

**JACKSON TOWNSHIP
ZONING RESOLUTION**

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ARTICLE 1
Authorization and Purpose

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1.01 TITLE

This Resolution shall be known and may be cited as the ***Zoning Resolution of Jackson Township, Pickaway County, Ohio***. Unless otherwise herein, or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Resolution as those governing the interpretation of the Ohio Revised Code.

1.02 PURPOSE

The Board of Township Trustees hereby find it necessary, advisable, and beneficial to the residents of Jackson Township to provide for the division of the unincorporated area of the Township into districts or zones. As permitted by the provisions of Chapter 519 of the Ohio Revised Code, this Resolution is adopted to promote and protect the public health, safety, and general welfare by the following:

- Regulating the use of land areas and the construction, restoration, and/or alteration of buildings and uses therein;
- Restricting the area dimensions of lands, yards, and open spaces so as to secure adequate light, air, and safety from fire and other dangers;
- Controlling the lot coverage, height, density, and location of buildings;
- Protecting and preserving existing natural resources; and
- Assuring the orderly growth and development of lands.

1.03 APPLICABILITY AND LIMITATIONS

a) Pursuant to Section 519.21 of the Ohio Revised Code (ORC), the zoning authority of the Township shall be limited as follows:

- 1) Except as otherwise provided below and ORC 519.21, nothing contained herein shall prohibit the use of any land for agricultural purposes or the construction or use of Buildings or Structures incidental to the use for agricultural purposes of the land on which such Buildings or Structures are located, and no Zoning Certificate shall be required for any such Use, Building, or Structure. However, the Township may allow the conversion of an agricultural use to another Use permissible in its respective Zoning District.

- 2) Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any Building or Structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for operation of its business. For purposes of this Resolution, Telecommunication Towers are not considered as a public utility.
 - 3) Nothing contained in this Resolution shall be interpreted to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, or restaurant is permitted.
 - 4) Nothing contained in this Resolution shall be interpreted to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas drilling or production activities or location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.
- b) Section 519.21(B) of the Ohio Revised Code allows a Township zoning resolution or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more Lots approved under Section 711.131 of the Ohio Revised Code, that are contiguous to one another and adjacent 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 public road.
- 1) Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry, or similar animals shall not be permitted on Lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
 - 2) Dairying and animal and/or poultry husbandry shall not be permitted on Lots greater than one (1) acre but not greater than five (5) acres if such Lots meet the standards of ORC 519.21(B) above, and if at least thirty-five (35) percent of the Lots in the subdivision are developed with at least one (1) Buildings, Structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five (35) percent of the Lots are developed, any existing and/or poultry husbandry operation shall be considered a Nonconforming Use pursuant to Article 5 – Nonconformities – of this Resolution.
 - 3) Permanently Sited Manufactured Homes, as defined in Article 2 – Definitions – shall be considered a Permitted Use in any Zoning District that permits Single-Family Dwellings.

1.04 INTERPRETATION AND CONSISTENCY

The provisions of this Resolution shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, Structure, or land. Where the provisions of this Resolution impose greater restrictions upon Buildings, Structures, and uses of land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter, or change any other law, resolution, or regulation of the Township, or part thereof, not specifically repealed, amended, modified, altered, or changed herein.

1.05 SEPARABILITY

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

ARTICLE 2 Definitions

2.01 Interpretation

2.02 Definitions

2.01 INTERPRETATION

For the purpose of this Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural, and plural shall include singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied.”

Terms related to specific Articles or sections may be defined within the specific portions of the Ordinance where these general requirements are found.

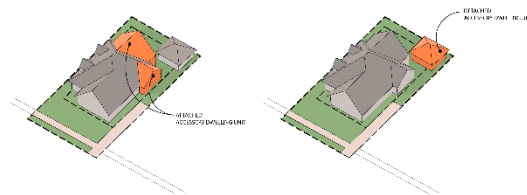
2.02 DEFINITIONS

ACCESS POINT – The connecting area of a Lot where a vehicle gains egress and ingress from a driveway to a public roadway.

