storage unit is located must be occupied by a principal building.

3.210.5 Yard/Garage Sales, Estate Sales, and Private Auctions:

Such sales are permitted in accordance with the following:

- (A)** Shall not exceed seventy-two (72) hours of total duration;
- (B)** Maximum of three (3) such sales permitted per property annually;
- (C)** Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale;
- (D)** External evidence of the sale shall be removed immediately upon the conclusion of the sale.

3.210.6 Temporary Tents:

Temporary tents in residential zones shall be erected for no longer than four (4) months. Temporary tents in non-residential zones shall be erected for no longer than two (2) weeks.

3.210.7 Prohibited Temporary Uses:

The following activities are prohibited in all zoning districts:

- (A)** Retail sales or display of goods, products, or services within the right-of-way are prohibited, except as part of an event authorized by Wayne Township or Warren County.
- (B)** Retail sales or display of goods from vehicles, except as an extension of a permitted business.

CHAPTER 3: PARKING, LOADING, AND CIRCULATION REGULATIONS**§ 3.301 PURPOSE AND APPLICABILITY.****3.301.1 Purpose:**

The intent of this Chapter is to provide for adequate passenger vehicle and delivery truck parking for different types of land uses within the Township zoning jurisdiction and to set standards for the construction and use of off-street parking facilities. Within this Chapter, standards have been identified for:

- (A) The establishment of certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for exceeding maximums when a demonstrated need exists. Generally, parking requirements should be based on actual average parking demands rather than to accommodate the highest hourly parking at a site, as conventional requirements often dictate.
- (B) The design of parking areas, which is intended to enhance the use of the parking area as it relates to the site development as a whole, while providing efficient parking, improved storm water runoff, vehicle circulation, and attractive, safe pedestrian access.
- (C) The temporary parking of trucks with the primary intent of delivering goods for storage and/or sale to the general public.
- (D) The temporary parking of private passenger vehicles as a use incidental to a principal use.

3.301.2 Applicability:

All vehicular use areas (e.g. parking spaces, loading spaces, stacking spaces, driveways, etc.) shall be provided in conformance with the provisions of this Chapter prior to occupying or using any building, structure, land, or portion thereof.

(A) New and Expanded Uses

The requirements of this Chapter shall apply to the following:

- (1) A zoning permit application for the construction of a new building.
- (2) For an alteration, addition, or change of use of an existing building that would expand the square footage of a use or would require additional parking, loading, or stacking spaces, based on the requirements of this Chapter; or
- (3) Where an expansion of a vehicular use area is proposed.

(B) Existing Uses

The requirements of this Chapter shall not apply to buildings and uses legally in existence on the effective date of this zoning resolution unless modified in the manner stated in Section 3.301.2(A) (New and Expanded Uses). Furthermore, any vehicular use areas now serving such existing buildings or uses shall not be reduced below the requirements established in this Chapter in the future.

(C) Maintenance

The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the joint responsibility of the owner, operator, and lessee of the use for which the vehicular areas are required.

(D) Plan Review

Compliance with the requirements and standards of this Chapter shall be reviewed at the time of site plan review, or if expressly permitted by this Code without being subject to site plan review, will be reviewed by the Zoning inspector at the time of a zoning permit application. The required contents of the parking plan shall be as established by the Zoning Inspector.

§ 3.302 DEFINITIONS AND STANDARDS.

The following shall apply to all off-street parking or loading facilities.

3.302.1 Number of Required Spaces:

Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Chapter. Required parking, stacking, and loading spaces shall be considered separate and distinct components and requirements.

3.302.2 Fractions:

Where fractional spaces result during the calculation of required parking, the required number of parking spaces shall be rounded upward to the next highest whole number.

3.302.3 Seats:

In the case of benches, pews, and similar seating accommodations, each eighteen (18) inches thereof shall be counted as one (1) seat for the purposes of determining parking requirements.

3.302.4 Floor Area:

For the purpose of this Chapter, "floor area" in the case of offices, commercial, or service types of use shall mean the gross floor area used for or intended to be used for, services to the public as customers, patrons, clients, or patients or as tenants, including areas

occupied for fixtures and equipment used for display or sale of merchandise. In the case of shopping centers, "floor area" shall refer to the gross leasable area.

3.302.5 Location of Spaces:

- (A) Off-street parking facilities for residential uses shall be located on the same lot they are intended to serve.
- (B) The location of all required off-street parking spaces on a non-residential use site shall be within five hundred (500) feet of the building entrance they are intended to serve.

3.302.6 Unlisted Uses:

- (A) Upon receiving an application for a use not specifically listed in Section 3.303.2, the Zoning Inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regard to use, size, and intensity of use.
- (B) If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, he or she may refer to the estimates of parking demand based on the recommendations from parking studies prepared by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), and/or the American Planning Association (APA).

3.302.7 Collective Parking:

Nothing in this Chapter shall be construed to prevent collective provision of off-street parking facilities for two (2) or more buildings or uses, provided that, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the provisions of this Chapter.

3.302.8 Irrevocable Use:

All required off-street parking and loading spaces shall be reserved irrevocably and shall not be changed to any other use unless spaces meeting the standards of this Chapter are provided elsewhere, or the parking requirements of the use change.

3.302.9 Storage, Repairs, and Dumping Prohibited:

Required parking and loading spaces shall not be used for parking of inoperable vehicles, outside storage or display of any equipment, products or materials, or dumping of refuse.

3.302.10 Placement of Vehicles Offered "For Sale" or "For Trade":

No person or owner of any vehicle or watercraft shall allow such vehicle to be placed or parked on any public property in the Township zoning jurisdiction, including street rights-of-way, or on any private property zoned for office, commercial, industrial, or service type uses for the purpose of advertising a vehicle "for sale." The provisions of this subsection do not apply to properly licensed motor vehicle dealerships and car lots.

3.302.11 Screening:

Landscaping, screening, and buffering shall be provided for all parking and loading facilities in accordance with the provisions of Article III Chapter 6 (Landscaping and Screening Regulations).

3.302.12 Exterior Lighting:

Where provided, exterior lighting shall comply with the standards of Article III Chapter 5 (Lighting Regulations).

3.302.13 Access and Maneuverability:

- (A) Except for single-family and two-family dwellings, off-street parking and loading spaces shall have access so that their use will not require backing movements or other maneuvering within a public street or right-of-way, nor require the moving of one vehicle to access another vehicle.
- (B) There shall be no obstruction of a public sidewalk, including that portion of the sidewalk within a driveway apron, due to parking, loading, or other activity.
- (C) The spacing of all ingress and egress points shall comply with the provisions of the Warren County Access Management Regulations.
- (D) The Zoning Inspector shall review all sites in non-residential zoning districts to determine whether it is necessary to provide cross-access easements to adjacent parcels in order to achieve better circulation throughout the corridor and to minimize driveway cuts along public roads. Such review shall be in conjunction with the Warren County Engineer's Office. Where a cross-access easement is determined to be necessary, shared maintenance agreements shall be filed with the Warren County Recorder and provided to the Zoning Inspector prior to approval.

§ 3.303 OFF-STREET PARKING REQUIREMENTS.

3.303.1 Required Number of Parking Spaces:

- (A) The table in Section 3.303.2 (Schedule of Required Parking by Use) defines the number of parking spaces required for each use within Wayne Township.
- (B) For single-family and two-family dwellings, the number required by Section 3.303.2 shall be interpreted as a minimum requirement. Additional parking spaces above the minimum may be provided.
- (C) For all uses other than single-family and two-family dwellings, the number of parking spaces required in Section 3.303.2 (Schedule of Required Parking by Use) may be modified according to the following provisions without requiring a waiver:

- (1) An applicant may provide a number of spaces equal to the number of spaces required by Section 3.303.2 (Schedule of Required Parking by Use);
 - (2) Up to ten (10) percent fewer than the number of spaces required by Section 3.303.2 (Schedule of Required Parking by Use); or
 - (3) Up to twenty (20) percent more than the number of spaces required by Section 3.303.2 (Schedule of Required Parking by Use).
- (D) Applicants may propose fewer parking spaces than provided in Section 3.303.1(C)(2) through the use of shared parking pursuant to Section 3.303.4 (Shared Parking).
- (E) Applicants proposing more spaces than allowed in Section 3.303.1(C)(3) must submit a request for a waiver accompanied by a parking demand study that illustrates the need for the additional parking for the use(s) proposed. Prior to the Approving Authority rendering a decision on the site plan review, the Township Trustees shall make a determination on whether to approve or deny the waiver request based on the information presented by the applicant and whether or not the proposed increase in parking will be detrimental to the proposed development, to surrounding properties, or to the general character or appearance of the area. The Township Trustees may impose additional landscaping requirements above what is required by Section 3.608 (Landscaping and Screening of Parking Areas), or other requirements, to alleviate the impact of increased parking.

3.303.2 Schedule of Required Parking by Use:

DEVELOPMENT USES	PARKING SPACES REQUIRED
RESIDENTIAL USES	
Single Family Dwellings	4 per dwelling unit, exclusive of garage spaces
Two Family Dwellings	2 per dwelling unit, exclusive of garage spaces
Multiple Family Dwellings, One or Two Bedrooms	1.5 per dwelling unit plus 0.5 per unit for guest space, exclusive of garage spaces
Multiple Family Dwellings, Three or More Bedrooms	2.0 per dwelling unit plus 0.5 per unit for guest space, exclusive of garage spaces
Boarding House	1 for each sleeping room

COMMUNITY-BASED OR SOCIAL-SERVICE RESIDENTIAL USES	
Assisted Living Facilities	0.5 per dwelling unit
Family & Group Day Care Homes	1.5 per on-duty caregiver based upon maximum employment shift, plus required spaces for the dwelling
Institutional Housing, Substance Abuse Rehab Facility	1 per 6 residents, plus 1 per on-duty employee based upon maximum employment shift
COMMUNITY FACILITIES & ESSENTIAL SERVICES USES	
Assembly Halls, Auditoriums & Performing Arts Centers, Churches/Places of Worship, Civic Clubs, Halls and Lodges, Conference/Training Centers	1 per 4 seats in room with greatest seating capacity or 1 per 40 square feet in largest assembly area without fixed seating
Athletic Field	20 spaces per field
Commercial Swimming Pool	1 per 125 square feet of surface water area
Day Care Center	1 per 750 square feet

DEVELOPMENT USES	PARKING SPACES REQUIRED
Event / Recreational Facility – Indoor	1 for each 5 people allowed within the maximum occupancy load as established by the fire marshal
Event / Recreational Facility – Outdoor	As determined at Site Plan Review
Government Offices, excluding Post Offices	1 per 350 square feet
Hospitals, Clinics, Medical Centers	2 per bed
Libraries, Museums, Fine Arts Centers	1 per 450 square feet
Post Offices	1 per 150 square feet

Schools (Pre-School, Elementary, and Secondary)	1.5 per teacher, employee and administrator, plus any required spaces for accessory uses, such as assembly halls
Schools (High School, College/University, Career Center)	0.4 per school population (students, faculty, staff)
COMMERCIAL BUSINESS USES	
Administrative, Business, and Professional Offices	1 per 400 square feet
Animal Hospital or Veterinary Clinic	1 per 450 square feet
Automobile Fueling Station	1 per 350 square feet plus 2 spaces per fuel pump
Automobile General Repair	1 per 250 square feet of office space plus 2 per service bay
Automobile Sales or Rental	1 per 400 square feet of showroom and/or office space plus 2 per service bay
Automobile Washing Facility	3 stacking spaces for each wash lane plus 2 drying spaces per lane

DEVELOPMENT USES	PARKING SPACES REQUIRED
Banks and Financial Institutions	1 per 400 square feet and 3 per ATM
Barber, Beauty Shop, & Personal Care Salon	2.5 per service chair or station
Bed and Breakfast	2 for the owner/operator plus 1 per guest room
Bowling Alley	4 for each alley
Cinema	1 per 4 seats
Commercial Amusement, Indoor	1 for each 5 people allowed within the maximum occupancy load as established by the fire marshal

Commercial Amusement, Outdoor / Drive-In Movie Theater	As determined at Site Plan Review
Farm Market or Produce Stand	1 per 350 square feet of usable floor area
Funeral Parlor, Crematory or Mortuary	1 per 75 square feet of parlor or chapel space
Furniture and Home Furnishing Store	1 per 800 square feet
Garden Center	1 per 300 square feet plus 1 per 1,500 square feet of outdoor sales or display area
Golf Course	3 per hole
Golf Driving Range	1.5 per tee
Hardware, Home Improvement, Building Materials & Supplies Store	1 per 550 square feet
Health/Fitness Club, Gym or Spa	1 per 300 square feet

DEVELOPMENT USES	PARKING SPACES REQUIRED
Hotel, Motel or Country Inn	1.2 per lodging unit, plus 1 per each 150 square feet of banquet, assembly, meeting, or restaurant seating area
Ice or Roller Skating Rink	1 per 250 square feet
Laundromat or Dry Cleaner	1 per 400 square feet
Medical Offices and Clinics, Massage Therapists	1 per 300 square feet
Miniature Golf	2 per hole

Open Air Sales	1 per 250 square feet of indoor floor space plus 1 per 500 square feet of outdoor sales or display area
Restaurant, Bars, Tavern, or Pub	1 per 150 square feet
Retail Stores and Commercial Business & Services	1 per 300 square feet
Self Storage Facility	1 per 80 storage units
Sexually Oriented Businesses	1 per 300 square feet
Stadium, Arena or Race Track	1 per 12 feet of bench seating or 1 per 8 seats
Tennis or Racquet Ball Court	4 per court
INDUSTRIAL, MANUFACTURING, & OTHER SERVICE USES	
All Uses	1 for each employee computed on the basis of the greatest number of persons to be present at any one period during the day or night

3.303.3 Location of Parking Areas:

- (A) Vehicles shall be required to park in designated parking areas only.
- (B) Parking areas and other paved areas and/or structures shall be set back from the edge of the building to provide for sidewalk and landscape treatments in front of the building.
- (C) Parking facilities for multi-family and non-residential uses shall be located as follows:
 - (1) Off-street parking areas shall be set back a minimum of fifteen (15) feet from the right-of-way line, unless the development property is directly across the street from a residential zoning district or recorded residential subdivision which is neither zoned for commercial use nor designated on the Future Land Use Map for future commercial or mixed use, in which case parking facilities shall be set back a minimum of fifty (50) feet from the right-of-way line.
 - (2) Off-street parking areas shall be set back a minimum of ten (10) feet from any side or rear lot line, unless the lot abuts a residential zoning district or recorded residential subdivision which is neither zoned for commercial use nor designated on the Future Land Use Map for future commercial or mixed use, in which case

the off-street parking shall be set back a minimum of fifty (50) feet from the property line.

3.303.4 Shared Parking:

Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities. When two (2) or more uses share a parking facility, and when demonstrated by a signed affidavit that the hours of their demand for parking do not overlap, or only partially overlap, then the parking requirements may be reduced by the Zoning Inspector if the parking area complies with the following standards:

- (A) Shared parking shall not be permitted on a vacant lot in a residential zoning district unless otherwise permitted by the BZA or Township Trustees as part of a site plan approval.
- (B) Shared parking areas shall adhere to the requirements for the most intense use.
- (C) In the event that a shared parking area is not under the same ownership as the principal use served, a written parking agreement shall be required.
- (D) No shared parking space shall be located more than five hundred (500) feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- (E) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
 - (1) A sufficient number of spaces are provided to meet the highest demand of the participating uses.
 - (2) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
 - (3) Any change in use of the activities served by a shared parking facility will be deemed an amendment to the shared parking facility plan and will require review and approval by the Township Trustees.
 - (4) All shared parking plans and agreements shall be recorded in the office of the Warren County Recorder and a copy of the recorded document shall be provided to the Zoning Inspector prior to any zoning permit being issued.
- (F) The minimum number of shared parking spaces is determined by the following process:
 - (1) Determine the parking spaces typically required for each use based on the standards of Section 3.303.2 (Schedule of Required Parking by Use).

- (2) Multiply the spaces determined in subsection (1) for each use by the Parking Occupancy Rates from the table on page 12 (using the appropriate use category).
- (3) Add the number of parking spaces determined in Step 2 together, for each time period of the Parking Occupancy Rate table.
- (4) The greatest number of the aggregate gross minimum number of parking spaces for each period shall be used.
- (5) An example is provided on below.

Example:

The following is an example of how a shared parking space calculation would be completed:

Office: 8,000 square feet

Restaurant: 120 seats

- (a) 1 parking spot per 3 seats of restaurant and 1 parking spot per 400 square feet for office, per the standards of Section 3.304.1
- (b) The restaurant needs 40 (120/3) spaces, and the office needs 20 (8,000/400) spaces. The normal required parking is 60 spaces before shared parking calculation.
- (c) The normal parking requirements are multiplied by corresponding Parking Occupancy Rates, as shown in the table below.

	Weekly Daytime: 6:00 a.m. to 6:00 p.m.	Weekly Evening: 6:00 p.m. to Midnight	Weekend Daytime: 6:00 a.m. to 6:00 p.m.	Weekend Evening: 6:00 p.m. to Midnight	Nighttime: Midnight to 6:00 a.m.
Office	(20 x 100%) = 20	(20 x 10%) = 2	(20 x 10%) = 2	(20 x 5%) = 1	(20 x 5%) = 1
Restaurant	(40 x 50%) = 20	(40 x 100%) = 40	(40 x 100%) = 40	(40 x 100%) = 40	(40 x 10%) = 4
Total	40	42	42	41	5

- (d) Largest aggregate total is the shared parking calculation. In this example, the required parking is reduced from 60 spaces to 42 spaces, saving a total of 18.

USE CATEGORY	PARKING OCCUPANCY RATES (%)
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	Weekly Daytime: 6:00 a.m. to 6:00 p.m.	Weekly Evening: 6:00 p.m. to Midnight	Weekend Daytime: 6:00 a.m. to 6:00 p.m.	Weekend Evening: 6:00 p.m. to Midnight	Nighttime: Midnight to 6:00 a.m.
Residential	60	90	80	90	100
Office/Industrial*	100	10	10	5	5
Retail	60	90	100	70	5
Hotel, Motel, Inn	75	100	75	100	75
Restaurant	50	100	100	100	10
Entertainment / Recreational	40	100	80	100	10
Church	10	30	100	30	5
School	100	30	30	10	5
Movie Theater	40	80	80	100	10
Conference / Convention	100	100	100	100	5

USE CATEGORY	PARKING OCCUPANCY RATES (%)				
	Weekly Daytime: 6:00 a.m. to 6:00 p.m.	Weekly Evening: 6:00 p.m. to Midnight	Weekend Daytime: 6:00 a.m. to 6:00 p.m.	Weekend Evening: 6:00 p.m. to Midnight	Nighttime: Midnight to 6:00 a.m.
Institutional (non-church)	100	20	10	10	5
Personal Services	100	80	100	50	5
Medical Offices	100	80	100	5	5
Commercial Services	75	95	100	100	5
All Other Uses	100	100	100	100	100

***Industrial:** Industrial uses with continuous shifts shall be calculated at 100% occupancy rates for all Time Categories.

3.303.5 Design Requirements:

(A) Minimum Size

Except in the case of single-family and two-family dwelling units, no parking area shall be smaller than five (5) parking spaces with the necessary corresponding aisle or drive.

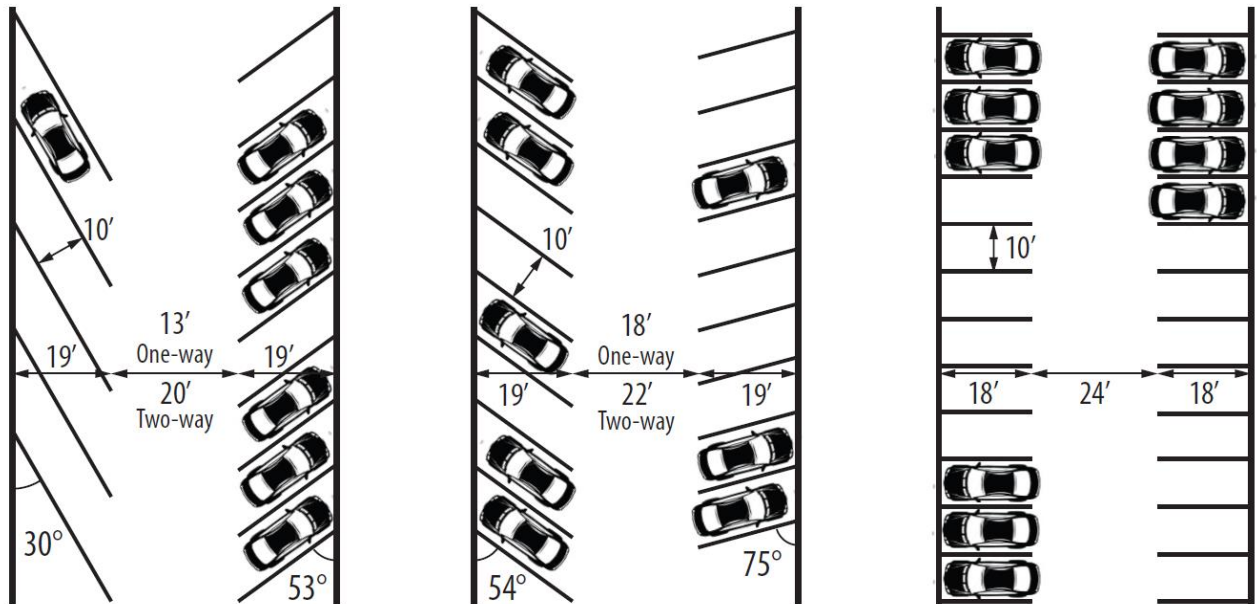
(B) Access and Driveways

- (1) There shall be adequate provision for ingress and egress to all parking areas as regulated by the Warren County Engineer's Office Access Management Regulations.
- (2) The width of a driveway (ingress/egress) for a multi-family or non-residential use, at the street right-of-way line, shall have a minimum width of twenty four (24) feet and maximum width of thirty six (36) feet (unless otherwise permitted or required by the Warren County Engineer's Office).
- (3) Shared ingress and egress is strongly encouraged for multi-family and non-residential uses whenever possible and may be required if deemed necessary by the Warren County Engineer's Office or ODOT as applicable.
- (4) All driveways shall be located at least five (5) feet from side or rear property lines for all residential properties and ten (10) feet for all other land uses. An exception may be made for shared driveways with an access easement.

(C) Dimensional Requirements

- (1) The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls and aisle width shall conform to the minimum standards set forth in the table below and illustration on page 15.

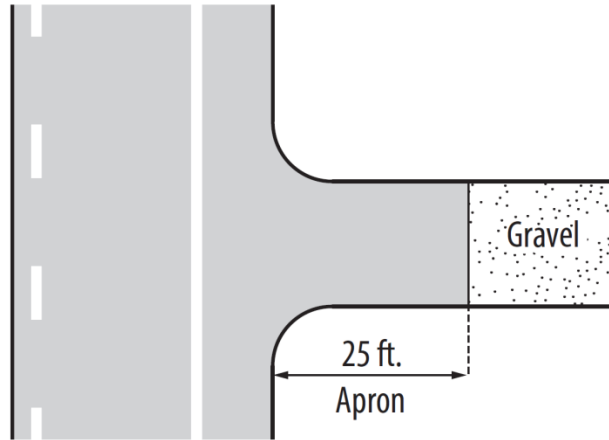
PARKING AREA DIMENSIONS				
Angle of Parking	One-Way Maneuvering Aisle Width	Two-Way Maneuvering Aisle Width	Parking Stall Width	Parking Stall Length
0° - <u>Parallel</u>	13 feet	20 feet	9 feet	23 feet
30° - <u>53°</u>	13 feet	20 feet	10 feet	19 feet
54° - <u>75°</u>	18 feet	22 feet	10 feet	19 feet
76° - <u>90°</u>	24 feet	24 feet	10 feet	18 feet



- (2) Parking areas may include compact car parking spaces provided that the parking spaces shall be a minimum of eight (8) feet in width and fourteen (14) feet in length. Such parking for compact cars shall not be included in the calculations for required parking.