ACCESSORY DWELLING UNIT (ADU) – A smaller, secondary Dwelling Unit on the same Lot or within a primary Dwelling Unit. An ADU is an independent Dwelling Unit that provides the basic requirements of shelter, heating, cooking, and sanitation.

ADU, ACCESSORY SUITE – An ADU that is adjacent and connected to or located completely within the primary Dwelling Unit including, but not limited to, the basement, attic, attached garages, or an addition to the primary Structure.

ADU, DETACHED – An ADU located in a Structure that is detached from the primary Dwelling Unit including, but not limited to, a detached garage or a newly constructed Structure.



ACCESSORY STRUCTURE, OR USE – A use or Structure subordinate to the principal use of a Building on the Lot or Tract and serving a purpose incidental to the use of the principal Building. Accessory Structures are located on the same lot as the primary Structure and are not designed for human occupancy as a Dwelling Unit or commercial use. Examples of Accessory Structures are detached private garages; storage or garden sheds; metal storage buildings; hot tubs; and other similar types of Buildings. This definition does not include gardens, patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished Grade. Private Swimming Pool are regulated by Section 17.13.

ADEQUATE BUFFERING – Means a combination of landscaping and other buffering materials as provided in Section that provide a one hundred (100) percent opacity between the ground level to effectively screen the buffered area on a year-round basis to protect the adjoining property owners from noise, glare, dust, and visual nuisances.

ADULT BOOKSTORE – A commercial establishment where at least fifty-one (51) percent of its interior area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, other periodicals or digital presentations whose dominant theme is actual or simulated Specified Sexual Activities, display or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity.

ADULT CABARET – A restaurant, coffee house, bar, or cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers who provide live adult entertainment for commercial purposes.

ADULT ENTERTAINMENT – Any motion picture, live performance, display, or dance of any type whose dominant theme is actual or simulated Specified Sexual Activities, display or exhibition of anatomical areas, removal of articles of clothing, or total nudity, offered for commercial purposes.

ADULT ENTERTAINMENT BUSINESS – Any Adult Bookstore, Adult Cabaret, Adult Mini-Theater, or Adult Motion Picture Theater.

ADULT MINI-THEATER – An enclosed Building with a capacity of less than fifty (50) persons used for displaying Adult Entertainment through films, video, or other motion pictures for commercial purposes.

ADULT MOTION PICTURE THEATER – A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of Specified Sexual Activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.

ADVANCED MANUFACTURING – A Use that involves computer technology, robotics, or other innovations to create and/or improve a product or process.

AGRICULTURE – The use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, and necessary Accessory Uses, including Structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- Maintenance and operation of commercial greenhouses or hydroponic farms.
- Wholesale or retail sales as an accessory use, unless specifically permitted in a specific zoning District.
- Feeding, grazing, or sheltering animals in pens or confined areas within 200 feet of any residential use.
- The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feed lot.
- Raising fur-bearing animals as a principal use.

AGRICULTURAL BUILDING – A Structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the Owner, lessee, or sub-lessee, or their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products grown or raised on the premises.

AGRICULTURAL ENTERTAINMENT (AGRITOURISM) – An enterprise at a working farm, ranch, or agricultural plant conducted for the enjoyment of visitors that generates income for the owner. Agritourism refers to the act of visiting a working farm or any Agriculture operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation that also adds to the economic viability of the site. Agritourism may include, but is not limited to: country-themed stores for the sale of goods and souvenirs, dining, tours (self-guided or guided), wagon rides, trail rides, corn mazes, pick yourself operations, classes (gardening, cooking, crafts, etc.), fishing, and other Agricultural-themed activities guests can partake in.

AGRICULTURAL RELATED BUSINESS – Feed mills, dairy supplies, and creameries, veterinarians, and other businesses supporting local Agriculture (this does not include commercial auction yards for automobiles, furniture, antiques, and other non-agricultural goods).

AIRPORT – Means any complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft that is approved and/or properly licensed by the Federal Aviation Administration, or applicable agency.