(D) Surface and Markings

- (1) All off-street parking areas and driveways shall be surfaced with asphalt, concrete, or other similar pavement so as to provide a durable and dustless surface, with the following exceptions:
- (a) Driveways for minor residential subdivisions within the RU and R-1 districts may be surfaced with gravel or of a similar material; however, an apron must be provided as shown in the illustration below.
 - (b) Parking areas of ten (10) spaces or fewer may be surfaced with gravel or of a similar porous material, if such characteristic contributes to the rural nature of the area or business, subject to the discretion of the Approving Authority; all accessways must be paved within twenty-five (25) feet of the Warren County Thoroughfare Plan right-of-way.

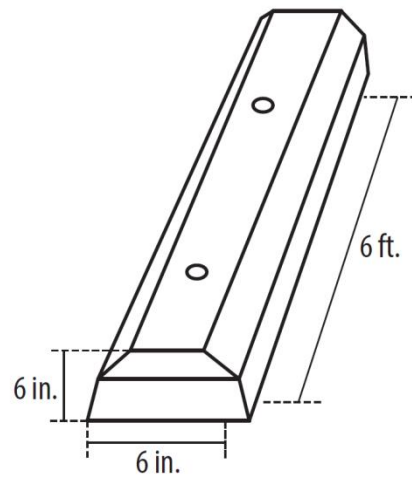


- (2) Paved parking areas shall be graded and drained so as to dispose of all surface water accumulated within the area in accordance with the standards of the Warren County Engineer's Office, and shall be arranged and marked as to provide for safe loading, unloading, parking, and storage of vehicles.
- (3) Designated parking spaces, drive aisles, and pavement markings shall be marked on the surface of paved parking areas with paint or permanent marking materials and maintained in a clearly visible condition.
- (4) Where driveways intersect the public right-of-way, the paint lines dividing vehicle paths and other pavement markings shall be in accordance with the State of Ohio Uniform Traffic Control Manual.

(E) Curbs and Wheel Stops

- (1) All parking lots shall have continuous curbs, subject to the following standards:
 - (a) Curbing shall be made of concrete or other similar material and shall have a typical height of six (6) inches and a typical width of six (6) inches.
 - (b) Curbing requirements may be waived by the Approving Authority if parking islands and/or areas beyond the parking lot can adequately accommodate storm water runoff, through an alternate method such as the use of rain gardens with interrupted curbs. Wheel stops (see illustration below) shall be provided for parking spaces where no curb is present.
- (2) If wheel stops are to be used in the parking area, each wheel stop shall be a singular block of reinforced concrete, or similar material typical for such purpose (see illustration below). Wheel stops are to be securely attached to the ground and may be used only at the end of parking stalls. Wheel stops may be attached no less than two (2) feet from the rear edge of the parking space.

- (3) Curbing and/or wheel stops shall be located a minimum of two (2) feet from any structures, pedestrian walkways, or plant material (excluding ground cover).



(F) Parking Requirements for the Disabled

- (1) Any parking area to be used by the general public shall provide parking spaces designed and located to adequately accommodate the disabled.
- (2) Such spaces shall be clearly marked as such. The number, design, and location of such spaces shall be consistent with the provisions of the Warren County and/or State of Ohio Building Code.

§ 3.304 VEHICLE STACKING REQUIREMENTS.

Where drive-through facilities are permitted, vehicle stacking spaces shall be provided according to the following provisions:

3.304.1 Minimum Number of Stacking Spaces:

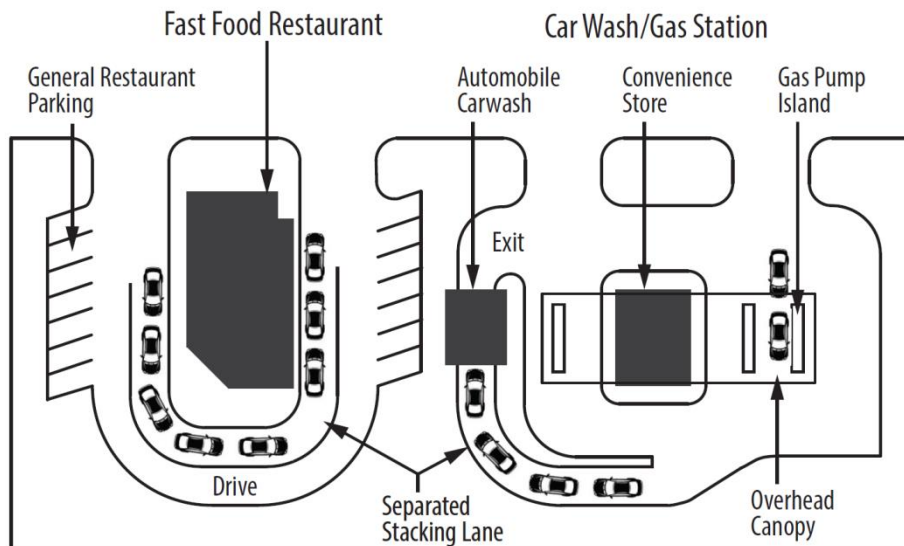
The number of required stacking spaces shall be provided as established in the table and illustration below.

MINIMUM VEHICLE STACKING SPACE REQUIREMENTS		
Activities/Uses	Minimum Stacking Spaces (per lane)	Measured From (and including)
Financial Institutions or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	8	First Pick-Up Window
Full Service Car Wash	20 / 12 *	Entrance of Tunnel / Exit of Tunnel
Self-Service or Automated Drive-Through Car Wash	4	Washing Bay
Fuel or Gasoline Pump Island	2 *	Pump Island
Other	As determined by Zoning Inspector *	

* **Full Service Car Wash:** The 20 spaces required prior to the entrance of the tunnel may be spread across multiple stacking lanes. The 12 stacking spaces shall be required outside of the exit of the wash tunnel to provide areas for the drying of cars, vacuuming, or other ancillary services.

* **Fuel or Gasoline Pump Island:** Pump spaces can count toward the stacking requirement.

* **Other:** Any other use shall be required to document proof that the provided number and location of stacking spaces are adequate to meet the purpose of this Section.



3.304.2 Design and Layout:

- (A) Stacking spaces shall be a minimum of ten (10) feet by twenty (20) feet in size.
- (B) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off street parking spaces.
- (C) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- (D) These stacking spaces requirements shall be in addition to the off-street parking space requirements.
- (E) When adjacent to a residential zoning district, any lot in a recorded subdivision, or any lot used for residential purposes, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

§ 3.305 OFF-STREET LOADING REQUIREMENTS.

3.305.1 General Requirements:

Each building, structure, or use shall be designed to provide and shall provide for off-street loading in the minimum amounts specified in this Section. Loading spaces shall not conflict or overlay with the area used for parking spaces or parking aisles.

3.305.2 Number of Required Off-Street Loading Spaces:

The minimum number of loading spaces provided for various uses shall be as follows:

MINIMUM LOADING SPACE REQUIREMENTS		
Activities/Uses	Building Floor Area (Square Feet)	Minimum Loading Spaces Required
Public buildings; educational, religious, and philanthropic institutions; hospitals or other institutions, places of assembly or for sports or athletics; clubs; lodges; multiple family dwellings; and similar uses	0 – 100,000	1
	Each additional 100,000	1
Banks and financial institutions; medical offices and clinics; administrative, business, and professional offices; dancing or other commercial schools; theaters; bowling alleys; skating rinks; or other places of amusement and recreation	0 – 100,000	1
	Each additional 100,000	1

MINIMUM LOADING SPACE REQUIREMENTS		
Activities/Uses	Building Floor Area (Square Feet)	Minimum Loading Spaces Required
Retail stores; eating and drinking places; and all other commercial uses	0 – 10,000	1
	10,001 – 30,000	2
	30,001 – 50,000	3
	50,001 – 100,000	4
	Each additional 100,000	1
Light and heavy industrial uses	0 – 20,000	1
	20,001 – 40,000	2
	40,001 – 60,000	3
	60,001 – 160,000	4
	Each additional 100,000	1

3.305.3 Dimension of Loading Spaces:

Loading spaces shall be at least twelve (12) feet in width and twenty-five (25) feet in length with a vertical clearance of at least fourteen (14) feet in height.

3.305.4 Location of Loading Spaces:

- (A) Loading spaces shall not be provided in the front yard or on any building façade facing or visible from a public street, except where the Board of Township Trustees determines such a location is necessary due to the location or placement of the building, existing street patterns, or other factors.

- (B) No loading space shall be closer than one hundred (100) feet to any residential use or district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six (6) feet in height.
- (C) In all other cases, loading spaces shall be set back a minimum of ten (10) feet from all lot lines.
- (D) No loading space shall be in a designated fire lane.

3.305.5 **Access:**

- (A) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.
- (B) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- (C) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

3.305.6 **Screening:**

All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened in accordance with Section 3.607 (Screening Requirements).

CHAPTER 4: SIGNAGE REGULATIONS

§ 3.401 PURPOSE.

3.401.1 The purpose of this Chapter is to regulate and encourage the orderly development of signs while recognizing the need for adequate business identification, information, and advertising communication, and the value of visual attractiveness. The purpose this Chapter is to:

- (A) Promote and maintain visually attractive residential, retail, commercial, and mixed use districts free from signage clutter.
- (B) Complement the scenic and natural beauty of communities and the countryside.
- (C) Encourage sign design and placement that minimizes distraction and confusion.
- (D) Establish review procedures to evaluate the appropriateness of signs.

§ 3.402 APPLICABILITY.

3.402.1 Unless expressly exempted, no exterior or window signage shall be erected, constructed, enlarged, expanded, structurally altered, relocated, or reconstructed unless a zoning permit and building/electrical permit evidencing the compliance of such sign with the provisions of this Chapter have been issued by the Zoning Inspector.

3.402.2 Repainting, replacement of parts, and preventative maintenance for signs do not require a zoning permit.

3.402.3 Signs proposed in conjunction with a development requiring review of a site plan shall be reviewed in accordance with Section 1.304 (Site Plan Review).

3.402.4 In addition to the zoning permit required pursuant to this Chapter, a state permit issued by the Director of Transportation may be required prior to the issuance of any zoning permit for outdoor advertising signs located within six hundred sixty (660) feet of streets that are part of the interstate or primary highway systems.

§ 3.403 APPLICATION REQUIREMENTS.

3.403.1 Application for a permit shall be in accordance with Section 1.303 (Zoning Permit Application) and include the following information:

- (A) Position of the sign in relation to nearby buildings, structures, and property lines.

- (B) Plans illustrating dimensions and materials, as well as methods of construction, attachment, and/or placement.

§ 3.404 GENERAL STANDARDS AND REQUIREMENTS.

3.404.1 General Sign Standards:

The following standards shall apply to all signs:

- (A) Regulation of signs along primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted herein.
- (B) No sign shall be placed in such a manner as to obstruct free and clear vision of traffic on public or private property. A determination will be made by the Zoning Inspector, based on input from the Warren County Engineer's Office and/or the Ohio Department of Transportation (ODOT), as applicable.
- (C) Signs shall not obstruct windows, doors, fire escapes, balconies, stairways, ladders, vents, or other means of building ingress/egress.
- (D) Signs not specified in this Chapter shall require the Zoning Inspector to make a determination as to whether the sign listed shall be allowed as a permitted sign or otherwise prohibited, based on being similar or not to one or more signs specified elsewhere in this Chapter. The Zoning Inspector may convene the Board of Zoning Appeals to make the same determination if he or she believes the sign is not easily categorized with any of the signs specified elsewhere in this Chapter.
- (E) Unless otherwise stated in this Chapter, a temporary sign may be either on-premise or off-premise, provided the sign conforms to the standards and provisions applicable to the signage type and zoning district.

3.404.2 General Design Standards:

The following design standards apply to all signs:

- (A) The sign structure must be an integral part of the sign display and no exposed structural members are permitted, unless it contributes to the sign concept.
- (B) The components necessary for operation or fastening of the signage shall not be exposed or visible to the general view, unless it contributes to the sign concept.
- (C) Any source of illumination shall be arranged so as to not reflect onto or cause glare to pedestrians or vehicles.
- (D) All electrical service must be hidden underground with meters screened from the general view, while remaining accessible to utility providers.

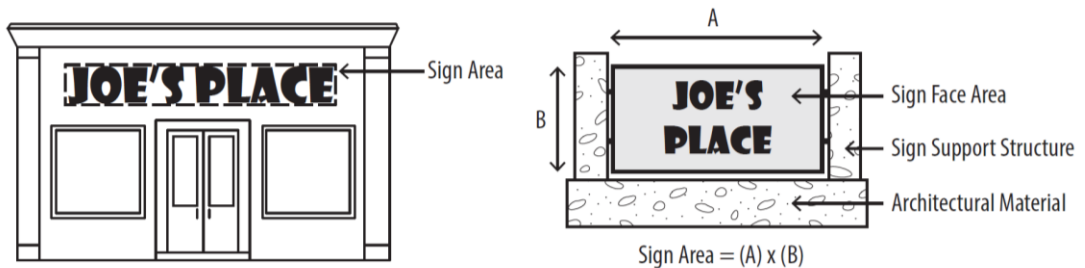
- (E) No internal or structure illuminated boxed or cabinet type signs are allowed.
- (F) Landscaping must screen any exposed light source on the ground.
- (G) Permanent sign structures shall not be made of plywood or plastic materials.

§ 3.405 SIGN DIMENSIONAL COMPUTATIONS.

The following regulations shall control the computation and measurement of sign area, sign height, window area, and building frontage:

3.405.1 Determining Sign Area and Dimension:

- (A) The sign area shall include the display area of the sign, including the frame, but shall not include the structural support unless such structural support is illuminated or determined to constitute an integral part of the sign design. Whether a sign is composed of a sign face or individual letters and other communication elements, the sign area shall be the area of one (1) rectangular shape that encompasses the perimeter of all the elements of the display.
- (B) The sign area for a sign with more than one (1) face (multi-faced signs) shall be computed by adding together the area of all sign faces.
- (C) When two (2) identical faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such faces are part of the same sign structure and are not more than twenty four (24) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. A-Frame signs are excluded from the twenty four (24) inch maximum requirement.



3.405.2 Determining Sign Height:

The height of a sign shall be measured from the average grade at the base of the sign or support structure to the tallest element of the sign structure. Decorative caps, finials, and similar design elements not exceeding twelve (12) inches in height and located on the top of supporting posts for a ground sign shall not be included in the calculation of sign height.

3.405.3 Determining Sign Setback:

Unless otherwise specified, the setback of all signs shall be measured from the Warren County Thoroughfare Plan right-of-way and adjoining property lines to the nearest point of the sign.

3.405.4 Multi-Occupant Buildings:

The portion of a building that is owned or leased by a single occupant and has a public entrance shall be considered a building unit. The primary building frontage for such building unit shall be measured from the centerline of the party walls defining such building unit.

§ 3.406 PROHIBITED SIGNS.

3.406.1 List of Prohibited Signs:

- (A) Signs or portions of signs that revolve, whirl, spin, or otherwise make use of motion to attract attention.
- (B) Signs attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance which is located in such a manner to serve exclusively as a permanent, temporary, or portable sign.
- (C) Signs that include flashing neon.
- (D) Signs attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.
- (E) Signs which contain words, images, or graphic illustrations of an obscene nature.
- (F) Signs with audio message delivery.
- (G) Signs that emit any flames, smoke, fumes, vapor, or any similar substance.
- (H) Signs located in public right-of-way, exempting government signs.
- (I) Permanent off-premise signs.
- (J) Signs made of cardboard, cardstock, or other similar paper products.
- (K) Any signage types which are otherwise prohibited in Section 3.409 (Signs in Residential Districts) or Section 3.410 (Signs in Non-Residential Districts).

3.406.2 **Examples of Prohibited Signs:**



§ 3.407 **EXEMPT SIGNS.**

The following signs shall be exempt from the provisions of Section 3.409 (Signs in Residential Districts) and Section 3.410 (Signs in Non-Residential Districts), and shall not require a zoning permit:

3.407.1 **Government Signs:**

Government signs are defined as those erected and maintained pursuant to a government's function, ordinances, or regulation, and shall be excluded from the regulations of this Chapter. Government signs include, but are not limited to, signs required by the Township, the County, a public utility, a public transit entity, a state or federal statute, or by order of a court of competent jurisdiction.

3.407.2 **Directional Signs:**

Permanent directional signs for pedestrians and motorists which are ground-mounted, on-premise, and internal to a site, are exempt provided that such signs are limited to a maximum of three (3) square feet in area with a maximum height of four (4) feet. Such signs shall not be permitted on single-family and two-family residential properties.

3.407.3 **Drive-Thru Signs:**

Drive-thru menu board and clearance signs are regulated by Section 3.208.4 (Drive-In or Drive-Thru Service Facilities).

3.407.4 **Permanent Flag Signs:**

Permanent flags with corresponding flagpoles affixed to the ground are exempt, provided the construction, placement, and size of such flags does not pose a risk to public health and safety.

3.407.5 **Plaques, Plates, or Tablets:**

Plaques, plates or tablets attached to a building, which may identify the name of a business or occupants of the building, shall be exempt from the provisions of this Chapter

provided such plates do not exceed two (2) square feet in area. Commemorative plaques or tablets placed by recognized historical agencies may be larger than (2) square feet, not to exceed four (4) square feet.

3.407.6 Temporary Portable Signs:

Temporary portable signs are exempt, provided the sign area is no larger than four (4) square feet with a maximum height of four (4) feet. Each property is allowed one (1) exempt temporary portable sign per twenty (20) feet of lot frontage.

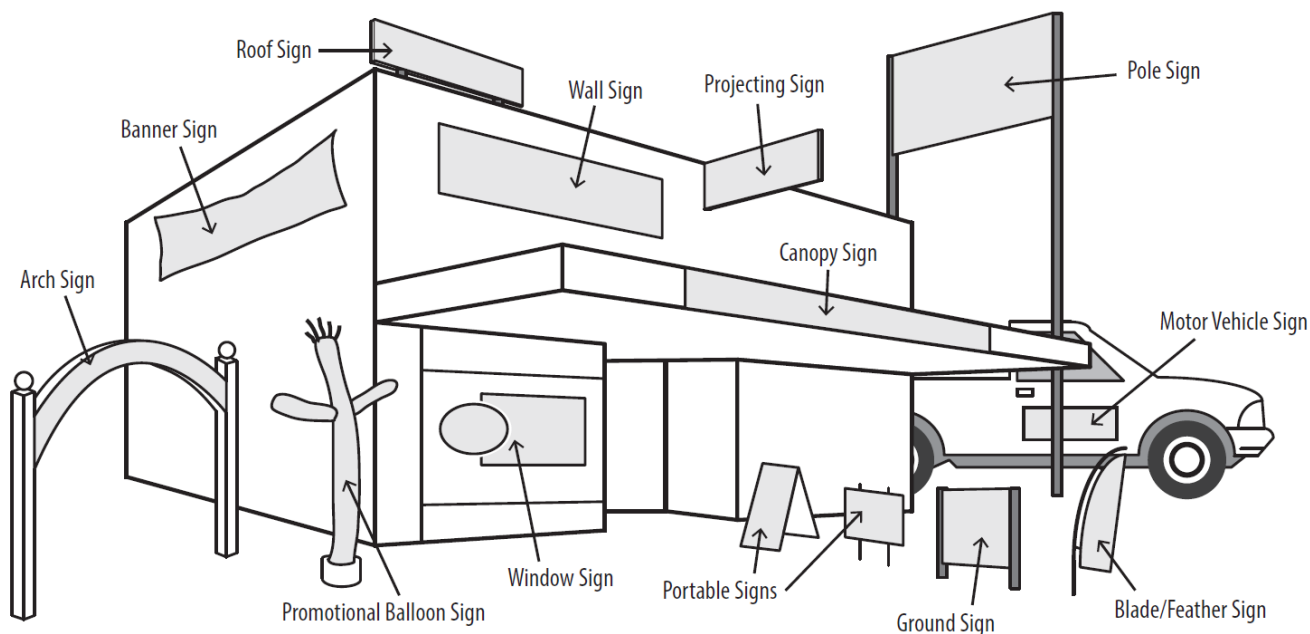
3.407.7 Street Number:

All principal buildings are permitted to display their assigned street number as an attachment to the building, not exceeding four (4) square feet in area.

§ 3.408 SIGNAGE TYPES.

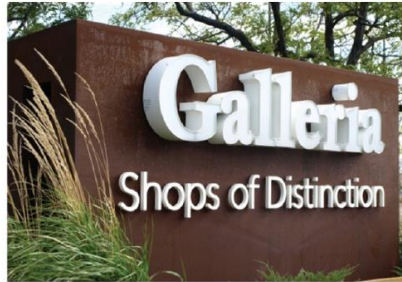
3.408.1 Signage Type Illustration:

The illustration below displays various signage types addressed in subsequent Sections. This illustration serves as a guide for the Zoning Inspector to determine specific signage types, and is not meant to exclude other variations of the signage types shown. Definitions of each signage type may also be found in Article IV Chapter 1 (Definitions).



3.408.2

Signage Examples:



Ground (Monument) Sign



Ground (Monument) Sign - Multiple Businesses



Changeable Copy Sign (Letters)



Changeable Copy Sign (LED)



Cabinet Sign



Internally Illuminated Cabinet Sign



Channel Lettering



Reverse Channel Lettering



Portable Changeable Copy Sign



Blade/Feather Sign



Banner Sign



Pennants



Promotional Balloon Sign



Arch Sign

§ 3.409 SIGNS IN RESIDENTIAL DISTRICTS.

3.409.1 Applicability:

The provisions of this section apply to all districts identified as residential in Section 2.101.1 (Establishment of Districts).

3.409.2 Permitting Designations of Signage Types in Residential Districts:

The table below shall control the maximum number of certain signage types allowed in all residential districts:

SIGNAGE TYPE	NUMBER OF SIGNS PERMITTED	STANDARDS SECTION
PERMANENT SIGNS		
Arch Signs	One (1) per property	3.409(A)
Canopy Signs (e.g. Awning Signs)	Prohibited	N/A
Flag Signs	Permitted; No restriction on number	N/A
Gateway Signs	One (1) on each side of a community/subdivision entrance	3.409.3(B)
Ground Signs	One (1) per property	3.409.3(C)
Off-Premise Signs (e.g. Billboards)	Prohibited	N/A

SIGNAGE TYPE	NUMBER OF SIGNS PERMITTED	STANDARDS SECTION
Pole Signs	Prohibited	N/A
Projecting Signs	Prohibited	N/A
Roof Signs	Prohibited	N/A
Wall Signs	Prohibited	N/A
Window Signs	Prohibited	N/A
TEMPORARY SIGNS		
Banner Signs	One (1) per property	3.409.4(A)
Beacons/Searchlights	Prohibited, except for temporary events and emergency purposes	N/A
Blade/Feather Signs	Prohibited	N/A

Ground Signs	One (1) per property	3.409.4(B)
Pennants or Streamers	Prohibited	N/A
Portable Signs (e.g. A-Frame)	One (1) per property	3.409.4(C)
Promotional Balloons	Prohibited	N/A
Window Signs	Prohibited	N/A

3.409.3 Permanent Sign Provisions:

(A) Arch Signs

Arch signs are subject to the following standards:

- (1) Maximum height for signage, including any structural elements, is twenty-five (25) feet.
- (2) Minimum clearance is fourteen (14) feet, four (4) inches.
- (3) The maximum width of the signage and any structural elements shall equal the width of the paved driveway or roadway that passes underneath the sign, plus five (5) feet, with at least two and a half (2.5) feet on both sides.
- (4) Maximum area of the sign face is two (2) feet multiplied by the width of the span of the arch.
- (5) Maximum number of sign faces is two (2).
- (6) Maximum number of poles (structural supports) is two (2); one on either side of the driveway/roadway.
- (7) Minimum setback from Warren County Thoroughfare Plan right-of-way and adjoining property lines is (10) feet.
- (8) Changeable copy signs are prohibited.
- (9) Arches which do not include a sign, lettering, or otherwise communicate a message, shall be considered accessory structures subject to the provisions of Section 3.208 (Accessory Use Standards).

(B) Gateway Signs

Architectural features with signage may be erected at each entry point, subject to the following standards and requirements:

- (1) One (1) sign is permitted on each side of the entrance.
- (2) Gateway signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (a) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s) as determined by the Warren County Thoroughfare Plan;
 - (b) Ten (10) feet from the edge of any driveway; and
 - (c) Five (5) feet from any sidewalk or paved path.
- (3) A maximum height of ten (10) feet from average grade.
- (4) A maximum sign face area of thirty-six (36) square feet.
- (5) Changeable copy signs are prohibited.
- (6) Proof of an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping shall be submitted to the Zoning Inspector as part of the sign permit application.

(C) Ground Signs

Permanent ground signs are permitted in accordance with the following standards:

- (1) No ground sign may be erected on a single-family or two-family residential property, except as provided in Section 3.209.1 (Home Occupations).
- (2) Maximum sign height is six (6) feet.
- (3) Maximum sign area is twenty-four (24) square feet.
- (4) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (a) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s) as determined by the Warren County Thoroughfare Plan;
 - (b) Ten (10) feet from the edge of any driveway; and
 - (c) Five (5) feet from any sidewalk or paved path.
- (5) Any portion of the sign area of a permitted ground sign may be used as changeable copy. The total area of the changeable copy shall not exceed twenty

(20) square feet. Changing of the copy does not require a zoning permit. LED changeable copy is permitted.

- (6) Ground signs which utilize an LED display shall conform to the following:
 - (a) One LED changeable copy sign shall be permitted per property.
 - (b) The total area of the LED display panel shall not exceed twenty (20) square feet.
 - (c) Changing of the copy does not require a zoning permit.
 - (d) The luminosity of the LED display shall be dimmed between dusk and dawn so that the sign shall emit no more than 0.2 foot-candles at all property lines.
- (7) Signs shall be made of solid materials of a permanent nature known and used in the sign construction industry and shall include, but are not limited to: brick, stone, EIFS, polished or honed finish metals, decorative pre-cast concrete, wood, architectural masonry, steel and/or metal, and glass.

3.409.4 Temporary Sign Provisions:

(A) Banner Signs

Banner signs are permitted provided the sign is no larger than twenty (20) square feet, is not located on a single-family or two-family residential property, and is attached to the wall of a building. A temporary sign permit shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year.

(B) Ground Signs

Temporary ground signs are permitted in accordance with the following standards:

- (1) No temporary ground sign may be erected on a single-family or two-family residential property under five (5) acres in size.
- (2) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (a) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s) as determined by the Warren County Thoroughfare Plan;
 - (b) Ten (10) feet from the edge of any driveway; and
 - (c) Five (5) feet from any sidewalk or paved path.

- (3) The maximum sign area is thirty-two (32) square feet.
- (4) The maximum sign height is six (6) feet.
- (5) Changeable copy signs are prohibited.
- (6) A temporary sign permit shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year. Once a temporary ground sign has been permitted for one hundred twenty (120) days, in order for the sign to remain it must be brought forward for a permanent ground sign permit and meet the standards required of a permanent ground sign.

(C) Portable Signs

Temporary portable signs, such as A-Frame signs, sandwich boards, or other portable sign types which are not affixed to the ground or can be easily removed from the ground by hand without the use of tools, are permitted in accordance with the following provisions:

- (1) Limited in size to a maximum of twelve (12) square feet in area.
- (2) The maximum sign height is six (6) feet.
- (3) Changeable copy signs are prohibited.
- (4) A temporary sign permit shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year.
- (5) Temporary portable signs which are both four (4) square feet or less in size and four (4) feet or less in height are exempt from the provisions of this Section pursuant to Section 3.407.6 (Temporary Portable Signs).

§ 3.410 SIGNS IN NON-RESIDENTIAL DISTRICTS.

3.410.1 Applicability:

The provisions of this section apply to all districts not identified as residential in Section 2.101.1 (Establishment of Districts).

3.410.2 Permitting Designations of Signage Types in Non-Residential Districts:

The table below shall control the maximum number of certain signage types allowed in all non-residential districts:

SIGNAGE TYPE	NUMBER OF SIGNS PERMITTED		STANDARDS SECTION
	Single Building with One User	Multi-Tenant Building or Multiple Buildings on One Parcel	
PERMANENT SIGNS			
Arch Signs*	One (1) per street frontage	One (1) per street frontage per multi-tenant building, or one (1) per street frontage per multi-tenant parcel; or one (1) per street frontage per comprehensively developed collection of buildings	3.410.3(A)
Canopy Signs (e.g. Awning Signs)	One (1) per building	One (1) per business on ground level	3.410.3(B)
Flag Signs	One (1) per building	One (1) per business	3.410.3(C)
Gateway Signs	Prohibited	One (1) on each side of an entrance	3.410.3(D)
Ground Signs*	One (1) per street frontage	One (1) per street frontage per multi-tenant building, or one (1) per street frontage per multi-tenant parcel; or one (1) per street frontage per comprehensively developed collection of buildings	3.410.3(E)
Off-Premise Signs (e.g. Billboards)	Prohibited	Prohibited	N/A
Pole Signs*	One (1) per street frontage	One (1) per street frontage per multi-tenant building, or one (1) per street frontage per multi-tenant parcel; or one (1) per street frontage per comprehensively developed collection of buildings	3.410.3(F)
SIGNAGE TYPE	NUMBER OF SIGNS PERMITTED		STANDARDS SECTION

	Single Building with One User	Multi-Tenant Building or Multiple Buildings on One Parcel	
Projecting Signs	One (1) per building frontage	One (1) per business on ground level	3.410.3(G)
Roof Signs	Prohibited	Prohibited	N/A
Wall Signs	One (1) per exterior building wall, including side walls	One (1) per business for multi-tenant buildings, or one (1) per exterior building wall on one (1) building per building user on site	3.410.3(H)
Window Signs	No restriction on number	No restriction on number	3.410.3(I)
TEMPORARY SIGNS			
Banner Signs	One (1) per building	One (1) per on-premise business; otherwise one (1) per property	3.410.4(A)
Beacons/Searchlights	Prohibited, except for temporary events and emergency purposes	Prohibited, except for temporary events and emergency purposes	N/A
Blade/Feather Signs	Two (2) per building	One (1) per on-premise business; otherwise one (1) per property	3.410.4(B)
Ground Signs	One (1) per property	One (1) per property	3.410.4(C)
Pennants or Streamers	Prohibited	Prohibited	N/A
Portable Signs (e.g. A-Frame)	One (1) per on-premise business; otherwise one (1) per property	One (1) per on-premise business; otherwise one (1) property	3.410.4(D)
Promotional Balloons	Prohibited	Prohibited	N/A
Window Signs	No restriction on number	No restriction on number	3.410.4(E)

*Arch, Ground, and Pole Signs: A building may only have one (1) of these sign types; it may not have a combination of the three types.

3.410.3 Permanent Sign Provisions:

(A) Arch Signs

Arch signs in non-residential districts shall follow the same standards as arch signs in residential districts, as provided in Section 3.409.3(A) (Arch Signs).

(B) Canopy Signs

The sign area of canopy signs shall not exceed twenty (20) square feet.

(C) Flag Signs

Flag signs are permitted provided they are attached to the side of a building, projecting outward in a diagonal fashion. The highest point of the flag shall be no taller than the highest eave of the building on which the flag is attached.

(D) Gateway Signs

Architectural features with signage may be erected at each entry point, subject to the following standards and requirements:

- (1) One (1) sign is permitted on each side of the entrance.
- (2) Gateway signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (a) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s) as determined by the Warren County Thoroughfare Plan;
 - (b) Ten (10) feet from the edge of any driveway; and
 - (c) Five (5) feet from any sidewalk or paved path.
- (3) Maximum sign height and sign area shall be in accordance with the following:

SIGN LOCATION	SIGN REQUIREMENTS	
	Maximum Sign Height	Maximum Sign Area
Signs located in the B-1 and B-2 districts	10 feet from average grade	48 square feet
Signs located in the B-3 and all Industrial districts	10 feet from average grade	60 square feet
Signs located on a lot occupied by three (3) or more uses (i.e. shopping center, office building, apartments, etc.) and has an area greater than 50,000 square feet in gross floor area	10 feet from average grade	96 square feet

- (4) Proof of an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping shall be submitted to the Zoning Inspector as part of the sign permit application.

(E) Ground Signs

Ground signs are permitted in accordance with the following standards:

- (1) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (a) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s) as determined by the Warren County Thoroughfare Plan;
 - (b) Ten (10) feet from the edge of any driveway; and
 - (c) Five (5) feet from any sidewalk or paved path.
- (2) Signs shall be made of solid materials of a permanent nature known and used in the sign construction industry and shall include, but are not limited to: brick, stone, EIFS, polished or honed finish metals, decorative pre-cast concrete wood, architectural masonry, steel and/or metal, and glass.
- (3) Any portion of a permitted ground sign may be used as changeable copy. The total area of the changeable copy shall not exceed twenty (20) square feet. Changing of the copy does not require a zoning permit. LED changeable copy is permitted.
- (4) Ground signs which utilize an LED display shall conform to the following:
 - (a) One LED changeable copy sign shall be permitted per property.
 - (b) The total area of the LED display panel shall not exceed twenty (20) square feet.
 - (c) Changing of the copy does not require a zoning permit.
 - (d) The luminosity of the LED display shall be dimmed between dusk and dawn so that the sign shall emit no more than 0.2 foot-candles at all property lines.
- (5) Maximum sign height and sign area shall be in accordance with the following:

SIGN LOCATION	SIGN REQUIREMENTS	
	Maximum Sign Height	Maximum Sign Area
Signs located in the B-1 and B-2 districts	6 feet from average grade	48 square feet

Signs located in the B-3 and all Industrial districts	8 feet from average grade	60 square feet
Signs located on a lot occupied by three (3) or more uses (i.e. shopping center, office building, apartments, etc.) and has an area greater than 50,000 square feet in gross floor area	12 feet from average grade	96 square feet

(F) Pole Signs

A permanent pole sign (also commonly called a pylon sign) shall be supported by one (1) or more uprights, poles, or braces placed in or upon the ground surface and not attached to any building; such sign shall conform to the following:

- (1) The maximum sign area shall be one hundred fifty (150) square feet.
- (2) The set back shall be a minimum of ten (10) feet from any adjoining property line or right-of-way line(s) as determined by the Warren County Thoroughfare Plan.
- (3) The sign height shall be no less than eight (8) feet and no more than twenty (20) feet from grade.
- (4) Any portion of a permitted pole sign may be used as changeable copy. The total area of the changeable copy shall not exceed twenty (20) square feet. Changing of the copy does not require a zoning permit. LED changeable copy is permitted.
- (5) Pole signs which utilize an LED display shall conform to the following:
 - (a) One LED changeable copy sign shall be permitted per property.
 - (b) The total area of the LED display panel shall not exceed twenty (20) square feet.
 - (c) Changing of the copy does not require a zoning permit.
 - (d) The luminosity of the LED display shall be dimmed between dusk and dawn so that the sign shall emit no more than 0.2 foot-candles at all property lines.

(G) Projecting Signs

Projecting signs are permitted in accordance with the following standards:

- (1) The sign must be attached to the principal building.
- (2) The sign area shall not exceed nine (9) square feet.

(3) Signs shall be installed to achieve a minimum vertical clearance of eight (8) feet from the bottom of the sign to the finished grade.

(4) Projecting signs are prohibited over a vehicular access way.

(H) Wall Signs

A wall sign shall be permitted with an area not to exceed one (1) square foot in area for each one linear foot of building frontage to a maximum size of one hundred fifty (150) square feet.

(I) Window Signs

No more than fifty (50) percent of the window surface shall be covered by signage.

3.410.4 Temporary Sign Provisions:

(A) Banner Signs

Banner signs are permitted provided the sign is no larger than twenty (20) square feet, is not located on a single-family or two-family residential property, and is attached to the wall of a building. A temporary sign permit shall be valid up to sixty (60) calendar days, and no more than two (2) temporary sign permits for the same sign may be applied for within one (1) year.

(B) Blade/Feather Signs

Blade signs are permitted in accordance with the following standards:

(1) Maximum sign area is twenty (20) square feet.

(2) Maximum sign height is twelve (12) feet from grade.

(3) The sign must be placed at least ten (10) feet away from the existing right-of-way line and adjoining properties.

(4) A temporary sign permit shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year.

(C) Ground Signs

Temporary ground signs are permitted in accordance with the following standards:

(1) No temporary ground sign may be erected on a single-family or two-family residential property.

- (2) Ground signs shall maintain clear zones for pedestrians and motorists and comply with the following:
 - (a) Maintain a setback of ten (10) feet from adjoining property lines and public right-of-way line(s) as determined by the Warren County Thoroughfare Plan;
 - (b) Ten (10) feet from the edge of any driveway; and
 - (c) Five (5) feet from any sidewalk or paved path.
- (3) The maximum sign area is thirty-six (36) square feet.
- (4) The maximum sign height is six (6) feet.
- (5) Changeable copy signs are prohibited.
- (6) A temporary sign permit shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year. Once a temporary ground sign has been permitted for one hundred twenty (120) days, in order for the sign to remain it must be brought forward for a permanent ground sign permit and meet the standards required of a permanent ground sign.

(D) Portable Signs

Temporary portable signs, such as A-Frame signs, sandwich boards, or other portable sign types which are not affixed to the ground or which can be easily removed from the ground by hand without the use of tools, are permitted in accordance with the following provisions:

- (1) Limited in size to a maximum of twelve (12) square feet in area.
- (2) The maximum sign height is six (6) feet.
- (3) Changeable copy signs are prohibited.
- (4) A temporary sign permit shall be valid up to sixty (60) calendar days, and no more than (2) temporary sign permits for the same sign may be applied for within one (1) year.
- (5) Temporary portable signs which are both four (4) square feet or less in size and four (4) feet or less in height are exempt from the provisions of this Section pursuant to Section 3.407.6 (Temporary Portable Signs).

(E) Window Signs

No more than fifty (50) percent of the window surface shall be covered by signage. Temporary window signs do not require a zoning permit.

§ 3.411 ILLUMINATION STANDARDS.

Unless otherwise limited in this chapter, signs shall be permitted to be illuminated as provided in the following:

3.411.1 Source:

Light sources to illuminate permanent signs may be internal or external.

3.411.2 Intensity:

When illuminated by devices that have a constant intensity, the sign shall be subject to the standards of Article III Chapter 5 (Lighting Regulations). Blinking and flashing is prohibited.

3.411.3 Location:

The location shall not constitute a traffic hazard or nuisance.

3.411.4 Design:

Temporary, movable, or portable signs shall not be illuminated.

§ 3.412 MAINTENANCE STANDARDS.

All signs shall be maintained as follows:

3.412.1 The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition suitable for the intended use and shall have a continuing obligation to comply with all building code requirements. The final responsibility for maintenance and compliance rests with the property owner.

3.412.2 If the Zoning Inspector finds that any sign is unsafe or a hazard to public safety, notice shall be given in writing by the Zoning Inspector to the property owner. The property owner shall, within one (1) week of such notification, correct such unsafe condition or remove the sign. In the event of an immediate threat to the public health, safety, or general welfare, the Zoning Inspector is authorized to immediately take corrective action.

3.412.3 Defective signs (e.g. lighting that is no longer functional; damaged, broken, missing, or exposed parts or pieces; loose or exposed wiring or parts) shall be repaired or removed within thirty (30) days.

3.412.4 The removal of a sign for maintenance purposes does not require a zoning permit provided that the following conditions are met:

- (A) No alterations to the sign face, lettering, base, or support.
- (B) No enlargements of the sign or its structure.
- (C) The sign is accessory to a legally allowed use.

§ 3.413 COMPREHENSIVE SIGN PROGRAM.

3.413.1 Applicability:

Intended to integrate the design of proposed signs with the design of the structures into a unified architectural statement, or to define common sign standards for multi-tenant projects, a comprehensive sign program shall be required whenever any of the following conditions exist:

- (A) Multiple tenants or use signs are proposed for a new or existing development.
- (B) Multiple tenant or use signs are proposed for a single structure or separate structures that are physically or functionally related.
- (C) A planned shopping center.
- (D) The Zoning Inspector determines that a Comprehensive Sign Program is needed because of special project characteristics.

3.413.2 Requirements:

The comprehensive sign plan shall include the location, size, height, color, lighting and orientation of all proposed signs, in addition to any other information deemed necessary by the Zoning Inspector in conjunction with the required Site Plan for the development. If the comprehensive sign plan is found to be acceptable, exceptions to the provisions of this Code may be granted, if such exceptions result in an improved relationship between the various parts of the plan. A Comprehensive Sign Program shall comply with the following standards:

- (A) The signs shall enhance the overall development, be in harmony with, (materials, colors, and styles) and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify;
- (B) The overall sign size shall be related to the scale and type of development;
- (C) The program shall accommodate future revisions that may be required because of changes in use or tenants;

- (D) The program shall comply with the standards of this Chapter, except that flexibility is allowed with regard to sign area, number, location, and/or height to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purpose of this Chapter; and,
- (E) Revisions to a Comprehensive Sign Program may be approved by the Zoning Inspector if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Program.

§ 3.414 NON-CONFORMING SIGNS.

3.414.1 Purpose:

The purpose of this Section is to provide for the continuation of legally non-conforming signs and to provide reasonable standards for the maintenance, servicing, alteration, and removal of such signs.

3.414.2 Continuation:

This Section provides for the continuation of legally non-conforming signs. A legally non-conforming sign is defined as a sign which was legally permitted at the time of adoption of this resolution but which does not meet the development standards of this Chapter.

3.414.3 Maintenance of Non-Conforming Signs:

Non-conforming signs shall be maintained in good condition and may continue until such sign is required to be removed as specified in this Chapter.

3.414.4 Alteration, Relocation, or Replacement of Non-Conforming Signs:

A non-conforming sign shall not be structurally altered, relocated, or replaced unless it is brought into compliance with the provisions of this Chapter.

3.414.5 Reconstruction of Damaged Sign:

If a sign face and/or its support structure are damaged to the extent where the repair cost exceeds fifty (50) percent of the replacement cost of the sign, the sign shall be removed or brought into compliance with the provisions of this Chapter. If the repair costs do not exceed fifty (50) percent of the replacement costs of the sign, the Zoning Inspector may

authorize the sign to be repaired, provided all repair work is completed within sixty (60) days of the date the damage occurred.

3.414.6 **Termination:**

A non-conforming sign shall immediately lose its legal nonconforming status, and shall be brought into conformance with this Chapter or removed, when any of the following occur:

- (A) The sign is enlarged, relocated, illuminated, or replaced.
- (B) The sign is part of a use that has been abandoned for two (2) or more years.

§ 3.415 **REMOVAL OF SIGNS.**

3.415.1 The Zoning Inspector may cause the removal of any sign illegally placed within the right-of-way of any road within the Wayne Township zoning jurisdiction.

3.415.2 A permanent sign identifying a business that no longer exists or products and services no longer being rendered shall be removed from the premises within ninety (90) days from the date of termination of such activities.

3.415.3 Any temporary sign which has exceeded its time, event or purpose, or any sign which pertains to a use that has been discontinued for a period of thirty (30) days measured in consecutive days, is considered abandoned and must be removed.

CHAPTER 5: LIGHTING REGULATIONS**§ 3.501 PURPOSE.**

The purpose of this Chapter is to protect and enhance development through the use of appropriate lighting practices. Exterior lighting should be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy, maintain safety, and prevent the degradation of the night sky. The following standards shall apply to all outdoor lighting, including parking areas and areas where on-building lighting or other security lighting is utilized.

§ 3.502 SCOPE.

3.502.1 Unless expressly exempted, all exterior lighting intended for permanent installation and operation shall not be erected, constructed, expanded, materially altered, relocated, or reconstructed unless in compliance with lighting provisions of this Chapter.

3.502.2 The Township may require the modification, removal, or limited operation of existing lighting fixtures found to be a public hazard or a public nuisance. Criteria for finding illumination to be a public hazard are as follows:

- (A) Light trespass or glare which is so intense or contrasts excessively with surrounding illumination that it causes visual impairment or distracts from or impairs the safe operation of a vehicle.
- (B) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.

§ 3.503 APPLICATION REQUIREMENTS.

3.503.1 The following information shall be provided with all site plans and may be required by the Zoning Inspector with any building or zoning permit application where exterior lighting is proposed to be altered or installed:

- (A) A lighting plan including the location, type, and height of all existing and proposed light fixtures, such as freestanding, building-mounted, and canopy light fixtures, and all existing and proposed sign lighting.
- (B) A photometric grid indicating the overall light intensity, measured in foot-candles, throughout the site, or comparable plan per the discretion of the Zoning Inspector.
- (C) Specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

§ 3.504 EXEMPTIONS.

Lighting fixtures and standards required by the township or federal, state, or county agencies, including street lights within public right-of-way are exempt from the provisions of this Chapter.

§ 3.505 GENERAL REQUIREMENTS.

3.505.1 A use or activity shall not create a nuisance to surrounding properties or a viewing danger to the safety of motorists or pedestrians. The criteria for finding illumination to be a nuisance may be one of the following:

- (A) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property;
- (B) A high frequency and/or duration of periods when light trespass or glare interrupts or interferes with usual and reasonable use and enjoyment of a property;
- (C) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties.

§ 3.506 DESIGN REQUIREMENTS.

In general, outdoor lighting shall be deflected, shaded, and focused away from adjacent properties and shall not create a spot glare nuisance. Outdoor lighting should be designed so that any overspill of lighting onto adjacent residential properties should not exceed two-tenths (0.2) foot-candles. The maximum permitted luminaire height and the maximum permitted illumination shall conform to this Section:

3.506.1 Lighting Source with No Cut-off or Cut-off Greater than Ninety (90) Degrees:

(A) Residential Uses (excluding Multi-Family Residential)

Light sources should not exceed fifteen (15) feet and should not exceed two-tenths 0.20 foot-candles at the property line.

(B) Non-Residential and Multi-Family Residential uses

Light sources shall be used only for decorative purposes, and should not exceed fifteen (15) feet and three-tenths (0.30) foot-candles at the property line.