AIRPORT HAZARD – Any Structure, tree, or use of land that would exceed the federal obstructions standards and that obstructs the airspace required for the flight of aircraft in landing or taking off at a runway or is otherwise hazardous to such landing or taking off of the aircraft.

ALLEY – A secondary access way that is a public Right-of-Way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ALTERATION – Any change or rearrangement in the supporting construction of an existing Structure; enlargement, addition, relocation, repair, remodeling; change in number of living units; development of or change in an open area; development of or change in a Sign, by painting or otherwise; or other change in a facility. Alteration does not include painting, except as provided above for Signs; ordinary maintenance for which no building permit is required; and demolition or removal of a Structure.

ANIMAL SERVICES FACILITY – Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal Services Facilities may also include animal grooming establishments.

APPEAL – A request by an aggrieved party for a review of any adverse decision by the Board of Zoning Appeals.

ARCHEOLOGY – Means the scientific study of material remains (such as tools, pottery, jewelry, stone walls, and monuments) of past human life and activities.

ASSISTED LIVING FACILITY – A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Facilities exclude nursing homes and other special housing facilities as elsewhere defined.

AUTOMOBILE-ORIENTED USES – A use that includes services rendered directly on, to, or for vehicles or where the patron does not exit the vehicle. Such uses include but are not limited to car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, and other similar auto service facilities. The sale of vehicles (new and used) is not included in this definition. Any facility that provides a fixed parcel pickup location is not included within this definition. It also does not include Drive-Thrus or Pick Up – Banking Windows, as defined in this Article.

AUTOMOBILE OIL CHANGING FACILITY – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

AUTOMOBILE REPAIR - Any building or portion of a building used for the servicing and minor repair of automobiles including, but not limited to, the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, and tire repair.

AWNING – A hood or cover that projects from the wall of a Building and which can be retracted, folded, or collapsed against the face of the supporting Building.

AQUIFER – An underground area with a particularly large concentration of groundwater. Many rural well systems are drawn from Aquifers. For planning purposes, an Aquifer is often evaluated on its recharging rate and cleanliness.

BANK – A financial institution licensed to receive deposits and make loans. Such use may also include financial services including, but not limited to, wealth management, currency exchange, and safe deposit boxes.

BASEMENT – The portion of a Building where the floor is not less than two (2) feet below and the ceiling is not more than four (4) feet, six (6) inches above the average Grade.

BED AND BREAKFAST – A residential use consisting of one Dwelling Unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

BEVERAGE SALES, ALCOHOLIC - A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages.

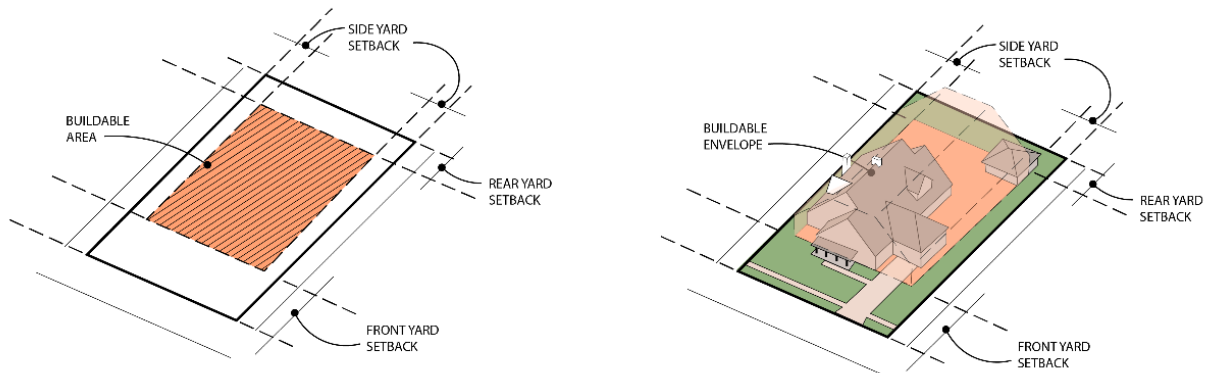
BEVERAGE SALES, MICROBREWERY – A limited production brewery, typically producing specialty beers and selling them on-site or for local distribution.