3.506.2 Lighting Source with Ninety (90) Degree Cut-off (Full Cut-off):

(A) Residential Uses (excluding Multi-Family Residential)

Light sources should not exceed twenty (20) feet and five tenths (0.50) foot-candles at the property line.

(B) Non-Residential and Multi-Family Residential Uses

Light sources should not exceed twenty five (25) feet in height and two tenths (2.0) foot-candles at the property line.

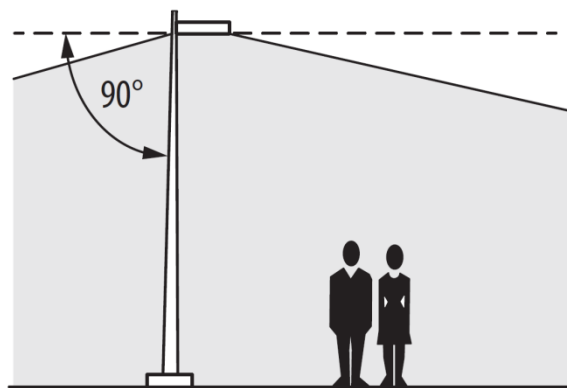
3.506.3 Lighting Source with Less than Ninety (90) Degree Cut-off:

(A) Residential Uses (excluding Multi-Family Residential)

Light sources should not exceed thirty (30) feet and one (1.0) foot-candle at the property line.

(B) Non-Residential and Multi-Family Residential Uses

Light sources should not exceed thirty-five (35) feet and four (4.0) foot-candles at the property line.



3.506.4 Canopy Lighting:

Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall be recessed into the canopy so that they cannot be viewed off-site from an eye height of four (4) feet (to protect automobile drivers from glare).

3.506.5 Lighting for Outdoor Performance Areas and Recreation Facilities:

- (A)** Shall not exceed thirty (30) foot-candles and shall not exceed eighty (80) feet in height.
- (B)** Shall be a minimum distance of one and one-half (1 ½) times the height of the lighting luminaire device from the property lines.
- (C)** Existing vegetation that mitigates glare upon residential properties shall be maintained to the greatest extent possible.

- (D) Where playing field or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing areas and immediate surroundings, and so that illumination is not directed off the site.
- (E) The main lighting shall not remain longer than fifteen (15) minutes following the end of the event. A low-level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities. The low level lighting system shall not exceed three (3) foot-candles at the property line.

§ 3.507 SEARCH LIGHTING FOR SPECIAL EVENTS OR ATTRACTIONS.

One (1) or more lights of such type and for such purposes are permitted at a non-residential location for a temporary period not to exceed three (3) calendar days within a one hundred eighty (180) day period, provided its location and operation on a site is in a manner that will not interfere with traffic movement or endanger public safety and its operation is not past midnight on each day allowed. No searchlight shall be permitted within one hundred (100) feet of a residential use.

§ 3.508 NEON LIGHTING FOR BUILDING ORNAMENTATIONS AND ACCENTUATIONS.

- 3.508.1** The intensity of illumination in relation to the height proposed complies with Section 3.506.
- 3.508.2** Flashing or blinking illumination is prohibited.
- 3.508.3** Use is limited to building edge or border locations, such as around doors, windows and/or along a canopy, awning, marquee, or parapet.
- 3.508.4** The lighting is not located on a side of a building that faces an adjacent residential use or zoning district, unless effectively screened from view.

CHAPTER 6: LANDSCAPING AND SCREENING REGULATIONS

§ 3.601 PURPOSE.

The purpose of this Chapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public thoroughfares, within buffer areas, between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to aesthetics, development quality, environmental integrity, stability of property values, and the overall character of the Township zoning jurisdiction.

The landscape standards of this Chapter are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

§ 3.602 OBJECTIVES.

3.602.1 Consideration of site landscaping, screening, and buffering is intended to reflect the purpose of this Chapter per the following objectives:

- (A) Site landscaping is encouraged to be innovative and creative in design, and to reflect the unique conditions and accommodate the specific circumstances of the site.
- (B) At the time of installation, landscaping, screening, and buffering elements are intended to be immediately effective in meeting the objectives of this Chapter.
- (C) To preserve the significant natural, historical, and cultural site features, including but not limited to large trees, hedgerows, water bodies, steep slopes, wetlands, archaeological sites, and historic elements.
- (D) To apply landscaping standards to re-development of existing sites that have been developed without adequate landscaping, screening, or buffering.
- (E) Screening is intended to:
 - (1) Mitigate the adverse effects of a proposed use on adjacent uses, including but not limited to headlight glare, lighting, noise, and trash disposal areas.
 - (2) Create a physical visual transition zone between the uses of a significantly different scale or character, to reduce the adverse effects of a proposed use on adjacent uses, or to break-up the visual pattern of large monotonous areas of a site, such as parking lots.

- (F) Berms and other earth forms are encouraged to be designed with physical variations in heights and alignment through their length.

§ 3.603 APPLICABILITY.

3.603.1 New Developments:

For all new property developments, the provisions of this Chapter shall apply to the entire site involved.

3.603.2 Substantial Expansions of Existing Developments:

The provisions of this Chapter shall apply to the entire site when substantial expansion of an existing development occurs in one (1) or more of the following manners:

- (A) Substantial expansion of existing structures, which shall be defined based on the criteria established in the table below:

SUBSTANTIAL EXPANSION	
When Existing Structure is...	A Substantial Expansion is...
0 – 1,000 Square Feet	50% or Greater
1,001 – 10,000 Square Feet	40% or Greater
10,001 – 25,000 Square Feet	30% or Greater
25,001 – 50,000 Square Feet	20% or Greater
50,001 Square Feet or Larger	10% or Greater

- (B) Substantial expansion of the parking area, defined as an expansion which exceeds twenty-five (25) percent of the square footage of the existing vehicular area. For the purpose of this Chapter, parking areas shall include parking spaces, parking aisles, access drives, and loading areas.

3.603.3 Minor Expansions of Existing Developments:

When neither (A) nor (B) of Section 3.603.2 applies for an existing development, the provisions of this Chapter shall apply only to the affected area(s) of the site.

§ 3.604 LANDSCAPING AND MATERIALS.

3.604.1 Effectiveness:

At the time of installation, landscaping, screening and buffering elements shall be immediately effective in meeting the objectives of this Chapter, and shall maintain that effectiveness as the plant materials mature.

3.604.2 General Location:

Landscaping shall be installed in locations such that, when mature, it does not obscure traffic signs or light nor obstruct access to fire hydrants nor interfere with adequate motorist sight distance or overhead utility lines.

3.604.3 Existing Landscape Material:

Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this article in whole or in part provided that the existing landscape material meets the minimum standards of this Chapter. The Zoning Inspector shall determine satisfaction of this requirement.

3.604.4 Easements:

Required landscaping shall not be installed within any underground or overhead utility, drainage, or gas easement without the consent of the easement holder.

3.604.5 Landscaping Materials:

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to the requirements of this Zoning Code and the review and approval by the Zoning Inspector.

(A) Walls and Fences

In addition to any other requirements for walls and fences established in this Zoning Code, walls and fences shall be subject to the following:

- (1) When walls or fences are used to fulfill screening requirements, a detailed drawing shall be shown on the plan.
- (2) When materials are not otherwise specified, walls and fences shall be constructed of weather-proof and non-corroding materials such as pressure treated or painted lumber, redwood, cedar, vinyl, aluminum, or galvanized metal. Under no circumstances shall a wall be constructed of unfinished concrete or cinder block.
- (3) Chain link fences shall not be allowed to satisfy the buffering and screening requirements of this Chapter.
- (4) Walls and fences shall be designed to orient the best or most attractive side away from the subject lot, or be equally attractive on both sides.

(B) Plants

- (1) Plant materials used to satisfy the provisions of this Chapter shall be installed in conformance with the standards of the American Standard for Nursery Stock, latest edition from American Nursery and Landscape Association (ANLA) and approved by the American National Standards Institute, Inc. (ANSI) and shall have passed any inspections required under state regulations.
- (2) Plants shall be non-invasive and should be selected based on insect and disease resistance and long life expectancy.

(C) Species Diversity

- (1) When fewer than forty (40) trees are required on a site, at least two (2) different species shall be utilized, in roughly equal proportions.
- (2) When forty (40) or more trees are required on a site, at least three (3) different species shall be utilized, in roughly equal proportions.
- (3) Required shrubs shall utilize the same species diversity requirements.
- (4) Nothing in this subsection shall be construed to prevent the utilization of a larger number of different species than specified above.

(D) Earth Mounds

- (1) Earth mounds shall conform to the grading requirements of the Warren County Soil and Water Conservation District and shall be designed to not be an impediment for drainage.
- (2) Landscaping plant materials may be installed on berms and earth mounds and shall be arranged in an irregular pattern to accentuate the physical variation and to achieve a natural appearance.
- (3) Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on, or adjacent to, the site.
- (4) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- (5) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

(E) Ground Cover

Grass or ground cover shall be planted on all portions of required buffer yards and landscaped areas not occupied by other landscaped material.

§ 3.605 PERIMETER BUFFER YARD REQUIREMENTS.

3.605.1 Applicability:

(A) When Applicable

The table in Section 3.605.3 defines the minimum perimeter buffer yard requirements between a new or expanded use and adjacent uses or zoning districts. The table is applicable to all uses listed, except in cases where one (1) or more of the following is true:

- (1) A naturally wooded/vegetated area of sufficient size and density exists on the development property, and such area is a suitable substitute for the required perimeter buffer yard, as determined by the Zoning Inspector; or
- (2) The Approving Authority determines during site plan review or conditional use review that an increased setback, to no less than one hundred (100) feet from the property lines of adjacent uses, will serve as a sufficient substitute for the required perimeter buffer yard.

(B) Exceptions

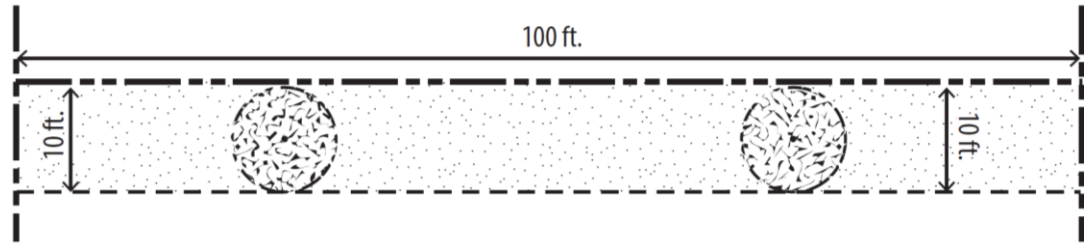
- (1) No buffer yard is required to abut public right-of-way, except as required for major subdivisions in Section 3.606 (Thoroughfare Buffer Yard Requirements).
- (2) Driveways and parking areas are prohibited within the required perimeter buffer yard area, excepting for cross-access purposes.

(C) Interpretation of Abutting Use Categories

- (1) The following distinctions are made for Section 3.605.3 (Schedule of Required Perimeter Buffer Yards by Development Use) concerning corresponding district classifications for abutting uses and districts:
 - (a) Single-family and two-family residential zoning districts are the RU, R-1, and R-2.
 - (b) The multi-family zoning district is R-3.
 - (c) Commercial zoning districts are the B-1, B-2, and B-3.
 - (d) Industrial zoning districts are the I-1, I-2, and I-3.
- (2) Where an abutting property falls under more than one of the categories listed, the most stringent perimeter buffer yard requirements shall be applied.

3.605.2 Types of Perimeter Buffer Yards:

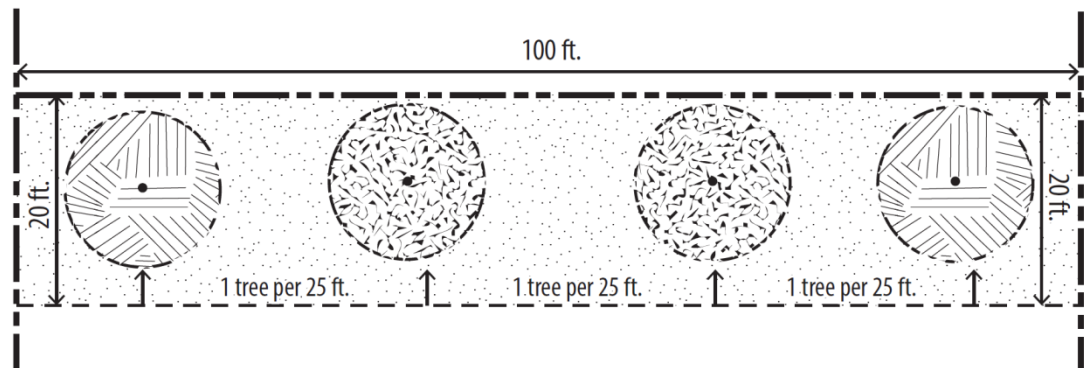
(A) Buffer Yard A



Buffer Yard A, as shown above, consists of:

- (1) A ten (10) foot wide buffer area.
- (2) One (1) deciduous or evergreen tree per every forty (40) lineal feet.
- (3) No minimum screen height, unless required by the Approving Authority.

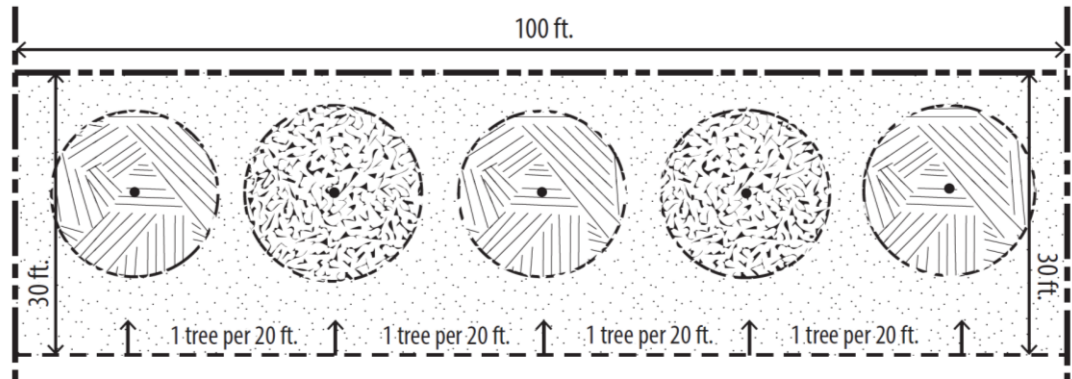
(B) Buffer Yard B



Buffer Yard B, as shown above, consists of:

- (1) A twenty (20) foot wide buffer area.
- (2) One (1) tree per twenty five (25) lineal feet with a minimum of forty (40) percent evergreen trees.
- (3) A minimum screen height of six (6) feet.

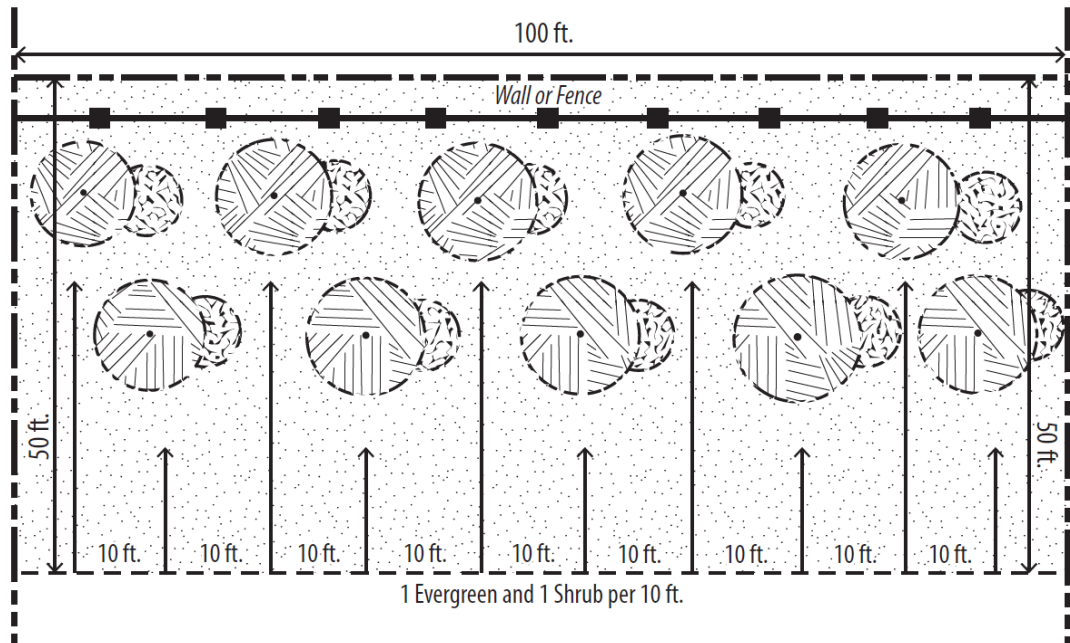
(C) Buffer Yard C



Buffer Yard C, as shown above, consists of:

- (1) A thirty (30) foot wide buffer area.
- (2) One (1) tree per twenty (20) lineal feet with a minimum of fifty (50) percent evergreen trees.
- (3) A minimum screen height of eight (8) feet.

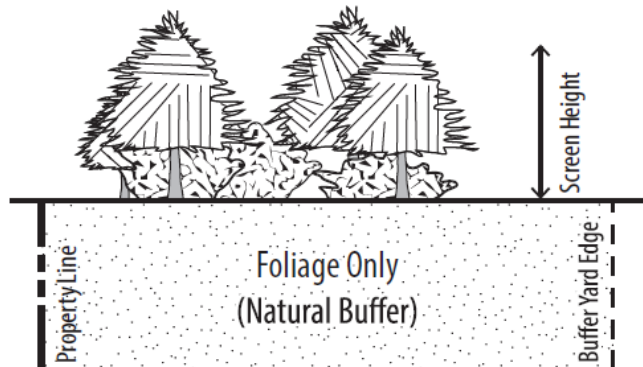
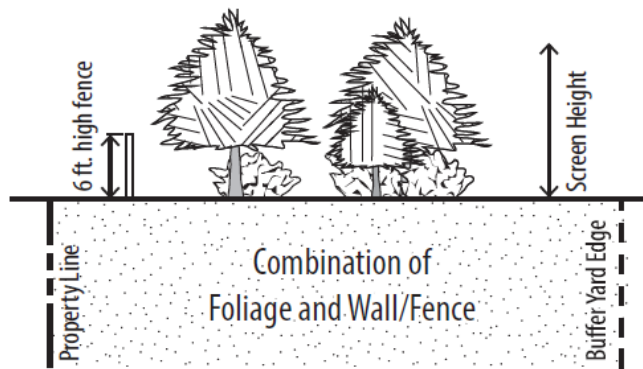
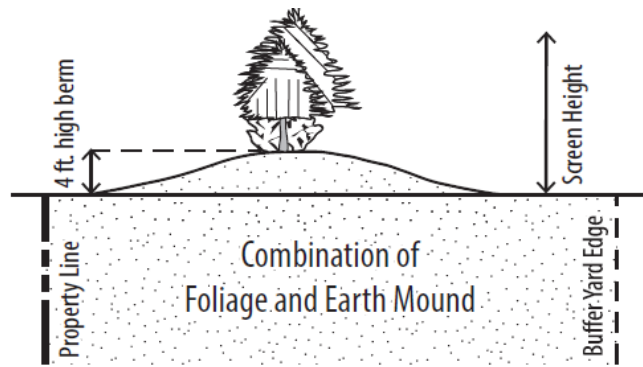
(D) Buffer Yard D



Buffer Yard D, as shown above, consists of:

- (1) A fifty (50) foot wide buffer area.

- (2) One (1) evergreen and one (1) shrub per ten (10) lineal feet along the residential side of the wall or fence.
- (3) Landscaping and/or screening elements shall collectively consist of trees, shrubs, fencing/walls, or berms, to a screen height of ten (10) feet and be installed to one hundred (100) percent opacity. Cross section examples of potential options are shown below.
- (4) Fencing/walls or berms are limited to four (4) feet high in the front yard or as the Approving Authority requires.
- (5) The slope of any berm or earth mound shall not exceed a 3:1 ratio.
- (6) At the time of planting, evergreens shall be a minimum height of five (5) feet.
- (7) The Approving Authority may approve the substitution of shrubs, trees, or other landscaping for required trees.



3.605.3 Schedule of Required Perimeter Buffer Yards by Development Use:

DEVELOPMENT USES	ABUTTING USE OR DISTRICT			
	Single Family or Two-Family	Multi-Family	Commercial	Industrial
AGRICULTURAL & RELATED USES				
All Non-Exempt Agricultural Uses	None	None	None	None
RESIDENTIAL USES				
Single Family Dwelling Units	None	None	None	None
Two Family Dwelling Units	None	None	None	None
Multiple Family Dwelling Units	Buffer Yard C	None	None	None
Boarding House	None	None	None	None
Manufactured Home Park	Buffer Yard D	Buffer Yard C	Buffer Yard C	Buffer Yard C
COMMUNITY-BASED OR SOCIAL-SERVICE RESIDENTIAL USES				
Institutional Care, Substance Abuse Rehab Facility	Buffer Yard C	Buffer Yard C	None	None
All Other Community-Based or Social-Service Residential Uses	None	None	None	None
COMMUNITY FACILITIES & ESSENTIAL SERVICES USES				
Auditoriums & Performing Arts	Buffer Yard C	Buffer Yard C	Buffer Yard A	Buffer Yard A
Campground	Buffer Yard D	Buffer Yard D	Buffer Yard C	Buffer Yard C
Career Center/College, Universities	Buffer Yard D	Buffer Yard B	Buffer Yard A	Buffer Yard C
Cemeteries	Buffer Yard A	Buffer Yard A	Buffer Yard B	Buffer Yard B
Churches/Places for Worship	Buffer Yard A	Buffer Yard A	Buffer Yard A	Buffer Yard B
Civic Clubs, Halls & Lodges	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard B

DEVELOPMENT USES	ABUTTING USE OR DISTRICT			
	Single Family or Two-Family	Multi-Family	Commercial	Industrial
Commercial Swimming Pool	Buffer Yard D	Buffer Yard D	Buffer Yard C	Buffer Yard C
Conference/Training Center	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Correctional Facilities	Buffer Yard D	Buffer Yard D	Buffer Yard D	Buffer Yard D
Day Camp, Boarding Camp, Retreat Facility	Buffer Yard D	Buffer Yard D	Buffer Yard C	Buffer Yard B
Day Care Center	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard C
Fire & Police Station	Buffer Yard C	Buffer Yard C	Buffer Yard B	Buffer Yard B
Government Offices	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard A
Hospital, Clinic, Medical Center	Buffer Yard D	Buffer Yard C	Buffer Yard B	Buffer Yard B
Libraries, Museums, and Fine Arts Centers	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard A
Event / Recreational Facility – Indoor	Buffer Yard D	Buffer Yard D	Buffer Yard C	Buffer Yard B
Park / Recreational Facility – Outdoor Active	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard A
Park / Recreational Facility – Outdoor Passive	Buffer Yard A	Buffer Yard A	Buffer Yard A	Buffer Yard A
Public Works/ Road Maintenance Yards	Buffer Yard C	Buffer Yard C	Buffer Yard A	Buffer Yard A
Schools (Pre-School, Elementary, Non-Elementary)	Buffer Yard B	Buffer Yard B	Buffer Yard C	Buffer Yard C
Telecommunications Towers	Refer to Section 3.205.7	Refer to Section 3.205.7	Refer to Section 3.205.7	Refer to Section 3.205.7
Other Towers	None	None	None	None
Wind Energy Conversion System, Large Wind Farms	Buffer Yard B	Buffer Yard B	Buffer Yard B	Buffer Yard B

DEVELOPMENT USES	ABUTTING USE OR DISTRICT			
	Single Family or Two-Family	Multi-Family	Commercial	Industrial
COMMERCIAL BUSINESS USES				
Administrative, Business and Professional Offices	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard A
Animal Hospital or Veterinary Clinic	Buffer Yard C	Buffer Yard C	Buffer Yard A	Buffer Yard A
Artist or Creative Professional Studio	Buffer Yard A	Buffer Yard A	Buffer Yard A	Buffer Yard A
Automobile Body Repair Shop	Buffer Yard D	Buffer Yard C	Buffer Yard A	Buffer Yard A
Automobile Fueling Station	Buffer Yard D	Buffer Yard D	Buffer Yard A	Buffer Yard A
Automobile General Repair	Buffer Yard D	Buffer Yard C	Buffer Yard A	Buffer Yard A
Automobile Oil Change, Lube, Light Service	Buffer Yard D	Buffer Yard D	Buffer Yard A	Buffer Yard A
Automobile Sales or Rental	Buffer Yard D	Buffer Yard C	Buffer Yard A	Buffer Yard A
Automobile Washing Facility	Buffer Yard D	Buffer Yard D	Buffer Yard A	Buffer Yard A
Banks and Financial Institutions	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Bar, Billiard Parlor, Brewpub, Night Club, or Tavern	Buffer Yard D	Buffer Yard C	Buffer Yard A	Buffer Yard A
Barber, Beauty Shop & Personal Care Salon	Buffer Yard B	Buffer Yard A	Buffer Yard A	Buffer Yard A
Bed and Breakfast	Buffer Yard A	Buffer Yard B	Buffer Yard C	Buffer Yard D
Casino	Buffer Yard D	Buffer Yard D	Buffer Yard C	Buffer Yard B
Cinema	Buffer Yard D	Buffer Yard C	Buffer Yard A	Buffer Yard A
Commercial Airport	Buffer Yard D	Buffer Yard D	Buffer Yard C	Buffer Yard A

DEVELOPMENT USES	ABUTTING USE OR DISTRICT			
	Single Family or Two-Family	Multi-Family	Commercial	Industrial
Commercial Amusement, Indoor	Buffer Yard D	Buffer Yard C	Buffer Yard A	Buffer Yard A
Commercial Amusement, Outdoor / Drive-In Movie Theater	Buffer Yard D	Buffer Yard D	Buffer Yard B	Buffer Yard B
Commercial Parking Lot for Recreational Vehicles	Buffer Yard D	Buffer Yard D	Buffer Yard C	Buffer Yard C
Convenience Mart / Carry-Out Store	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Country Inn	Buffer Yard B	Buffer Yard B	Buffer Yard C	Buffer Yard D
Farm Machinery and Small Engine Sales, Rentals & Repairs	Buffer Yard D	Buffer Yard C	Buffer Yard A	Buffer Yard A
Funeral Parlor, Crematory or Mortuary	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard A
Garden Center	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard A
Golf Course or Driving Range	Buffer Yard A	Buffer Yard A	Buffer Yard A	Buffer Yard A
Gunsmith & Firearms Dealer	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Hardware, Home Improvement, Building Materials & Supplies Store	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Health/Fitness Club, Gym or Spa	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Helipads, Heliports or Helistops	Buffer Yard D	Buffer Yard D	Buffer Yard A	Buffer Yard A
Hotels / Motels	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Landscaping Service	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard A
Large Scale Retail (Big Box) Stores	Buffer Yard D	Buffer Yard C	Buffer Yard A	Buffer Yard A
Laundromat or Dry Cleaner	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A

DEVELOPMENT USES	ABUTTING USE OR DISTRICT			
	Single Family or Two-Family	Multi-Family	Commercial	Industrial
Miniature Golf	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Moving Truck & Trailer Rental	Buffer Yard C	Buffer Yard C	Buffer Yard A	Buffer Yard A
Office with Warehousing	Buffer Yard D	Buffer Yard D	Buffer Yard A	Buffer Yard A
Printing or Copying Shop	Buffer Yard B	Buffer Yard B	Buffer Yard A	Buffer Yard A
Race Tracks	Buffer Yard D	Buffer Yard D	Buffer Yard A	Buffer Yard A
Radio, TV or Other Broadcast Studio	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Recording Studio	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Restaurant, Fast Food	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Restaurant, Full Service	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Retail Stores – General	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Retail Stores – Small-Scale	Buffer Yard B	Buffer Yard A	Buffer Yard A	Buffer Yard A
Self-Storage Facility	Buffer Yard C	Buffer Yard C	Buffer Yard A	Buffer Yard A
Sexually-Oriented Businesses	Buffer Yard D	Buffer Yard D	Buffer Yard B	Buffer Yard A
Shooting Range (Indoor)	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Shooting Range (Outdoor)	Buffer Yard D	Buffer Yard D	Buffer Yard D	Buffer Yard D
Tattoo & Body Piercing Parlor	Buffer Yard C	Buffer Yard B	Buffer Yard A	Buffer Yard A
Truck Stop	Buffer Yard D	Buffer Yard D	Buffer Yard B	Buffer Yard A

DEVELOPMENT USES	ABUTTING USE OR DISTRICT			
	Single Family or Two-Family	Multi-Family	Commercial	Industrial
Wholesale Business	Buffer Yard D	Buffer Yard D	Buffer Yard B	Buffer Yard A
INDUSTRIAL, MANUFACTURING, & OTHER SERVICES USES				
All Uses	Buffer Yard D	Buffer Yard D	Buffer Yard C	Buffer Yard A

§ 3.606 THOROUGHFARE BUFFER YARD REQUIREMENTS.

3.606.1 Applicability:

The requirements of this section shall apply to major residential subdivisions in the RU, R-1, and R-2 districts. Minor subdivisions are excluded from these requirements.

3.606.2 Requirements:

A thoroughfare buffer yard is required along a subdivision boundary that abuts a collector or arterial thoroughfare, as classified in the Warren County Thoroughfare Plan, and shall meet the following requirements:

- (A) Required trees shall be arranged to provide the maximum screening effect.
- (B) Required berms shall have a slope that does not exceed one (1) foot of rise for every three (3) feet of linear distance of the berm base width.
- (C) Height of a required berm shall be measured from the elevation of the paved roadway.
- (D) The minimum height of a deciduous or evergreen tree at the time of planting shall not be less than six (6) feet in height.
- (E) The buffer shall be located on ground owned and maintained by the homeowners' association or by a lot owner in an easement for that purpose.
- (F) Existing vegetation may be used to satisfy the buffer requirements as determined by the Zoning Inspector. To qualify, trees shall be two (2) inches or greater in caliper.

3.606.3 Design Options:

(A) Option 1

Minimum buffer width less than one hundred (100) feet:

- (1) A landscaped berm seven (7) feet high located outside the road right-of-way and also outside of utilities easements unless approved, or;
- (2) Seven (7) trees and seven (7) shrubs per every one hundred (100) feet of road frontage.

(B) Option 2

Minimum buffer width equal to or greater than one hundred (100) feet and less than three hundred (300) feet:

- (1) A landscaped berm four (4) feet high located outside of the road right-of-way and also outside of utilities easements unless approved, or;
- (2) Five (5) trees and five (5) shrubs per every one hundred (100) feet of road frontage.

(C) Option 3

Sufficient existing vegetation effectively screens and maintains rural character. The buffer shall be maintained in its natural state.

§ 3.607 **SCREENING REQUIREMENTS.**

3.607.1 Applicability:

The following areas and items shall be screened in accordance with this section:

- (A)** Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers), also subject to the provisions of Section 3.208.7 (Outdoor Trash Container Enclosure).
- (B)** Drop-off boxes for use by the public which do not meet the standards of Section 3.208.5(C).
- (C)** Loading and service areas, including any areas where tractor-trailers will be stored.
- (D)** Outdoor storage areas (including storage tanks).

- (E) Mechanical equipment and utility meters not located on, and screened by, the building or structure. All electrical boxes, conduits, and similar items attached to a facade shall be painted the same color as the building.
- (F) Junk and junk vehicles, also subject to the provisions of Section 3.104 (Junk, Junk Vehicles, and Other Salvageable Items Restrictions).

3.607.2 Requirements:

- (A) All screening shall be approved during zoning permit review, or if applicable, site plan review.
- (B) All items to be screened shall be shielded from view from public roads and adjoining property.
- (C) All items to be screened shall be provided with a visual screen consisting of fences, walls, mounds or plant materials or a combination thereof. The screening shall be at least one (1) foot higher than the item to be screened but not less than six (6) feet in height, but shall not exceed ten (10) feet in height, and shall extend along three sides of the service area. Screening shall be one hundred (100) percent opaque.
- (D) For dumpsters, a gate shall be required on the fourth side where access is provided to the dumpster. The gates shall be opaque enough to shield from view the interior of the service area.
- (E) Wherever screening material is placed around any large waste receptacle (dumpster) or waste collection unit which is emptied and removed mechanically on a regular basis, a curb or bollards to contain the placement of the container shall be provided within the screening material. The curbing or bollards shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.
- (F) All plant materials used for required screens around dumpsters and service areas shall be of an evergreen variety.
- (G) If an adjacent building provides screening on one side of the service area, only two sides need to be screened, mounted, or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area.
- (H) Roof mounted mechanical equipment shall be screened by parapet walls or other screening device with height not lower than six (6) inches below the height of mechanical equipment.
- (I) Earth mounds, fences, walls, and all other materials and devices used for required screens shall comply with the requirements of Section 3.604 (Landscaping and Materials).

§ 3.608 LANDSCAPING AND SCREENING OF PARKING AREAS.

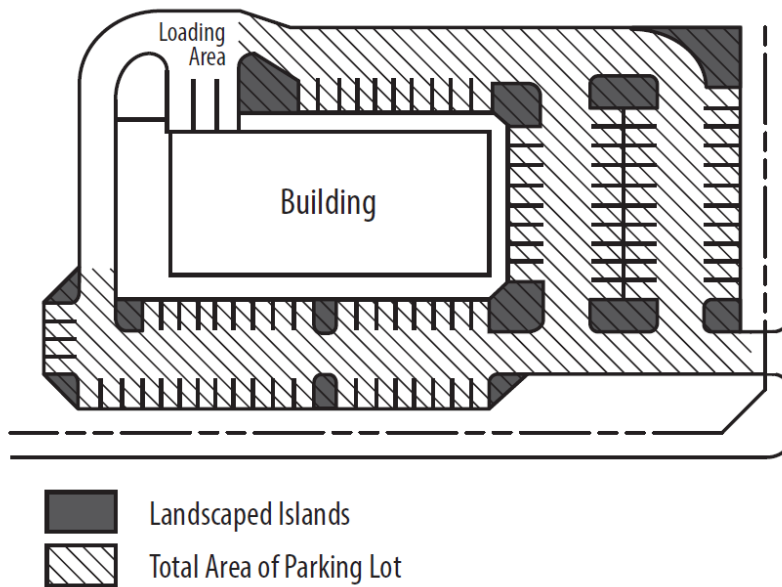
3.608.1 Applicability:

Parking and/or loading areas that are more than fifty (50) spaces or over ten thousand (10,000) square feet of area are subject to the requirements of this section.

3.608.2 Interior Landscape Requirements:

(A) Minimum Area

Ten (10) percent of the total parking area shall contain islands for landscaping. The calculation of the total parking area shall be based on the image shown below.



(B) Island Dimensions/Area

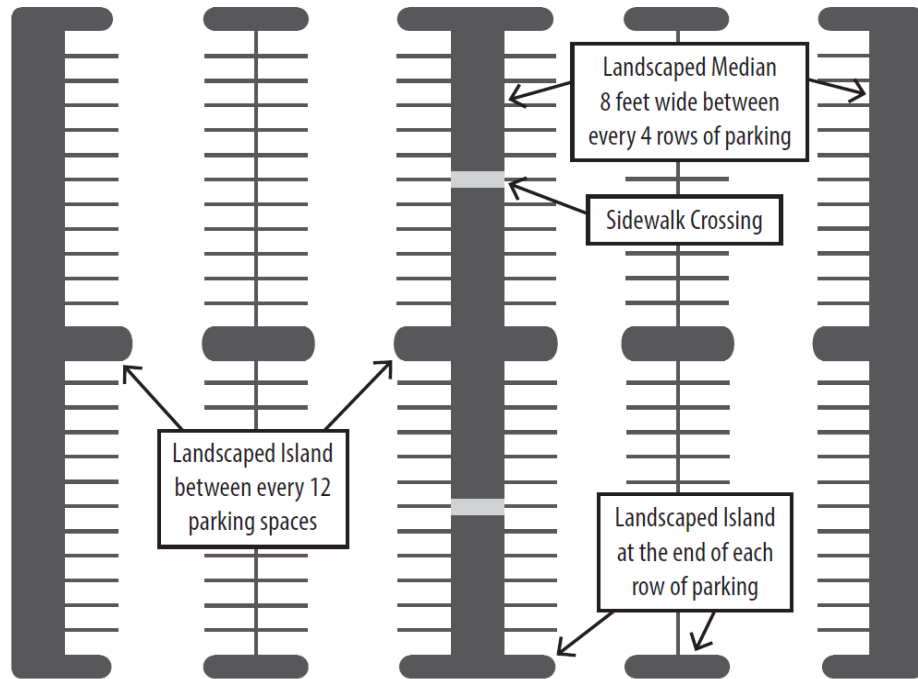
Islands shall be a minimum of eight (8) feet in width and have a minimum area of one hundred forty four (144) square feet.

(C) Distribution

Islands shall be designed and distributed with the following standards:

- (1) Islands shall be required at the end of each parking row. See the image on page 20.
- (2) A maximum of twelve (12) parking spaces in a row can occur before a landscaped island is required. See the image on page 20.

- (3) A continuous island is required every four (4) rows and must include a pedestrian sidewalk crossing every sixty (60) feet to allow for safe automobile and pedestrian circulation. See the image on page 20.



(D) Trees and Shrub Specifications

The following standards shall apply to islands within parking areas:

- (1) All trees shall have, at minimum, a one and three-fourths inch (1 3/4") diameter, as measured six (6) inches above the ground, at the time of planting.
- (2) There shall be a four (4) foot minimum distance to all tree centerlines from the edge of the parking area.
- (3) For single-loaded parking rows, end islands and middle islands must contain at least one (1) tree and two (2) shrubs.
- (4) For double-loaded parking rows, end islands and middle islands must contain at least two (2) trees and four (4) shrubs.
- (5) For continuous islands, one (1) tree and two (2) shrubs per every forty (40) lineal feet is required.
- (6) Trees shall retain visibility near the ground and provide for a clear sight distance.
- (7) Shrubs shall not exceed more than three (3) feet in height or be placed in a location that could cause a traffic or visual hazard.

§ 3.609 MAINTENANCE.

- 3.609.1** All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.
- 3.609.2** Unhealthy and dead plants shall be replaced within one (1) year, or by the next planting season, whichever comes first. The determination of whether a plant is unhealthy shall be at the discretion of the Zoning Inspector or a recognized landscape professional.
- 3.609.3** The effectiveness of screening shall be maintained as the plant materials mature.

ARTICLE IV: DEFINITIONS

CHAPTER 1: DEFINITIONS

§ 4.101 CONSTRUCTION OF LANGUAGE.

4.101.1 For the purposes of this Resolution, terms or words shall be interpreted as follows

- (A) Words used in the singular shall include the plural, and the plural the singular;
- (B) Words used in the present tense shall include the future tense;
- (C) The word “shall” is mandatory and not discretionary;
- (D) The word “may” is permissive;
- (E) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for”;
- (F) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and
- (G) The word “dwelling” includes the word “residence.”

§ 4.102 TERMS NOT DEFINED.

Terms not defined herein shall have their customary meanings as found in the most recent editions of published dictionaries, including the **Webster’s New World Dictionary** and the **American Heritage Dictionary**.

§ 4.103 DEFINITIONS.

Definitions are presented as follows in alphabetical order:

Access Management:

The process and action of providing for, and managing access to, and from land by vehicles typically associated with the use location, while preserving and promoting movement of traffic to be as safe and effective as possible, per the Access Management Regulations of Warren County, Ohio.

Accessory Building:

A subordinate building, detached from, but located on, the same property as the principal building, the use of which is incidental to that of the principal building or use.

Accessory Dwelling Unit:

(See Secondary Dwelling Unit)

Accessory Use:

A subordinate use to the principal use of the premises.

Adult Arcade:

“Adult arcade” means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Adult Bookstore, Adult Novelty or Adult Video Store:

(A) Means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- (2) Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

(B) “Adult bookstore,” “adult novelty store,” or “adult video store” includes a commercial establishment as defined in section 2907.38 of the Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

Adult Cabaret:

“Adult cabaret” means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

(A) Persons who appear in a state of nudity or semi nudity;

- (B) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- (C) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

Adult entertainment:

Means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

Adult entertainment establishment:

Means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or semi-nude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment."

Adult family home:

A residence or facility that provides accommodations and supervision to three (3) to five (5) unrelated adults, at least three (3) of whom require personal care services.

Adult group home:

A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults, at least three (3) of whom require personal care services.

Adult Hotel or Motel:

A commercial establishment which offers accommodations for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions, characterized by the depiction of "specified sexual activities" or "specified anatomical areas", and which advertises the availability of this sexually-oriented type of material by means of a sign visible from a public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or offers a sleeping room for rent for a period of less than ten (10) hours; or allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

Adult Motion Picture Theater:

Means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Adult Theater:

Means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi nudity or live

performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

Affordable (a.k.a. Workforce) Housing:

Residential housing either for home ownership or rental, which is occupied, reserved or marketed for occupancy by households with a gross household income between eighty percent (80%) and one hundred percent (100%) of the County median gross income, as determined by the U.S. Department of Housing and Urban Development (HUD).

Agribusiness:

Farming and the businesses associated with farming, such as the processing of farm products, the sales, and repair of farm equipment and sale of farm products.

Agricultural, Biotechnical:

Agricultural use-related activity which uses bio-technical methods to modify living cells or organisms to produce substances or to perform processes involved in production of agricultural products.

Agricultural Processing:

Processing operations for agricultural products, including, but not limited to, meat preparation, feed mills, dairy processing, timber processing, and fruit and vegetable packing, sorting, and grading, as an accessory use.

Agricultural Research Facility:

A facility for the investigation, testing and demonstration of agricultural products and processes, including bio-technical agriculture, veterinary, soil, plant, and animal sciences.

Agricultural Structure:

A structure used solely for, or is incidental to, purposes of agriculture as defined in this Code and Ohio Revised Code Section 519.01.

Agriculture:

Per Section 519.01 of the Ohio Revised Code, includes: farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and feeding of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; or as amended.

Agriculture Support Services:

Uses, which provide support and services to agriculture.

Agritourism:

Agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity. (ORC 901.80)

Agritourism Provider:

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

Airport, Commercial:

Any runway, or landing strip, and related facilities/services (e.g., fuel sales, storage, repair services, and aircraft sales) designed or used by any person for the landing and take-off of aircraft by the public for commercial purposes.

Airport, Private:

Any runway, or landing strip, and related facilities designed or used by any person for the landing, take-off, and storage of aircraft on their respective property, principally for their own use.

Alteration:

Any remodeling of, or addition to, the floor plan of a building or other structure, interior or exterior, which involves a change, or addition to, the supporting members (bearing wall, beams, columns, girders, etc.). Alteration also applies to the relocation of the building or structure or, in regards to a lot, any change in the recorded boundary and area of a parcel of record.

Amateur Radio Tower:

Shall mean any structure designed and constructed primarily for the purpose of supporting one or more antennas, and used by a licensed amateur radio operator for amateur radio reception and transmission, with no commercial activity. The term includes any antenna or antenna array attached to the tower structure.

Animal, Exotic:

Exotic animals includes, but is not limited to: Primates (gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons, Gelada baboons only); Carnivores (all wolves, all bears, lions, tigers, leopards, jaguars, cheetahs, cougars); Proboscidea (all elephants); Perissodactyla (all rhinoceroses); Artiodactyla (all hippos and African buffalos); Crocodylia (crocodiles and alligators); Serpentes (all poisonous snakes); and Amphibians (all poisonous species).

Animal Wastes:

Excreta, bedding, wash waters, waste feed, and silage drainage from agricultural animals.

Apartment:

A unit within a multiple-unit structure with sanitation and cooking facilities intended for use as a residence by a single household.

Appeal to the BZA:

An application filed with, and requesting of, relief to be granted by the Board of Zoning Appeals (BZA) from an alleged error in any order, requirement, decision, or determination of any requirement of this Code imposed upon the person filing the appeal by the Zoning Inspector.

Appeal to a Court of Competent Jurisdiction:

Per Chapters 2505 and 2506 of the Ohio Revised Code, a timely notice filed with the Board of Zoning Appeals (BZA) once it has issued a final order, adjudication, or decision that determines the rights, duties,

privileges, benefits, or legal rights of the person filing such appeal, and upon exhausting this condition precedent, such matter may be reviewed by the Court of Common Pleas of Warren County, Ohio.

Aquifer:

A consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store or transmit water.

Arcade, Amusement:

A commercial facility wherein electronic games are played. Bingo and gambling devices are not included in this definition.

Asbestos:

Any of several minerals (as chrysotile) that readily separate into long flexible fibers, that cause asbestosis and have been implicated as causes of certain cancers, and that have been used especially formerly as fireproof insulating materials.

Assisted Living Facility:

A home that provides either of the following:

- (A) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;
- (B) Accommodations for three (3) or more unrelated individuals, supervision, and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, any of the skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code.

Attached:

A unit, structure, or other feature (such as a garage or car port) is considered attached if it is under the same roof as the principal structure.

Basement:

The floor space in a building, unfinished or as finished living space, which is partially or wholly underground.

Batching Plant:

An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, including facilities for the administration or management of business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises, and the storage and maintenance of required equipment, but not including retail sale of stockpiled bulk materials or finished products. (ORC 1514.01)

Bed and Breakfast:

A business conducted in and by the residents of a single-family dwelling, wherein sleeping rooms are offered for pay to transient guests.

Berm:

A man-made, linear earthen mound of at least eighteen (18) inches in height from grade designed to provide, buffering or screening of undesirable views, abate noise trespass, etc. (See also “Buffer”)

Best Management Practice (BMP):

A practice or combination of practices that is determined to be the most effective and practicable including technological, economic, and institutional controls as a means of complying with the applicable standards of Chapter 903 of the Revised Code. BMPs may include structural and non-structural practices, conservation practices, prohibition of practices, schedules of activities, operation and maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage. (OAC 901:10-1-01)

Boarding House:

A dwelling kept, used, maintained, advertised or held out to the public to be a place where long term accommodations are provided for compensation. See Section 3.203.3 (Boarding Houses).

Buffer:

An area of healthy and viable vegetation or mounded earth, adjoining or surrounding a land use, which is intended to screen and soften the effects from another use.

Building:

Any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances. (ORC 3781.06)

Building Height:

(See Section 3.103.4)

Building Line:

The line inward and parallel from the front line of a lot representing the minimum distance between the front lot line and first point of contact with the primary/principal structure, running across the width of the lot. (See also “Setback”)

Building, Principal:

The main building(s) on a parcel in which the primary use is conducted.