BIO-TECHNOLOGY FACILITY – A facility designed to manipulate living organisms or their components to produce useful, common commercial products such as but not limited to pest resistant crops, new bacterial strains, and novel pharmaceuticals. This type of use is typically fully enclosed by four solid walls and a roof.

BOARD OF ZONING APPEALS (BZA) – Means the Board of Zoning Appeals established in Article 3 - Administration.

BODY ART ESTABLISHMENT – A building or portion of a building in which a practitioner performs body piercing, tattooing, branding, or application of permanent cosmetics.

BUILDABLE AREA – The area of a lot, exclusive of the required front, side, and rear setbacks, where a building can be constructed.



BUILDING – A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

BUILDING ENVELOPE – A term to describe the area of a Lot that is demarcated within the Front, Side, and Rear Setback Lines.

BUILDING LINE – A line parallel to the Right-of-Way line and at a distance there from equal to the required depth of the front setback (as determined by the applicable zoning district) and extending across the full width of the lot.

BUSINESS – Any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

BUSINESS, RETAIL – A use primarily engaged in the selling of merchandise including but not limited to clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that is incidental to the sale of the goods.

BUSINESS, LARGE RETAIL – A Retail or Wholesale business that is up to twenty thousand (20,000) square feet or larger.

BUSINESS, MEDIUM RETAIL – A Retail or Wholesale business that is up to twenty (20,000) square feet in area.

BUSINESS, SMALL RETAIL – A Retail or Wholesale business that is less than five thousand (5,000) square feet in area and typically services nearby neighborhoods.

BUSINESS, WHOLESALE – A use that generally sells commodities in large quantities or by single items to the general public, business members, retailers, or other wholesale establishments.

CAMPGROUNDS – Any tract of land upon which two 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 such camp. A tract of land which is subdivided for lease or other contract of the individual lots is a campground if two or more portable camping units are placed thereon for temporary habitation. A "Campground" does not include any Tract of land used solely for the storage or display for sale of portable camping units.

CARGO CONTAINER – A Structure designed for use as an individual shipping container designed to be mounted on a rail car as freight or designed as an enclosed truck trailer. These containers are typically prefabricated metal Structures but also include other similar type containers such as shipping crates, boxes, or trailers constructed with other types of material.

CEMETERY – Land used for or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.

CERTIFICATE OF ZONING COMPLIANCE – A certificate issued by the Zoning Inspector confirming that the requirements of this Resolution have been met and the Building can be occupied.

CO – LOCATION – The use of a Telecommunication Tower by more than one (1) telecommunications provider.

COMMUNITY GARDEN – An area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family generally organized and managed by a public or not-for-profit organization.

COMMENCEMENT OF WORK – The time at which physical improvements begin to be made to a property or Structure so that it may be utilized for its intended purpose stated in the Zoning Permit.

COMMERCIAL RECREATIONAL FACILITY, LARGE – A facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user/public in a sports related activity and includes but is not

limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Large Commercial Recreational Facilities are greater than 5,000 square feet.

COMMERCIAL RECREATIONAL FACILITY, OUTDOOR – A facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation of the user/public in a sports related activity and includes but is not limited to fields for soccer fields, football, baseball, and lacrosse as well as for tennis and other racquet courts.

SMALL, OUTDOOR COMMERCIAL RECREATIONAL FACILITY – Less than 5,000 square feet.

LARGE, OUTDOOR COMMERCIAL RECREATIONAL FACILITY – 5,000 square feet or larger.

COMMERCIAL RECREATIONAL FACILITY, SMALL – A facility that is fully enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Small Commercial Recreational Facilities are smaller than 5,000 square feet.

COMMUNICATION FACILITIES – A lot or an area of a lot that includes a telecommunication tower, radio tower, or other similar communication tools including any associated appurtenances.