Bulking Agent:

Any material added to a composting system to provide structural support, improve aeration, or absorb moisture from the decomposing waste. (O.A.C. 3745-27-01(F)(5)).

Business:

Any work, occupation, profession, activity, or buying and selling of commodities and services, commerce, or trade.

Business Activity:

Any activity performed, conducted, maintained, or operated by one (1) or more person(s) as their work, occupation, profession, or involving buying and selling of commodities, the provision of services,

commerce or trade, or approved home occupation in production and/or selling of goods or provision of service(s) in exchange for some form of consideration.

Business, Place Of:

A place where the business activity as defined herein is conducted.

Camping Units:

Portable dependent recreational vehicles, tents, sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or business purposes. (O.R.C. 3729.01 (P))

Cellar:

(See "Basement")

Central Processing Facility:

A site area location or tract of land on which one (1) or more building(s) or other completely contained installations engineered thereon are used for purposes of a solid waste transfer station, recycling facility, or resource/material recovery facility, but excluding incineration fueled by solid waste or that would burn it as a means for its reduction, disposal, or recovery as an energy resource.

Central Sanitary Sewage System:

An operating system of components and facilities for wastewater collection, treatment and disposal, whether public or private, which has been approved by the Board of Warren County Commissioners (BOCC) for location within a sanitary sewer improvement area designated by Resolution of the BOCC for allowance thereof in the Warren County Sewer District or alternatively in an area of the District released by BOCC Resolution to another entity to provide such service, determined solely at the discretion of the BOCC.

Cemetery:

A burial ground for earth interments; a mausoleum for crypt entombments; a columbarium for the deposit of cremated remains; and, a scattering ground for the spreading of cremated remains. (O.R.C. 1721.21).

C.E.R.C.L.A.:

The Comprehensive Environmental Response Compensation and Liability Act, as amended by the Superfund Amendment and Reauthorization Act, 42, U.S.C. 9601 et seq, as amended.

Channel:

The area between definite banks of a natural or artificial stream which confine and convey continuous or periodic flows of surface water, as defined in Ohio Revised Code Section 6105.01.

Churches/Places of Worship:

A place solely for the purpose of religious worship and related educational instruction and gatherings. (See "Religious Institution")

Clinic:

A building, or portion thereof, the use of which provides medical, dental, or psychiatric services to outpatient clients only.

Club:

Building and facilities owned or operated by persons as a non-profit corporation, association, or other organization for social, intellectual, and recreational purposes, for the members and their guests.

Cold Storage Plant:

A place of business that processes perishable foods or related products for wholesale distribution or consumer use.

Commencement of Permit Activity:

Evidence of physical construction and/or change of use on the site for which a zoning permit has been issued.

Commercial Use:

(A) A type of nonresidential land use that has one or more of the following characteristics:

- (1) The use is service-oriented;
- (2) The use sells retail items;
- (3) The use sells goods or products on a wholesale basis; or
- (4) The use has or has the need for open storage areas or warehouses its products.

(B) This includes both business establishments that customarily occupy standard retail/office space that require patrons to visit the establishment and off-site businesses that due to equipment and vehicle storage or the processes used, typically require facilities in addition to standard retail/office space.

Commercial Use, Large Scale Retail:

Establishments that exceed seventy-five thousand square (75,000) feet in gross floor area.

Commercial Kennel:

Any property where a person, partnership, firm, company, or corporation professional engage in the business of breeding dogs for hunting or for sale. (ORC 955.02 defines kennel owner)

Commercial Tent:

A temporary and portable structure used for non-residential purposes and which meets the Uniform building or Fire Code.

Commercial Vehicle:

Trucks, with or without a connected trailer, with a combined gross vehicle weight above 14,000 pounds.

Common Area:

Parcel(s) of land, in a certain development, inclusive of facilities and improvements thereon, which are collectively owned and maintained by the owners of the building lots in the same development, for the use, maintenance, and enjoyment by those owners and their guests.

Community Based Residential Social Service Facilities:

Means health and social services provided to persons in their own homes or in community care settings, and includes any of the following:

- (A) Case management;
- (B) Home health care;
- (C) Homemaker services;
- (D) Chore services;
- (E) Respite care;
- (F) Adult day care;
- (G) Home-delivered meals;
- (H) Personal care;
- (I) Physical, occupational, and speech therapy;
- (J) Transportation;
- (K) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings. (ORC uses 173.14)

Composting:

Composting is defined as the decomposition of organic matter that requires controlled conditions and yields temperatures conducive to thermophilic microorganisms, resulting in humus-like organic material. (OAC 3745-27-01 (C) (4))

Composting Facilities:

Any site, location, tract of land, installation or building used for composting as the method for disposing of solid waste and which are classified according to Ohio Administrative Code:

- (A) **Class I:** Solid Waste Composting Facilities: Means a facility where the owner or operator may accept yard waste, agricultural waste, animal waste, food scraps, mixed solid waste, bulking agents, additives, and authorized alternative materials.
- (B) **Class II:** Solid Waste Composting Facilities: Means a facility where the owner or operator may accept yard waste, agricultural waste, animal waste, food scraps, bulking agents, additives, and authorized alternative materials.
- (C) **Class III:** Solid Waste Composting Facilities: Means a facility where the owner or operator may accept yard waste, agricultural waste, animal waste, bulking agents, and additives.

- (D) **Class IV: Solid Waste Composting Facilities:** Means a facility where the owner or operator may accept only yard waste, bulking agents, and additives limited to urea and bacterial or fungal inoculum.

Comprehensive Plan, Wayne Township:

A document adopted by the Wayne Township Board of Trustees which describes in detail a future land use vision, as well as goals and strategies for infrastructure, transportation, economic development, and other subjects related to the built environment and community character.

Conditional Use:

A use that is potentially acceptable in a Zoning District, but not necessarily appropriate in all locations.

Conditional Use Permit:

A zoning permit issued by the Zoning Inspector for a conditional use approved by the Board of Zoning Appeals (BZA).

Conservation Area:

In regard to the designation of Open Space, Conservation Areas are secondary Environmental Open Space and are strongly encouraged to be included within the Required Open Space to the maximum extent possible. See Section 3.101.4(B) (Conservation Area).

Conservation Design Option (CDO):

A type of residential development allowed by right in the RU and R-1 districts which allows greater density of dwelling units and flexibility on certain lot requirements in return for providing open space within the development. (See also “Conservation Development” and “Open Space”)

Conservation Development:

A type of development in which residential lot sizes are reduced below what is required by the zoning district in which located in return for providing permanent open space within the development. (See also “Conservation Design Option” and “Open Space”).

Construction and Demolition Debris:

Means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any man-made physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. This definition does not include materials identified or listed as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734 of the Ohio Revised Code and rules adopted thereunder; liquids including containerized or bulk liquids; materials from mining operations, non-toxic fly ash, spent non-toxic foundry sand and slag; or reinforced or non-reinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two (2) years for recycling into a usable construction material. For the purposes of this definition, “material resulting from the alteration, construction, destruction, rehabilitation, or repair of any man-made physical structure” are those materials that form the structure, and those materials directly affixed to the structure such as brick, concrete, and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components containing no hazardous fluids or refrigerants, insulation, affixed carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles. Materials from construction may also include empty packaging material consisting of, without limitation: wood, corrugated container board, paper, metal, and/or plastic directly resulting from construction

material packaging. Material resulting from the alteration, construction, destruction, rehabilitation, or repair does not include materials that are required to be removed before demolition occurs, materials that are not affixed to the structure or that are otherwise contained within the structure such as solid wastes, yard waste, packaging materials not directly incidental to construction, pallets, containers, and drums including caulking tubes, furniture, appliances, tires, batteries, and fuel tanks.

Construction/Demolition Debris Facility:

Any site, location, tract of land, installation, or building used for the disposal of material from construction or demolition operations. Material from construction or demolition operations are those items affixed to the structure being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing, finished lumber, roofing materials, plumbing, plumbing fixtures, heating equipment, wiring, and insulation, but excludes materials whose removal has been required prior to demolition.

Contaminant:

Any physical, chemical, biological, or radiological substance or matter that has an adverse effect on air, water, or soil.

Convalescent Home:

(See "Institutional Care Facility," as a type of Community-Based Residential Social Service Facility.)

Correctional Facility:

A penal institution publicly or privately operated that houses persons awaiting trial or persons serving a sentence imposed by a court of law.

Country Inns:

A business, other than a hotel or bed and breakfast, that offers overnight accommodations in a rural area with a maximum of eight (8) guest rooms and wherein dining, banquet and other meeting facilities may be operated.

Court (a.k.a. Courtyard):

An open area of ground on a building use site that is partially or completely surrounded by walls, buildings, or fencing and typically decoratively landscaped and unobstructed to the sky.

Cul-de-sac Lots:

A lot that fronts on or takes access from a cul-de-sac. A lot shall be considered to be a cul-de-sac lot if the lot has more than one half (1/2) of its required frontages on the cul-de-sac.

Cut Off:

The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.

Cut Off Angle:

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

Damaged or Diseased Trees:

Trees that have: split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or structure.

Day Care:

The care, protection, and guidance of one (1) or more children or adults on a regular basis, for periods of less than 24 hours per day, in a place other than their own dwelling unit.

Debris:

Trash, litter, refuse or rubbish on any property that is not properly contained for disposal in accordance with applicable regulations, so that such items or materials are open to haphazard transport off-site by wind or water, a potential hazard to public health and safety, or a visual eyesore, barring containment and/or removal. Debris does not include bulking agents used for active composting permitted by zoning nor construction or demolition debris on a site permitted by zoning for disposal.

Density:

The state, quality, or degree of compactness.

Density, Gross:

The total number of dwelling units divided by the total acreage of the development site.

Density, Net:

The total number of dwelling units divided by the acreage to be developed only for residential use, exclusive of areas for street/road rights-of-way.

Detached:

A unit, structure, or other feature (such as a garage or car port) is considered detached if it is not under the same roof as the principal structure.

Developed Spring:

Any spring which has been permanently modified by the addition of pipes or a collection basin to facilitate the collection and use of spring water. [OAC 3745-27-01 (D) (2)]

Developer:

A person, firm, corporation, or partnership which develops property.

Direct Market Business:

A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include such use activities as pick-your-own ("PYO") operations and operations in which delivery of products is made directly to consumers, such as "farm share" arrangements under which periodic delivery of farm products is made for a subscription fee.

“Distinguished or characterized by their emphasis upon”:

Means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films “that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

Drive-Through (sometimes stylized as ‘Drive-Thru’):

A commercial accessory use designed to service customers who stay in their vehicles.

Dwelling:

Any building or portion thereof designed or intended to be used exclusively for residence purposes, but not including a mobile home or a non-permanently sited manufactured home on any site outside of a manufactured homes park, nor a tent, cabin, trailer, travel trailer, trailer coach, camper on a truck, or any other type of recreational vehicle.

Dwelling, Multiple-Family:

A building or portion thereof designed for or occupied by more than two (2) families.

Dwelling, Single-Family:

A building designed for, or occupied exclusively by, one (1) family.

Dwelling, Two-Family:

A building designed for, or occupied exclusively by, two (2) families.

Dwelling Unit:

A residential use building or portion therein containing one (1) or more rooms used, designed, or intended for occupancy as a single household unit, in providing complete permanent facilities per all applicable Code requirements for living, sleeping, cooking, eating, bathing, washing, and sanitation. (See also “Housing Unit”)

Easement:

A particularly described area of exclusive or non-exclusive legal interest in, on, under, over, or through a portion of a parcel of land or appurtenance thereto created by a written instrument whereby the owner of the parcel grants to the owner of a separate parcel of land or appurtenance thereto, or utility, the right to make lawful and beneficial use of the particularly described area.

Ecotourism:

Environmentally responsible travel to natural areas, in order to enjoy and appreciate the natural scenery, history, indigenous ecosystems, native plant or animal species, and accompanying cultural features, both past and present that promote conservation, have a low visitor impact, and provide for beneficially active socio-economic involvement of local people. Facilities for an eco-tourism enterprise may include recreational outfitters.

Employee:

A person who works for another person or entity (the employer) under which the employer has the right to control the details of the employee’s work performance.

Enclosed:

Means roofed and contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.

Escort:

A person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie or privately performs a striptease for another person.

Escort Agency:

A person or business association that for any form of consideration provides or offers an escort(s) for another person.

Essential Services:

Public or private utilities, whether at, below, or over the land surface where located, which are necessary for the exercise of the principal use or service of the principal structure on a lot, including, as examples: gas, electric, steam, water, wastewater disposal, stormwater drainage, telecommunications systems, and accessories thereto and other public use facilities, such as fire/EMS and police stations, schools, government administrative buildings, etc., and the like.

Establishment:

A place of business, firm, club, or institution.

Event/Recreational Facility - Indoor:

A recreational facility operated as a business, either open to the public or private, where the primary activity/activities are located in an indoor setting. Examples include reception facilities (such as those for weddings and other events), arenas, and other similar venues. (See also "Park/Recreational Facility")

Excavation:

The altering of the topographic elevation and configuration (grade) of a land area.

Family:

A person or group of persons occupying a single dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a hotel or motel as herein defined.

Family Day-Care Home:

Two types under ORC 5104.01:

- (A) "Type A family day-care home" and "Type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp.

(B) “Type B family day-care home” and “Type B home” mean a permanent residence of the provider in which child care is provided for one to six (6) children at one time and in which no more than three (3) children who are under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted. “Type B family day-care home” and “type B home” do not include any child day camp.

Farm (or farmstead if including a dwelling):

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

Farm Equipment Sales, Rental, and/or Repair Service:

An establishment for the sale, rental, and/or repair service of equipment normally or routinely used on farms and gardens, and sales of related parts, tools, and accessories.

Feedlot:

An agricultural use facility consisting of any pen, corral, or structure wherein livestock are maintained in close quarters for the purpose of fattening for market, subject to all necessary permitting from the Ohio Environmental Protection Agency (OEPA) for waste treatment and disposal.

Fence:

An enclosure or barrier consisting of vegetation or otherwise constructed of boards, masonry, posts, wire, wrought iron, or the like.

Fifth-Wheel Trailer:

(See “Recreational Vehicle”)

Fill:

Soil, rock, sand, gravel, or a combination with other materials found suitable as fill by the applicable involved authority to make such determination, which exceeds one hundred (100) cubic yards total volume and/or more than four (4) feet in height at its deepest point of placement or dumping on or into ground.

Filling:

The placement or dumping of fill on or into ground, excluding such which is not fill for common household gardening, composting and yard care.

Firewood, Processed:

Firewood is raw material that has been processed for use in a fireplace, stove, or other heat generating source, by removing all non-wood or non-combustible material, reduced to a size and length for the said foregoing uses and stacked in an orderly fashion.

Firewood, Raw Material:

Raw material that has not been, but can be, processed into firewood. Examples include, but are not limited to, logs, branches, limbs, pallets, untreated dimensional lumber, and other wood products that have not been painted, stained, chemically treated, or coated.

Fire Lane:

A continuous, posted, and/or marked access way on a property for the effective, safe ingress and egress of fire suppression and emergency response vehicles and personnel.

Flood, One Hundred (100) Year:

The temporary inundation of normally dry land along a watercourse by a flood that is likely to occur once in a one hundred (100) year period or that has a one percent (1%) chance of occurring in any given year within a one hundred (100) year period.

Floodplain, Regulatory:

Land under and along a watercourse which is subject to inundation by a one hundred (100) year flood, as determined by the Federal Emergency Management Agency (FEMA) or other source determined acceptable per the Warren County Flood Damage Reduction Regulations.

Floodway:

Land under and along a watercourse in a regulatory floodplain which is calculated or otherwise observed as required to carry and discharge the flood waters of a one hundred (100) year flood without obstruction, as designated by the Federal Emergency Management Agency (FEMA) or other acceptable source.

Floodway Fringe:

Land along a floodway in a regulatory floodplain which as calculated or observed serves as a storage area for the flood waters of a one hundred (100) year flood, as designated by the Federal Emergency Management Agency (FEMA) or other acceptable source.

Floor Area, Gross:

The total gross area of all the floors in a building, as measured from the exterior surface of the exterior walls of the building or from the centerline of common walls separating buildings or units within a building. (Also see Living Space.)

Floor Area Ratio:

The mathematical expression determined by dividing the Gross Floor Area of a building or structure, including all accessory buildings, by the area of the lot on which they are located.

Foot-Candle:

A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Footprint, Building:

The area within the perimeter of a building at ground level.

Foster Home:

A private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four (24) hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes. (ORC 5103.02)

Foundation, Permanent:

Permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to chapter 4781 of the Ohio Revised Code, to which a manufactured or mobile home may be affixed. (O.R.C. 3781.06)

Garage, Residential:

A building or a part of a residence, in which to store vehicles and personal property incidental to the use of the property.

Garage, Non-Residential:

A commercial building where vehicles are repaired and/or serviced.

Garage, Parking:

A commercial building for the storage of vehicles.

Glare:

Light emitted from a luminaire resulting in a spot of intensity great enough to reduce a viewer's ability to see, and in extreme cases such to cause momentary blindness.

Golf Course:

A tract of land lay out with at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter. This definition does not include miniature golf.

Grade:

The finished ground level adjoining the building at all exterior walls.

Grandfathered:

(See Non-Conforming, Legal)

Group Home:

A residential use, as a type of Community-Based Residential Social Service Facility, which is operated by private citizens or a social service agency and which has a valid license from the appropriate state or local agencies of lawful authority to license the operation to provide room and board, personal care, rehabilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.

Hazard:

A condition that poses a danger or a threat thereof to the health, safety, and welfare of any person or property.

Hazardous Wastes:

Means waste that is regulated by the Ohio Environmental Protection Agency specifically as hazardous waste and/or exhibits one (1) or more characteristics of hazardous waste as defined in Ohio Administrative Code Chapter 3745-51. In further definition, hazardous waste also means any waste or any combination of wastes in a solid, liquid, semi-solid, or contained gaseous form that, in the determination of the Director of Environmental Protection, because of its quantity, concentration, or physical or chemical characteristics, may:

- (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or incapacitating reversible illness; or,
- (B) Pose a substantial present or potential hazard to human health and safety or to the environment when improperly stored, transported, disposed of, or otherwise managed. Hazardous wastes include any substance identified as such under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 692 et seq.), as amended, and do not include any substance that is subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended.

Heavy Equipment:

Refers to heavy-duty vehicles or equipment they may include equipment designed for executing construction tasks or earthwork operations: earth movers; engineering vehicles; large vehicles that require an oversize/overweight permit from the Ohio Department of Motor Vehicles to be transported over public highways; and vehicles that have more than five (5) axles or haul heavy equipment.

Historic Structure:

(ORC uses the term historic building under 149.311) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the National Register of Historic Places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as a historic landmark designated by a local government certified under 16 U.S.C. 470a(c).

Home for Adjustment:

A residential facility, as a type of Community-Based Residential Social Service Facility, operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes: 1) to assist them in recuperating from the effects of drugs or alcohol or, 2) to assist them in adjusting to living with the handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution, or 3) to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution. The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency, and all homes for adjustment must have a valid license from the appropriate court or agency having the lawful authority to license the operation.

Home Occupation:

A business, profession, or occupation activity that may be permitted in a residence. Refer to Section 3.209.1 (Home Occupations).

Hotel:

A commercial use building or group of buildings, containing any combination of guest rooms in which lodging and boarding is offered to guests for compensation, with access to the units being from interior lobbies, courts or halls.

Household:

All persons who occupy a dwelling housing unit.

House Size:

The total square footage of living space in a dwelling unit. (See "Living Space")

Housing Unit:

A house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as a separate living quarters, which are those in which the occupants live and eat separately from any other persons in the dwelling building and which have direct access from the outside of the building or through a common hall. The occupants may be single-family, one person living alone, two or more families living together, or a group of related or unrelated persons who share living arrangements. Persons not living in households are classified as living in group quarters. (See also "Dwelling Unit")

Impervious Surface:

Any material that prevents, impedes, or slows the infiltration or absorption of stormwater into the ground, including building roofs and concrete or asphalt pavement.

Impervious Surface Ratio:

A ratio derived by dividing the amount of the site that is covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including but not limited to buildings, swimming pools, roads, and parking areas, by the net area (excluding right-of-way) of the lot. This calculation excludes landscaping, surface water retention/detention facilities and those areas used exclusively for pedestrian circulation or outdoor recreational facilities.

Incinerator:

Equipment, machine, device, article, structure, or part thereof, used to burn solid waste.

Industrial:

Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods. (See "Manufacturing")

Industrial, Light:

Manufacturing or assembly that is capable of controlling the external effects of the process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and where conduct of operations are within the confines of buildings. The processes carried on, the transportation involved, or the machinery or materials used do not interfere with the amenity of the surrounding area, and products are intended for end users rather than as intermediates for use by other industries.

Industrialized Unit:

A building unit or assembly of closed construction, fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure and requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity, but does not include “manufactured home” or “mobile home” as defined in division (O) of Sec. 4501.01 of the Ohio Revised Code. (ORC 3781.06 (C)(3), as amended).

Infiltration Barrier:

In situ geologic material, or added earthen material in the form of a re-compacted soil liner and/or geotextile, situated under a waste disposal area in order to prevent leachate from infiltrating into underlying soil and groundwater.

Injection Well:

A well into which fluids are injected, as classified per OAC 3745-34-04, as amended.

In-Law Suite:

An accessory living quarters located within a principal dwelling permitted for the sole purpose of providing a complete living space for a relative by blood or marriage of the family that owns and occupies the dwelling in which the quarters is located. (See also “Living Space”)

In Situ:

Soil and other earthen material that exists in its undisturbed geologic situation or location where it has been allowed to form in place throughout its geologic history of natural development, without having been excavated or otherwise disturbed or influenced by man. (see “Infiltration Barrier”)

Institutional:

A use of land and/or buildings located thereon owned and occupied and used exclusively for the benefit of members of a not-for-profit organization or the public.

Institutional Care Facility:

Any residential facility, hospital, convalescent, nursing, or rest home, children’s homes, halfway houses, residential treatment camps, and training or correctional schools for children designed or used for more than sixteen (16) persons functioning for purposes of a family care home or a group home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having the lawful authority to license the operation and may be operated by private citizens, a social service agency, or a governmental authority. This definition excludes correctional facilities, as defined herein.

Internet Sweepstakes Establishment:

An establishment that promotes the sale of prepaid internet time cards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card, internet time cards or similar device at an internet sweepstakes game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

Internet Sweepstakes Game Terminal:

A computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, may be operated by the public for use as a contest or game of chance, and which provides the user with a chance to win anything of value.

Junk:

One (1) or more objects, articles, or materials occupying space outside a building or at an unenclosed location on a property whereon such item(s) is (are) apparently useless, regardless of whether or not reconditioning is in process and could restore new value and usefulness, whether being collected, accumulated or stored for salvage or reuse, and as may be evidenced by one or more of the following:

- (A) Poorly maintained, deteriorated, damaged, or destroyed condition;
- (B) Careless, haphazard, disorganized placement;
- (C) Lack of cover from sun and weather exposure.

Solid waste and construction/demolition debris as defined by the Ohio Revised Code for regulated by the Ohio Environmental Protection Agency, individual household waste used for composting on the site of the household residence, and processed firewood for personal use at a residence are not included in this definition of junk.