COMMUNITY SERVICES – Institutional uses that include but are not limited to community centers, museums, galleries, libraries, and other similar facilities.

CONDITIONAL USE(S) – A desirable use within a Zoning District that may more intensely affect the surrounding area than would a permitted use in said District. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

CONTRACTOR OFFICE – A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.

CONVICT PRE-RELEASE CENTERS/CORRECTIONAL COMMUNITY – Secure facilities designed to facilitate an individual's transition back into the community from prison.

COUNTY – Means Pickaway County, Ohio.

COUNTY ENGINEER – Means the Professional Engineer who is employed by the County and authorized by the County to act within the specifications of this Resolution.

DATA PROCESSING CENTER - A facility that houses computer systems and associated data and is focused on the mass storage of data.

DAY-CARE CENTERS – Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this Resolution, 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 center shall be counted.

DAY-CARE HOME, FAMILY LARGE – A permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare 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 (ORC Section 5104.01(RR)). This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

DAY-CARE HOME, FAMILY SMALL – A permanent residence of the provider in which childcare is provided for one (1) to six (6) children at one time and in which no more than three (3) children 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 (ORC Section 5104.01(SS)). This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

DENSITY, NET – The number of Dwelling Units permitted to be developed on a net acre of land. A net acre of land is the total acreage minus any wetlands, water bodies, public parks, open spaces, roads, or other public Rights-of-Way.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to Buildings or other Structures, mining, dredging, filling, grading, paving excavation or drilling operations or storage of equipment or materials located within the area of special Flood hazard.

DRIVEWAY (ACCESS POINT) – A private drive giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multifamily, commercial, or industrial Buildings, which is not dedicated to the Township and for the maintenance of which the Township shall not be responsible.

DRIVE-THRU – A use where a patron places an order on site or in advance and waits for a product to be prepared without the need to exit his/her vehicle. Such uses include but are not limited to drive-through or drive-in restaurants with ordering areas, drive-in movie theaters. A drive-through facility does not include any vehicle repair facility, gas stations, fixed parcel pick up, and pick up - banking window.

DWELLING, DUPLEX – A building designed for two dwelling units where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

DWELLING, CONTAINER – A Dwelling Unit built from one or more standard Cargo Container(s) which meets the requirements of this Resolution and the current Ohio building codes.

DWELLING, MULTI-UNIT – A building designed or used primarily as a residence with four (4) or more Dwellings Units.

DWELLING, ONE-UNIT – A building designed exclusively for one detached Dwelling Unit that is situated on a parcel with no other principal Structures and having a Front, Side, and Rear Yard.

DWELLING, TRI-PLEX – A building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

DWELLING UNIT – Any room or group of rooms located within a Structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating, which is designed or used for residential purposes. This definition does not include a cabin, hotel, or motel.

DWELLING UNIT, ACCESSORY – See, [Accessory Dwelling Unit](#).

DWELLING UNIT, ONE BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains only one bedroom.

DWELLING UNIT, STUDIO – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that combines a number of different types of rooms, such as living room, bedroom and kitchen, into a single room.

DWELLING UNIT, THREE BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains three bedrooms.

DWELLING UNIT, TWO BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains two bedrooms.

EARLY CHILDHOOD EDUCATION CENTER – An education establishment that provides learning space to children prior to beginning their compulsory education. This facility may also provide for the extended care of infants and young children.

ELDERLY/RETIREMENT HOUSING – A residential complex containing Multi-Unit Dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

EMERGENCY AND PROTECTIVE SHELTER – A facility which provides room and board for the protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

ENCROACHMENT – The intrusion on another person's property or public Right-of-Way, intentional or unintentional.

ENVIRONMENTALLY SIGNIFICANT RESOURCES – The naturally occurring substances that are considered valuable in their relatively unmodified (natural) form. These may include but are not limited to sources of water, timber, geological formations, mineral deposits, and wildlife.

EQUESTRIAN CENTER – An establishment primarily engaged in the operation of a riding academy or riding stables.

EQUIPMENT REPAIR, LARGE – A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contactor's equipment, heavy machinery, repair equipment, motor vehicles or trucks.