Junk Vehicle:

Any vehicle, whether motorized or otherwise made mobile for purposes of travel on or off roads, through air or on or under water and/or to transport a driver, passengers and/or materials of any kind, and can be described by one (1) or more of the following:

- (A) Inoperable in accordance with manufactured design and/or for safe and/or lawful use;
- (B) Damaged and/or dismantled so as to be unsafe or unlawful to operate and/or could not be restored to safe, lawful operation within seven (7) days;
- (C) Expired registration, if required to be registered; and,
- (D) Uninsured if required to be insured.

Junk Yard (a.k.a. Salvage Yard):

A use permitted on all or part of a property that is not completely contained within a building, but which is completely contained within an area which is surrounded by a solid fence or wall and perhaps natural landscaping such that it is not viewable from any other property, and wherein placement: of junk, and/or junk vehicles, inclusive of used, wrecked and/or dismantled; vehicle, appliance, and machine parts; building, electrical, heating, air conditioning, and plumbing fixtures; scrap metal, lumber, concrete blocks, bricks, plastics, rubber, wire, cable, rope or glass are permitted, in accordance with applicable regulations of the zone in which the property is located, for the purpose of being dismantled, handled, wrecked, sorted, salvaged, or reclaimed for restoration or reuse, or to be shipped elsewhere for reuse or disposal. A junk yard is not considered a central processing facility or disposal site for solid waste or construction/demolition debris as otherwise defined by this Code.

Kennel:

A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats or other animals for financial or other compensation.

Landscaping:

Vegetation, including grass, ground cover, flowers, shrubs, and trees, for the purposes of adornment and soil erosion and sedimentation control of yard or other areas on a site and non-vegetation elements such as logs, rocks, fountains, water features, and contouring of the earth into mounds and depressions.

Land Use Plan:

(See “Comprehensive Plan, Wayne Township”)

Leachate:

Liquid that has come in contact with or been released from solid waste or construction/demolition debris.

Legal Non-Conforming:

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment, but if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use of land shall be in conformity with sections 519.01 to 519.25, inclusive, of the Revised Code. The Board of Township Trustees shall provide in any zoning resolution for the completion, restoration, reconstruction, extension, or substitution of non-conforming uses upon such reasonable terms as are set forth in the zoning resolution. (ORC 519.19)

Light Manufacturing:

Means an accessory and associated light manufacturing use conducted in conjunction with a primary retail use. The manufacturing use is conducted within the building in which the retail use is carried out, and the manufactured products are on display and are available for sale on-site.

Light Trespass:

Light which goes beyond the boundary of the site on which the light source is located.

Limestone Quarry:

A mineral extraction site and mining operation where limestone is the principal material excavated for commercial sale or use in another location, but does not include such excavation resulting from the construction of a sanitary landfill.

Living Space:

Finished interior floor area for each story in a dwelling unit for the purpose of living, sleeping, cooking, eating, bathing, washing, and sanitation use purposes and does not include an unfinished basement, attic, unenclosed porch, garage, carport, utility room, or storage room. (See also “Floor Area, Gross”)

Loading Space, Off-Street:

An unobstructed area within, adjacent to, or on the same site of a non-residential use building provided and maintained for the temporary parking of trucks and other commercial delivery vehicles for the purposes of loading and unloading goods, wares, materials, and merchandise.

Lot:

A parcel of land of described legal boundary and area, having frontage on a public street/road right-of-way or equivalent.

Lot, Building or Buildable:

A lot of record which meets or otherwise satisfies permit requirements of this Code in effect at the time of its creation for construction or placement of one or more buildings and accessory structures. (Also see “Lot of Record” ; “Legal Non-Conforming”; and “Grandfathered”)

Lot, Corner:

A lot bordered by public roads/streets along two (2) or more of its intersecting boundaries.

Lot Coverage:

The percentage of a lot’s surface covered by structures and pavement, or other impervious material.

Lot Depth:

The average distance between the street right-of-way line and the rear lot line or point, measured perpendicular or radial to the street right-of-way line. In the case of panhandle lots such distance shall be measured from the front property line.

Lot, Double Frontage:

A lot having frontage along two (2) public roads/streets at opposite ends of the lot.

Lot, Single Frontage:

A lot having frontage along one (1) public road/street.

Lot Frontage:

The common boundary line between a lot and adjacent road right-of-way.

Lot Lines:

The intersecting lines which form the legal boundary of the lot, as surveyed or recorded.

Lot, Panhandle (a.k.a. Flag Lot, as named due to shape):

A lot along which the only legal road/street frontage is at one end of a narrow strip of land which extends back from the road/street to the body portion of the lot.

Lot Line, Front:

The boundary line(s) of a lot which, respectively, coincide with the public road/street right-of-way line(s), or the road/street centerline(s) as applicable if there is no right-of-way line. On a panhandle lot, it is the next closest line back from and mostly parallel with the front line at the road/street. All lot lines along streets are front lot lines.

Lot Line, Rear:

The boundary line of a lot that is opposite and usually most distant from and often nearly parallel to the front lot line. On corner lots and a pie-shaped lot where the side lot lines come to a point at the rear of the lot, there is no rear line.

Lot Line, Side:

The boundary line of a lot, which, respectively, extend between each end of the front and rear boundary lines. Or, front the opposite ends of the front line to intersect each other at the rear-most point of a pie-shaped lot.

Lot, Non-Building or Unbuildable:

A lot that does not meet the requirements of the current Zoning Code or the Zoning Code in effect at the time of its creation.

Lot of Record:

A lot that met the requirements of the Zoning Code that was in effect at the time of its creation. (See also “Non-Conforming”)

Lot Width:

The distance between the side lot lines measured at the point of the minimum front yard setback line.

Lowest Floor:

The lowest floor of the lowest enclosed area in a building, including basement. (See also “Lowest Habitable Floor”)

Lowest Habitable Floor:

The elevation of the lowest floor area of a building which is deemed habitable space certified by the Chief Building Official of Warren County, Ohio, being above the minimum elevation required by the Warren County Flood Damage Prevention Regulations if applicable to the building being within one hundred (100) year floodplain. (See also “Lowest Floor”)

Luminaire (a.k.a Light Fixture):

A complete lighting unit, consisting of a light source and all mechanical, electrical, and decorative parts.

Luminaire, Cut Off:

A source of illumination with elements such as shield, reflectors or refractor panels that direct and cut off the light at a cut off angle less than ninety (90) degrees.

Major Subdivision:

The division of a parcel of land that requires the approval of plat by the Regional Planning Commission as authorized by Section 711 of the Ohio Revised Code.

Manufacturing:

To bring something into being by forming, shaping, combining, or altering materials. (See “Industrial”)

Manufactured Home:

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. (ORC 3781.06)

Manufactured Home, Permanently-Sited:

Means a manufactured home that meets all of the following criteria:

- (A) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- (B) 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, excluding garages, porches, or attachments, of at least nine hundred (900) square feet;
- (C) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
- (D) The structure was manufactured after January 1, 1995;
- (E) The structure is not located in a manufactured home park as defined by section 3733.01 of the Revised Code. (ORC 3781.06)

Manufactured Home Park:

Any tract of land upon which three (3) or more manufactured or mobile 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 a part of the facilities of the park. (ORC 4781.01(D), as amended)

Marijuana:

All parts of the plant cannabis, whether growing or not.

Marijuana Concentrates:

Products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than sixty (60) percent.

Marijuana Cultivation:

The planting, growing, or harvesting of marijuana plants, or any part thereof.

Marijuana Dispensary:

A properly licensed use where marijuana, marijuana-infused products, and/or marijuana concentrates are legally sold and/or distributed.

Marijuana-Infused Products:

Products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include either usable marijuana or marijuana concentrates.

Marijuana Processing:

Processing of marijuana by a marijuana processor into usable marijuana, marijuana-infused products, and marijuana concentrates, including the packaging and labeling of usable marijuana, marijuana-infused products, and marijuana concentrates.

Massage Parlor:

Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of, or in connection with, “specified sexual activities”, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her “specified anatomical areas”. This definition does not include the practice of massage in a licensed hospital under the auspices of a hospital by a licensed physician, surgeon, chiropractor, or osteopath, by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, or by trainers for any amateur, semi-professional, or professional athlete, or athletic team, or school athletic program.

Materials/Resource Recovery Facility (MRF):

A facility that extracts, removes, or reclaims valuable materials and/or energy from solid wastes or any combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat, or prepare collected solid waste for management other than by disposal so that component materials or substances or recoverable resources may be recovered or used as a new material or energy resource. For purpose of this Zoning Code, an MRF is also further defined to mean an engineered complex constituted by one (1) or more building(s) or completely contained installation(s) consisting of structures, machinery and/or devices that are utilized to separate, process, modify, convert, treat, or prepare incoming solid waste for purpose of extracting, recovering, removing, or reclaiming one (1) or more component material, substance, or resource for reuse.

Micro Wind System:

A building-mounted WECS that has a nameplate capacity (manufacturer’s rating) of ten (10) kilowatts or less, and projects no more than fifteen (15) feet above the highest point of the roof. These WECS are designed primarily to reduce on-site consumption of electrical power.

Mineral Extraction Operation:

Mineral Extraction Operation shall be defined the same as “operation” or “surface mining operation”. “Operation” or “surface mining operation” means all of the premises, facilities, and equipment used in the process of removing minerals, or minerals and incidental coal, by surface mining from a mining area in the creation of which mining area overburden or minerals, or minerals and incidental coal, are disturbed or removed, such surface mining area being located upon a single tract of land or upon two (2) or more contiguous tracts of land. Separation by a stream or roadway shall not preclude the tracts from being considered contiguous. (ORC 1514.01(F)(1))

Minimum Opening Elevation (MOE):

The elevation of the lowest opening through a building foundation wall or the lowest floor of a building at which a door (including a walkout basement), window, window well, or other opening is permitted, as calculated and proposed on a construction grading plan, Zoning/Building Permit plot plan, or recorded subdivision by an engineer registered in the State of Ohio, and verified by the Warren County Engineer. (See also “Lowest Habitable Floor”)

Minor Subdivision (or Lot Split):

A division of a parcel of land that does not involve the approval of a plat by the Regional Planning Commission as authorized by Section 711.131, Ohio Revised Code.

Mobile Home:

A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty five (35) body feet in length or, when erected on-site, is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one (1) or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code. (ORC 4501.01 (O))

Motel:

A commercial use of land and the building or group of buildings in which lodging and perhaps boarding is offered to transient guests for compensation, with access to each unit through an exterior door, typically in close proximity to parking (also see "Hotel").

Motor Home:

(See "Recreational Vehicle")

Motor Vehicle:

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

Natural Resource Protection Area:

In regard to the designation of Open Space, the Natural Resource Protection Area is a type of Environmental Open Space with natural features which are mandatory for inclusion in the Required Open Space for a development. See Section 3.101.4(A) (Natural Resource Protection Area).

Natural Succession:

The gradual and continuous replacement of one kind of plant and animal group by a more complex group that naturally succeeds the previous group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

Non-Conforming:

The use or characteristics of any dwelling, building, or structure and of any land or premises that does not meet the current regulations of this Code.

Non-Conforming, Legal:

(See "Legal Non-Conforming")

Nude or Seminude Model Studio:

(A) "Nude or semi-nude model studio" means any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(B) A modeling class or studio is not a nude or semi-nude model studio and is not subject to this chapter if it is operated in any of the following ways:

- (1) By a college or university supported entirely or partly by taxation;

- (2) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- (3) In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three (3) days in advance of the class and if not more than one nude or semi-nude model is on the premises at any one time.

Nudity, nude, state of nudity:

(ORC 2907.01) Means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

Nuisance:

A condition, activity, or situation (such as a loud noise, foul odor, or intrusive lighting) that interferes with the use or enjoyment of property, especially, a non-transitory condition or persistent activity that either injures the physical condition of adjacent land or interferes with its use or with the enjoyment of easements on the land or of public highways.

Nursery:

An agricultural operation, including land, buildings and/or structures for the cultivating, harvesting, storage, and wholesale or retail sale of plants, flowers, shrubbery, or trees grown on-site. Sales of accessory, gardening, or landscaping materials not grown on-site do not qualify as agricultural.

Nursing Home:

(See "Institutional Care Facility")

Office:

A use of land and building(s) for an administrative, professional service, governmental, institutional, or semi-public use activity or operation.

Office/Warehouse:

A use of land and building(s) for an administrative office in conjunction with a warehouse business. A showroom is permitted.

Ohio Rapid Assessment Method:

A multi-parameter qualitative index established by the Ohio Environmental Protection Agency (OEPA) to evaluate wetland quality and function.

Open Space:

All or part of one (1) or more parcels of land, of public or private ownership, existing, improved, and/or set aside, dedicated, designated, or reserved for recreational, resource protection, amenity, and/or buffering use purposes, but not including road/street rights-of-way.

Open Space Type:

A specific category or subcategory of open space for a certain use or purpose.

Open Space, Active:

Is an area or areas within the boundaries of a CDO or PUD residential development designed, set aside, and maintained for active use by residents of the development. See Section 3.101.5(B) (Active Open Space).

Open Space, Common:

An area or areas within the boundaries of a CDO or PUD residential development designed, set aside, and maintained for use by residents of the development, to be recorded on separate parcels within the development. Common Open Space includes both Active Open Space and Passive Open Space. (See “Open Space, Active” and “Open Space, Passive”)

Open Space, Environmental:

A type of open space designed to be essentially unimproved and set aside, dedicated, designated, or reserved for peaceful aesthetic enjoyment. Environmental Open Space counts toward Required Open Space and consists of a mandatory Natural Resource Protection Area and any other Conservation Areas, and can be recorded on separate parcels or through conservation easements on private lots. (see “Natural Resource Protection Area” and “Conservation Area”)

Open Space, Passive:

A type of open space which does not fall into any other open space category. See Section 3.101.5(D) (Passive Open Space).

Open Space, Required:

The minimum percentage of a site to be established as open space, following the provisions of Section 3.101 (Open Space Standards). Required Open Space is calculated as a percentage of the total gross area of a development site, resulting in a specific amount of acreage to be devoted to open space.

Ordinary High Water Mark:

The point on the bank or shore of a stream to which the presence and action of surface water is so continuous as to leave a distinct marking by erosion, destruction, or prevention of woody terrestrial vegetation, a predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high-water mark defines the channel of a stream.

OSHA:

The Occupational Safety and Health Act, 29 U.S.C. 651 et seq.

Outdoor Amphitheater:

A place, not enclosed in a building, having a stage and seating for performances, concerts, and the like, with the seating for spectators arranged largely within a natural or artificial grade in the land, such as a hillside or depression.

Owner Occupant:

The occupant of a residential dwelling owned by the same.

Parcel:

A contiguous tract of land in one possession (see “Lot”).

Park, Trailer:

(See “Manufactured Home Park” and “Recreational Vehicle”)

Parking Lot:

A portion of a parcel of land devoted to unenclosed parking spaces.

Parking Space:

An area of a parking lot designated for the parking of a single motor vehicle (see “Parking Lot” and “Parking Space, Handicapped”).

Parking Space, Handicapped:

A parking space sized and maintained with permanent signage and markings for use by the handicapped, in conformance with the requirements of the Americans With Disabilities Act (Public Law 101-336), as amended.

Park/Recreational Facility - Outdoor Active:

A recreational facility operated as a business, either open to the public or private, where the primary activity/activities are located in an outdoor setting and include significant infrastructure for purposes of active sports and/or organized events. This definition includes rodeos, outdoor stadiums, and similar establishments. Public parks owned and operated by governmental entities are not included in this definition.

Park/Recreational Facility - Outdoor Passive:

A recreational facility operated as a business, either open to the public or private, where the primary activity/activities are located in an outdoor setting and are primarily focused on visitors’ enjoyment of the natural environment and/or open spaces, and may support associated activities such as walking, hiking, fishing, horseback riding, and picnicking. Fishing pay lakes are included in this definition. Public parks owned and operated by governmental entities are not included in this definition.

Pavement, Permeable:

Pavement materials such as pervious concrete or asphalt and pavers, which allow stormwater to percolate through, rather than run off (see “Runoff”).

Personal Service:

An establishment primarily engaged in providing individual services generally related to personal needs, such as, but not limited to barber shops, beauty shops, nail salons, day spas, travel agencies, and photographic studios.

Planned Unit Development (PUD):

A land area zoned, if approved, as requested by the owner(s) or designated agent for unified development with flexible restrictions on residential, commercial, industrial, and/or public uses.

Plat:

A map describing a piece of land and its features, such as boundaries with dimensions, lots, roads, and easements.

Potable Water:

Water suitable for human consumption, as defined by SWDA.

Premises:

The parcel(s) of land and all building(s) and other structure(s) that collectively constitute the site of activities associated with a use or uses.

Principal Permitted Use:

The primary or predominant land use activity for which a building, structure or lot is to be used.

Produce Stand:

A roadside facility in the form of a permanent or temporary structure erected or occupied for the express purpose of selling agricultural produce.

Protected Uses:

Any public building owned, leased, or held by the United States, the State of Ohio, Warren County, any city, village, or township, any special district or school district, or any other agency or political subdivision which building is used for government purposes; or land which has been designated for park or recreational activities, including but not limited to: a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, recreation area, or similar land; or quasi-public facility (i.e., any building or improved property customarily open to the public for non-commercial purposes, but which is not under government ownership or control); or religious institution (i.e., any church, synagogue, mosque, temple or building used primarily for religious worship and related religious activities); or residential district or use, as set forth in this Zoning Code; or school (i.e., any public or private educational facility, including, but not limited to, child care facilities, nursery schools, pre-schools, kindergartens, elementary, primary, intermediate, junior, middle, secondary, or high schools, vocational schools, continuation schools, special education schools, junior colleges, colleges and universities, but not including facilities used primarily for another purpose(s) and only incidentally used as a school).

Protected Public Water Supply:

A public water system with at least fifteen (15) service connections used by year-round residents whose wells lie over the sole source aquifer.

Public:

Anything owned and operated by the federal government, state government, or any political subdivision.

Qualified Groundwater Professional:

Defined by OAC 3745-9-01(Q) as a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has at least five years relevant experience in ground water hydrology and related fields to enable that individual to make sound professional judgments regarding ground water resources; water well construction, testing and development; and identification and migration of contaminants.

Quasi-Public:

A non-governmental use, facility, structure, or service, performed by a non-profit corporation or institution of a religious, cultural, educational, philanthropic, or similar nature.

RCRA:

The Resource Conservation and Recovery Act of 1976.

Recompacted Soil Liner:

Soil and perhaps other earthen material of suitable composition excavated from, or imported to, a land disposal site, deposited or from or imported to a land disposal site, deposited or laid in place in loose lifts where the prescribed waste is to be disposed and compacted per lift until a required depth in thickness and permeability of the liner is achieved, for the purpose of preventing or minimizing leachate infiltration into underlying undisturbed earth and ground water.

Recreation Active:

Recreation requiring some constructed facilities and organized activities.

Recreation Camp:

The same as in Ohio Revised Code, Sec. 3733.01 (G) or as may be amended in the future, is any tract of land upon which five (5) or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreation camp if five (5) or more portable camping units are placed on it for recreation, vacation, or business purposes. This does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles (defined in Sec. 3.361) or solely as a temporary park-camp (defined in Sec. 3.353).

Recreation Facility, Commercial:

Recreation facilities operated as a business and open to the general public for a fee.

Recreation Facility, Private:

Country clubs, riding stables, golf courses, and other private non-commercial recreation areas and facilities, or recreation centers including private swimming pools.

Recreation Facility, Public:

Publicly owned or operated recreation facilities.

Recreation Park-Camp; Combined:

The same as in Ohio Revised Code, Sec. 3733.01 (H), or as may be amended in the future, is any tract of land upon which a combination of five (5) or more self-contained recreational vehicles or portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities. A tract of land that is subdivided for lease or contract of the individual lots is a combined park-camp if a combination of five (5) or more recreational vehicles or portable camping units are placed on it for recreation, vacation, or business purposes. This definition does not include any tract of land used solely as a temporary park-camp (as defined in Sec. 3.353). "Recreation park-camp: combined": does not include any tract of land used solely as a temporary park-camp or solely as a manufactured home park.

Recreation Park-Camp; Temporary:

The same as in Ohio Revised Code, Sec. 3733.01 (R), or as may be amended in the future, is any tract of land used for a period not to exceed a total of twenty-one (21) days per calendar year for the purpose of parking five (5) or more recreational vehicles, dependent recreational vehicles, or portable camping units,

or any combination thereof, for one (1) or more periods of time that do not exceed seven (7) consecutive days or parts thereof.

Recreation, Passive:

Recreation that involves existing natural resources and has a minimal impact.

Recreational Vehicle:

(a.k.a. RV) A vehicular portable structure that:

- (A) Is designed for the sole purpose of recreational travel;
- (B) Is not used for the purpose of engaging in business for profit;
- (C) Is not used for the purpose of engaging in intrastate commerce;
- (D) Is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended;
- (E) Is not regulated by the public utilities commission pursuant to ORC Chapters 4919., 4921., or 4923; and,
- (F) Is classed as one of the following, per Ohio Revised Code (ORC) Sec. 4501.01 (Q).
 - (1) **“Travel Trailer”**: A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet of space when erected on site. “Travel Trailer” includes a “tent-type fold-out camping trailer” as defined in Sec. 4517.01 of the Ohio Revised Code, or as may be amended in the future, which means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and, according to the following listed properties and limitations, has a minimum of twenty-five (25) percent of the fold-out portion of the top and sidewalls combined that must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter, and when folded, the unit must not exceed fifteen (15) feet in length (exclusive of bumper and tongue), sixty (60) inches in height (from the point of contact with the ground), eight (8) feet in width, and one (1) ton gross weight at the time of sale.
 - (2) **“Motor Home”** is a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
 - (3) **“Truck Camper”** is a non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. “Truck camper” does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
 - (4) **“Fifth-Wheel Trailer”** is a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan,

and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

- (5) **“Park Trailer”** is a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

Recreational Vehicle; Dependent:

Means a recreational vehicle other than a self-contained recreational vehicle. “Dependent recreational vehicle” includes a park model.

Recreational Vehicle; Self-Contained:

Means a recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances all of which are connected to sewage holding tanks located within the vehicle. “Self-contained recreational vehicle” includes a park model.

Recreational Vehicle Park:

Means any tract of land used for parking five (5) or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation, or business purposes. “Recreational vehicle park” does not include any tract of land used solely for the storage or display for sale of self-contained recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

Recycling:

The process of collecting, sorting, cleansing, treating and reconstituting solid waste that would otherwise be disposed in a solid waste disposal facility and returning reconstituted materials to commerce as commodities for use or exchange, per Ohio Administrative Code Rule 3745-27-01 (WW).

Recycling Facility:

An engineered facility or site where recycling is the primary objective of the facility, and:

- (A) The facility accepts only source-separated material and/or mixed recyclables which are currently recoverable using existing technology; or,
- (B) The facility accepts mixed solid waste streams, and recovers for beneficial use not less than 60 percent (60%) of the volume of solid wastes brought to the facility each month (as averaged monthly) for not less than eight (8) months in each calendar year: and disposes of not more than forty percent (40%) of the total volume of solid wastes brought to the facility each month (as averaged monthly) for not less than eight (8) months in each calendar year. Does not include a solid waste disposal facility and does not include a waste tire disposal facility.

Regularly features or regularly shown:

Means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment. (ORC 2907.39)

Regulated Substances:

Substances to be regulated, hereafter referred to as Regulated Substances, are chemicals and mixtures of chemicals that are health hazards in groundwater as determined by the most recent revision of Public Drinking Water Standards for Ohio per the EPA.

Religious Institution:

A use of land and buildings located thereon for uses where persons regularly assemble, for religious purposes and related social and educational events, maintained and controlled by a religious body organized to sustain such ceremonies and activities (e.g., rectory, convent, parochial school, meeting hall, offices, outdoor worship facilities, child care). (See "Church/Place of Worship")

Replacement Cost:

The cost to replace a structure, damaged or destroyed, as determined by a written appraisal from a state certified appraiser.

Residential:

A category of use inclusive of the land and building(s) and other structure(s) located thereon as a place utilized for dwelling purposes as specified and regulated in this Code.

Restaurant:

A business use where food and beverages are sold, prepared, served, consumed, and/or carried out.

Rest Home:

(See Institutional Care Facility)

Retail, General:

Commercial retail establishments between ten thousand (10,000) and fifty thousand (50,000) square feet in gross floor area.

Retail, Large Scale (Big Box):

Commercial retail establishments exceeding fifty thousand (50,000) square feet in gross floor area.

Retail, Small Scale:

Commercial retail establishments less than ten thousand (10,000) square feet in gross floor area.

Right-of-Way:

Land owned or purchased by or dedicated to the public for use as a public way, most often for purpose of containing a road or street. Private accessways for private drives/streets may also be recorded in the form of lots or as easements. (see Road and Street)

Road:

A thoroughfare which affords the principal means of access to abutting property designed to accommodate motor vehicle traffic. (See Street and Thoroughfare)

Runoff:

The portion of precipitation in excess of the infiltration capacity of underlying soils to absorb and contain which drains away from, and runs off, the surface of land. (see Impervious Surface)

Sand and Gravel Pit:

An excavation resulting from a mining operation where the removal of sand and/or gravel is undertaken for commercial sale or use in another location, but does not include such excavation resulting from construction of a sanitary landfill.

Sandstone Quarry:

An excavation resulting from a mining operation where the removal of sandstone is the principal material excavated for commercial sale or use in another location, but does not include such excavation resulting from construction of a sanitary landfill.

Sanitary Land filling:

A method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by compacting the solid wastes to the smallest practical volume, and apply cover material daily.

Sanitary Landfill Facility:

An engineered facility where the final deposition of solid waste on or into the ground is practiced in accordance with Ohio Administrative Code (OAC) Chapters 3754-27 and 3754-37, including areas of solid waste placement, all groundwater monitoring/control system structures, buildings, explosive gas monitoring/control/extraction system structures, run-on and run-off control structures, sedimentation pond(s), liner systems, leachate management system structures and areas within the three hundred (300) foot radius, from the limits of solid waste placement unless deemed acceptable by the Ohio Environmental Protection Agency (OEPA).

Screening:

A method of shielding or obscuring abutting structures or uses by fencing, walls, berms, or densely planted vegetation.

Seat:

For the purpose of determining the number of off-street parking spaces for certain uses, the space allocated for seating individuals, measuring not less than twenty four (24) lineal inches across the seating surface of a bench, pew, or space for loose chairs.

Secondary Dwelling Unit:

An additional living unit that is associated with a primary dwelling unit, that is either located entirely within the principal structure of the primary dwelling unit or in a detached accessory building, which serves as an additional living unit for sleeping, cooking, and sanitation, and that complies with the standards of Section 3.209.2 if attached or Section 3.209.3 if detached. Secondary Dwelling Units are often for use by the occupant of the primary dwelling unit for guests, household help, or relatives.

Semi-nude or State of Semi-nudity:

Means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices. (ORC §§ 503.51 & 2907.39)

Semi-public:

(See Quasi-public)

Setback:

The distance which a building or structure is set back inward from the Warren County Thoroughfare Plan right-of-way line or parcel boundary line. (See Yards)

Setback Line, Front:

The line inward and parallel from the front line of a lot representing the minimum distance which a principal building or structure is set back from that boundary. See Section 3.103.1 (Minimum Setbacks).

Setback Line, Rear:

The line inward and parallel from a rear boundary line of a lot representing the minimum distance which a principal or accessory building is set back from that boundary. See Section 3.103.1 (Minimum Setbacks).

Setback Line, Side:

The line(s) inward and parallel from a side boundary line(s) of a lot representing the minimum distance which a principal or accessory building is set back from that boundary. See Section 3.103.1 (Minimum Setbacks).

Sexual Encounter Establishment (ORC §§ 503.51 & 2907.39):

(A) "Sexual encounter establishment" means a business or commercial establishment that, as one (1) of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- (1) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- (2) Two or more persons appear nude or semi-nude for the purpose of displaying their nude or semi-nude bodies for their receipt of consideration or compensation in any type or form.

(B) An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter establishment."

Sexually-Oriented Business:

See "Adult Entertainment establishment"

Sign: (a.k.a. Signage):

Means any structure, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement. For the purpose of these regulations, direction, or advertisement word "sign" does not include the American flag, the insignia of any government, governmental agency or of any charitable organization

Sign Area:

See Section 3.405 (Sign Dimensional Computations).

Sign Face:

The area of display surface used for the message. See Section 3.405 (Sign Dimensional Computations).

Sign Height:

See Section 3.405 (Sign Dimensional Computations).

Sign, Abandoned:

A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and where any of the following applies:

- (A) No legal owner can be found; or,
- (B) The property owner has been given a written order to rehabilitate or demolish, and for which work has not commenced and the owner can not demonstrate a diligent and good faith effort to implement actions; or,
- (C) The property taxes are delinquent and the site is not actively offered for sale, lease, or rent.

Sign, Awning or Canopy:

Any sign that is painted on, part of, or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, Billboard:

A permanent off-premise sign.

Sign, Changeable Copy:

A sign such as a bulletin board, announcement board, or electronic message sign, where the message or graphics is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over by electronic or mechanical devices.

Sign, Channel Lettering:

Fabricated or formed three-dimensional letter that may accommodate a light source or a sign where only the letters/logo is illuminated.

Sign, Channel Lettering-Reverse:

A fabricated dimensional letter with opaque face and side walls with an internal light source to the rear of the letters used for "halo" or "silhouette" lighting.

Sign, Electronic Message:

A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

Sign, Exempt:

Signs exempted from normal permit requirements.

Sign, Gateway:

A permanent sign announcing a development or subdivision.

Sign, Government:

Signs erected and maintained pursuant to a government's function, ordinances, or regulation, and shall be excluded from the regulations of this Chapter. Government signs include, but are not limited to, signs required by the Township, the County, a public utility, a public transit entity, a state or federal statute, or by order of a court of competent jurisdiction.

Sign, Ground:

A sign, either permanent or temporary, solely supported on and from the ground. This definition excludes portable signs.

Sign, Illegal:

Any sign which is contrary to the requirements of this Code and which does not satisfy the non-conforming specifications in this Code.

Sign, Menu Board:

Any signage pertaining to items, goods, or services offered by a drive-through business.

Sign, Non-Conforming:

A sign legally existing on the effective date of this Code that does not conform to height, size, type, setback, or other provisions of this Code. For the purposes of this definition the term "sign" shall include the sign face and the structure on which the sign face is attached.

Sign, Roof:

Any sign that is supported on a structure which is located wholly or partly on the roof or above the roof or partly on the roof or above the roof line of any building.

Sign, Off-Premise:

Any sign that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

Sign, On-Premise:

A sign which advertises or directs attention to an activity on the same lot where the sign is located.

Sign, Outdoor Advertising:

(See Sign, Billboard)

Sign, Permanent:

A sign usually constructed of solid materials of a permanent nature known and used in the sign construction industry that is permitted by this Code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground. All signs that are not temporary signs are permanent signs.

Sign, Pole:

A permanent sign that is supported from the ground by one (1) or more poles or other types of individual supports, that is eight (8) feet or greater in height. (See Ground Sign for signs less than eight (8) feet in height)

Sign, Portable:

A sign that is freestanding, not permanently anchored or secured to a building, and not having supports or braces permanently secured in the ground, limited to, "sandwich" signs, "A" frame signs, inverted "T" signs, and signs mounted on wheels so as to be capable of being pulled by a motor vehicle or by hand.

Sign, Projecting:

A sign attached to a building and extending perpendicular from the building wall.

Sign, Promotional Balloon:

An inflatable sign, which may or may not involve motion to draw attention.

Sign, Temporary:

A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, attached to a structure, or installed in the ground. Temporary signs shall conform to the time frame regulations as applicable to specific signage types specified in Chapter 4 (Signage Regulations). All signs that are not temporary signs are permanent signs.

Sign, Temporary Ground:

A sign that is designed to be temporary and is not intended to be permanently installed in the ground. This definition excludes Portable Signs.

Sign, Wall:

A permanent sign painted on, attached to, or erected against an exterior wall of a building or other wall structure, with the display face of the sign parallel to and not more than twelve (12) inches from the wall and which does not project above the roof line or beyond the corner of a building on which mounted.

Sign, Window:

A sign, either permanent or temporary, that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building.

Site:

Part or all of one (1) or more lot, parcel, or tract of land used, designed, intended, proposed or planned for specific use and development or a place where something was, is, or is to be located. (See Lot, Parcel and Use.)

Site Plan:

A drawing of a property, to scale and with accurate dimensions, depicting the size and location of existing and proposed structures, building setbacks, rights-of-way, easements, walkways, and other such information as required in Section 1.304 (Site Plan Review).

Sleeping Room:

A room within a residential dwelling that functions as a separate space used for living and sleeping, but not for cooking and eating purposes.

Slope:

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees regarding the grade of land.

Small Wind Farm:

A Wind Energy Conversion System (WECS) with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts.

Soil:

Natural deposited mineral and organic matter constituting the earth outer surface or as otherwise altered by man.

Solar Energy System:

A device on a structure or a lot to collect, store, and use the energy from the sun.

Sole Source Aquifer:

The southern portion of the Buried Valley Aquifer System of the Great and Little Miami River Basins of Southwestern Ohio, determined by the U.S. Environmental Protection Agency to be the sole or principal source of drinking water in Warren County, pursuant to Section 1424(a) or (e) of the Safe Drinking Water Act (SDWA) P.L. 95-523, as amended P.L. 96-502, 42 U.S.C. 300(f) et seq).

Solid Wastes:

Such unwanted residual solid or semi-solid material as results from industrial, commercial, agricultural and community operations, excluding earth or agricultural and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, non-toxic fly ash, spent non-toxic foundry sand and slag, and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

Semi-solid material does not contain liquids which can be readily released under normal climatic conditions, as determined by Method 909 (Paint Filter Liquids Test) SW-846: "Test Methods for Evaluating Solid Wastes Physical/Chemical Methods".

Per recognition and allowance by the Ohio Environmental Protection Agency, residual waste as included herein is a type of solid waste and which may qualify as to characterization for disposal in certain classes of solid waste disposal facilities in conformance with Ohio Administrative Code Chapter 3745-30.

In accordance with Ohio Revised Code (ORC) Chapter 3734.027, low-level radioactive wastes are not included as a type of waste permissible for disposal at a solid waste disposal facility.

Asbestos waste handling and disposal is acknowledged as a type of waste permissible for disposal at a solid waste disposal facility in accordance with Ohio Administrative Code (OAC) Rules 3745-20-05 through 3745-20-07 inclusively, as amended.

“Infectious wastes” excluded from a solid waste disposal facility permissible by this Zoning Code are as defined in Ohio Administrative Code (OAC) Chapter 3734.01(R) inclusively, and as amended.

“Hazardous wastes” excluded from a solid waste disposal facility permissible by this Zoning Code are as defined in Ohio Administrative Code Chapter 3745-51, and as amended.

Solid Waste Disposal Facility:

Any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes.

Solid Waste Transfer Station:

Any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility.

Specified Anatomical Areas:

Used in the Zoning Code for the regulation of Sexually Oriented Businesses means and includes any of the following:

- (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola; or,
- (B) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Criminal Acts:

The offenses defined in Ohio Revised Code Chapter 2907, as amended, and similar offenses pursuant to municipal ordinances, township/county resolutions of this or any other state, the statutes and regulations of any other state or of the United States, or tax violations in connection with Sexually Oriented Business.

Specified Sexual Activities:

“Specified sexual activities” as used in the Zoning Code for the regulation of Sexually Oriented Businesses means and includes any of the following

- (A) The fondling, intentional touching of human genitals, pubic region, buttocks, anus, or female breast.
- (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or,
- (C) Masturbation, actual or simulation; or,
- (D) Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (E) Excretory functions as part of, or in connection with, any of the activities set forth in subdivisions (A) through (D)

Stable:

Building(s) and other structures and the land on which located used, designed, or intended for the boarding of domestic animals, most typically horses, including associated grazing, exercise, training, and show areas.

Stormwater Pollution Prevention Plan (SWPPP):

The plan which describes all the elements of the stormwater strategy implemented during and after construction. The plan addresses erosion control and stormwater quality.

Stormwater Quality Treatment:

The removal of pollutants from urban run-off and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

Story:

The space in a building between the surface of one floor, other than a mezzanine, to that of the next floor above it or to the ceiling from the uppermost floor. (See Basement)

Story, Half:

A habitable space in a building above the highest full story below it and under a sloping roof of the building, if the line of intersection of the roof and wall is three (3) feet or less above its floor. (See also Living Space)

Stream:

A surface watercourse with a well-defined bed and bank, either natural or artificial, which contains and conducts continuous or periodical flowing water in such a way that perennial terrestrial vegetation cannot establish roots within the channel.

Stream Setback:

The distance set back from each bank of a stream to protect the stream setback area and stream from structural encroachment, impacts of development and streamside residents from impacts of flooding and land loss through erosion. Stream setbacks contain all land in between them to each side of the stream for which defined and required by the establishment criteria specified in this Code.

Stream Setback Area:

A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area may or may not be periodically influenced by flooding, but often includes floodplain of the stream. Stream setback areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood-size flows, and/or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of this Code.

Street, Private:

An improved street or roadway which has not been dedicated for public use or accepted by the Wayne Township Board of Trustees, and is not maintained by the Township. A private street shall meet the specifications established and approved by the Warren County Subdivision Regulations and constructed to standards approved by the Warren County Engineer and accepted by the Warren County Commissioners.

Street, Public:

An improved street or roadway which has been dedicated for public use or accepted by the Wayne Township Board of Trustees, and is maintained by the Township. A public street shall meet the specifications established and approved by the Warren County Subdivision Regulations and constructed to standards approved by the Warren County Engineer and accepted by the Warren County Commissioners.

Structure:

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, for purposes as regulated by this Code. All buildings are structures.

Structure, Temporary:

A structure without a foundation or footing, to be removed upon the expiration of the permitting time frame.

Subdivision:

The division of a parcel of land, per Ohio Revised Code (ORC) Section 711.001 and the Warren County Subdivision Regulations. (Also see Lot, Lot of Record, and Parcel)

Subdivision, Platted:

Any parcel(s) of land that have been divided by means of a record plat, instead of a survey record, with numbered lots thereon that have been approved by the Warren County Regional Planning Commission and recorded at the office of the Warren County Recorder.

Survey:

A determining of form, boundaries, position, extent, etc. of a portion of the earth's surface, by linear and angular measurements performed by a Surveyor or Public Engineer (PE), licensed by the State of Ohio to create a legal description of a parcel of land.

Swimming Pool:

A recreational use structure, above or in ground, containing water eighteen (18) inches or greater in depth, for purposes of swimming, wading, or bathing, inclusive of support facilities in relation thereto, such as enclosure fencing.

Telecommunications Facility:

A FCC permitted wireless telecommunications facility that exists on or before October 31, 1996.

Telecommunications Facility, Base Station:

Transmission equipment and any non-tower structure that facilities FCC permitted wireless communications.

Telecommunications Facility, Collocation:

The installation of additional transmission equipment on an existing tower or other permitted support structure.

Telecommunications Facility, Eligible Facilities Request:

A request to modify an existing tower and/or base station that does not cause a substantial change to the physical dimensions of the tower or other support structure or base station, involving:

- (A) Collocating new transmission equipment;
- (B) Removing transmission equipment;
- (C) Replacing transmission equipment;

Telecommunications Facility, Eligible Support Structure:

A tower or other support structure that exists when a modification application is filed with the Wayne Township Zoning Inspector.

Telecommunications Facility, Equipment:

Equipment that facilitates transmission and reception of FCC licensed or authorized wireless communication signals, including, but not limited to, antennas, coaxial or fiber-optic cable, radio transceivers, and regular and backup power supply.

Telecommunications Facility, Site:

The area within the boundary of the leased or owned property that underlies and surrounds a telecommunications tower, or other support structure, and base station, and including, but not limited to any access driveway, utility service line, and fall-radius easements related to the facility.

Telecommunications Facility, Small Cell Tower:

A tower greater than the zoning district height but under fifty (50) feet, or an existing facility that has been adapted for the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services. The term Small Cell Tower includes mini cell towers, distributed antenna system towers, micro cell towers, mini cell, or similar systems.

Telecommunications Facility, Substantial Change:

Modifications to the physical dimensions of an eligible support structure that qualify according to the criteria specified in Section 3.205.7(C)(2)(c).

Telecommunications Facility, Telecommunications Tower:

A tower constructed for, or an existing facility that has been adopted for, the location of transmission or related equipment to be used in the provision of Cellular Telecommunications Services or Personal Communication Services. The use excludes Small Cell Towers.

Telecommunications Facility, Tower:

A guy-wired, metal lattice, or monopole structure that is for the sole or primary purpose of supporting FCC permitted antennas and any associated equipment for facilitating wireless communication services.

Thermophilic Stage:

A biological stage in the composting process characterized by a high rate of decomposition, large heat generation, and temperatures generally above one hundred (100) degrees Fahrenheit.

Thoroughfare:

A main or heavily traveled public road, street, or highway, identified by functional classification in the Warren County Official Thoroughfare Plan. (See Road, Street, and Official Thoroughfare Plan)

Thoroughfare Plan, Warren County:

The Warren County Official Thoroughfare Plan, which is the document establishing: the functional classification of the roads/streets which comprise the Warren County thoroughfare network; the width of right-of-way required for the roads/streets in each class; and the projected locations for potential future roads/streets.

Time of Travel Boundary:

A locus of points from which water takes an equal amount of time to reach a given destination such as a well or wellfield.

Towers:

Any free-standing or attached structure to a building or other structure; owned or principally used by a public utility or other person or entity that exceeds twice the permitted height requirement of the district.

Traffic Impact Study (TIS):

A study which assesses the effects that a particular development's traffic will have on the transportation network. The report includes an analysis of anticipated roadway conditions, traffic circulation patterns and volumes. These studies are used to help evaluate whether the development is appropriate for a site and what type of transportation improvements may be necessary.

Travel Trailer:

(See Recreational Vehicle)

Truck Camper:

(See Recreational Vehicle)

TSCA:

The Toxic Substance Control Act, as amended, 15 U.S.C. 2601 et seq.

Underground Storage Tank:

One or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of regulated substances the volume of which, including the volume of the underground pipes connected thereto, is ten per cent or more beneath the surface of the ground. ORC 3737.87(P)

Use:

The specific purpose for which land inclusive of the building(s) and other structure(s) thereon and the activities and operations thereof are utilized, designed, arranged, intended, occupied, or maintained.

Use, Temporary:

A use permitted for a period of time specified per this Code.

Utility Scale Wind Farm:

Wind Energy Conversion System (WECS) installations with a total generating capacity over 5 megawatts which are subject to certification by the Ohio Power Siting Board.

Variance:

A modification of the strict terms of this Code, if granted by the Board of Zoning Appeals (BZA). See Section 1.306 (Variance Application).

Veterinary Animal Hospital or Clinic:

A business use of land and structures thereon as a place used for the medical and surgical care, diagnosis, and treatment of animals, including grooming and boarding accommodations for treatment purposes of observation and recuperation.

Wastewater Treatment System, Central:

(See Central Sanitary Sewage System)

Wastewater Treatment System, On-Site:

A system for the purposes of storing, treating, and disposing of sewage and wastewater generated by the use on the site.

Water Pollution:

The unpermitted release of sediment from disturbed areas, solid waste, leachate, or other contaminants into the Waters of the State.

Water System, Central:

A public system which provides water supply to a development, community, or region.

Water System, On-Site:

A well or other similar installation on a site which provides a water supply for the uses on the site.

Waters of the State:

All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are wholly or partly within, or border upon, the zoning jurisdiction, except those private waters which do not combine or affect a junction with natural surface or underground waters. (ORC 1509.01)

Well:

A bored, drilled or driven-shaft, or a dug hole whose depth is greater than the largest surface dimension and whose purpose is to reach underground water or oil supplies, or to store or bury fluids below ground.

Wellhead:

The physical structure, facility, or device at the land surface from, or through which, groundwater flows or is pumped from subsurface, water-bearing formations.

Well Field:

A protected land area specified around a well head.

Wetlands:

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, and similar areas, as defined by the Soil & Water Conservation District.

Wind Energy Conversion System (WECS):

An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnections, battery banks, etc. in such a configuration as necessary to convert the power of wind into mechanical or electrical energy. WECS are also known as wind chargers, windmills, or wind turbines.

Wind Turbine:

A machine that converts the wind's kinetic energy into rotary mechanical energy, which is then used to do work.

Yard:

An open space on the lot of a principal building, unoccupied by buildings or structures from the ground to the sky except by trees or shrubbery or as otherwise permitted per this Code. The depth of each required yard is measured between the setback line inward parallel from the lot line. See Section 3.103.2 (Yards).

Yard, Front:

The yard extending the full width of the lot between the road/street right-of-way line at the front of the lot and the closest point of contact to the principal structure, with the minimum depth thereof measured from the right-of-way line established by the Warren County Official Thoroughfare Plan. See Section 3.103.2 (Yards).

Yard, Rear:

The yard extending the full width of the lot between the closest distance from the rear lot line or rear-most point on a pie-shaped lot and the first point of contact by a principal structure. See Section 3.103.2 (Yards).

Yard, Side:

The yard extending from the front yard to the rear yard between the closest point of contact by a principal structure and the nearest side lot line (also see Lot Line, Side). See Section 3.103.2 (Yards).

Yard Waste:

Leaves, branches, and limbs trimmed or pruned from trees and shrubs, lawn, or other vegetative ground cover, clippings, and garden waste.

Yard Waste Composting Facility:

A composting facility receiving only yard wastes, animal wastes incidentally associated therewith, and bulking agents as defined herein.

Zoning District (a.k.a. Zone):

Areas comprising the entire unincorporated territory of Wayne Township, Warren County, Ohio for which uniform regulations are applied in specifying the permitting provisions, restrictions, and requirements for use of land and structures therein located.

Zoning Inspector:

Person(s) appointed by the Board of Township Trustees to administer and enforce the Zoning Code.

Zoning Map, Official:

The graphic depiction of the boundaries of the various Zoning Districts and Zoning Overlays which have been respectively applied in a uniform manner to all parcels of property under Wayne Township Zoning jurisdiction.

Zoning Overlay:

A specific zoning area designation applied over the underlying zoning already applicable on part or all of one (1) or more parcel(s) which modifies the zoning regulations.

Zoning Permit:

The official document issued by the Zoning Inspector that certifies that the use, development, and/or structures on a lot or parcel meet all permitting requirements of the Zoning Code.

Zoning Supplemental Regulations:

Provisions, restrictions, and conditional requirements specified in the Zoning Code, which may be applicable in addition to the Zoning District and Zoning Overlay regulations.