EQUIPMENT REPAIR, SMALL – A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

FAÇADE – The face of a building, especially the principal front that looks onto a street or open space.

FARM MARKET – Markets from which fifty percent (50%) or more of the gross income received is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency with the overall responsibility for administering the National Flood Insurance Program.

FENCE – Any Structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

FENCE, OPEN – Any fence that has sixty (62) percent or more of its vertical surface area open to light or air. An example of this type of fence is a Kentucky 3-Board Fence.

FENCE, PARTIALLY OPEN – Any fence that has at least fifty (50) percent of its vertical surface area open to light or air. An example of this type of fence is a picket fence.

FENCE, PICKET – A partially open fence made of upright poles or slats where the space between the poles/slats is greater than the width of the poles/slats.

FENCE, SOLID – Any fence that is designed to inhibit public view and provide seclusion, when viewed at right angles, and having more than fifty (50) percent of its vertical surface area closed to light and air.

FENCE, WROUGHT IRON – A fence constructed of metal, including aluminum, iron or steel, pipe, tubes, or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

FIRE LANE – Locations determined by the fire department that services the applicable Lot; shall be a minimum of twenty-five (25) feet in width; and shall be properly signed and striped.

FLEA MARKET – An outdoor commercial activity, not including shopping centers, individual retail operations, or sales conducted by a non-profit or charitable organization, that is open to the general public and composed of five or more semi-enclosed or outdoor stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

FLEX-OFFICE LABORATORIES – A space for a combination of office and laboratory uses that has built out capabilities to meet individual needs.

FLEX-OFFICE – RETAIL – A space with store fronts with small rear warehousing that has built out capabilities to meet individual needs.

FLEX-OFFICE WAREHOUSES – A space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

FLOOD OR FLOODING – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland waters; and/or
- The unusual and rapid accumulation or runoff of surface water from any source.

FLOOD, BASE – The Flood chance equaling or exceeding a one (1) percent chance in any given year. The Base Flood may also be referred to as the 100-Year Flood.

FLOODWAY FRINGE – The portion of the regulatory floodplain outside the floodway.

FLOOD INSURANCE RATE MAP (FIRM) – An official map on which FEMA has delineated both the areas of special Flood hazards and the risk premium zones applicable to the Township.

FLOOD INSURANCE STUDY (FIS) – The official report provided by FEMA that includes Flood profiles, Floodway boundaries, and the water surface elevation of the Base Flood.

FLOOD PROTECTION ELEVATION – The elevation not less than one- and one-half feet above the Base Flood elevation to which uses regulated by the Special Flood Hazard Regulations are required to be elevated or Flood proofed to compensate for the many unknown factors that could contribute to Flood elevations greater than that calculated for a base Flood. In areas where no base Flood Protection Elevations exist from any authoritative source, the Flood Protection Elevation can be based upon historical Flood elevations or upon Base Flood elevations determined and/or approved by the Floodplain administrator.

FLOODPLAIN ENCROACHMENT – Any Floodplain development that could obstruct Flood flows, such as fill, a bridge, or other development.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

FLOOR AREA – The sum of the gross horizontal areas of one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor Area for the purpose of these regulations will not

include Basements, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FLOOR AREA, LIVABLE – The portion of floor area of a Dwelling Unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, basements, or rooms used exclusively for utilities or storage shall not be considered as livable floor area. In no case shall an area less than 6 feet in height be considered a Livable Floor Area.

FOOD CART – A small, wheeled vehicle typically pushed by hand, bicycle, or in some similar human-propelled manner to move it from place to place in order to offer already prepared or prepackaged food or frozen desserts to the public. Any vehicle that is capable of preparing food within it shall not be included in the definition of a Food Cart.

FOOD TENT – An open-aided, Temporary Structure with four legs and a canvas top used to prepare and sell food at special events where large groups of people are situated in a park, parade, fraternal organization, or other similar venue.

FOOD TRUCK – A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-contained or towed by another vehicle and must be licensed in the state of Ohio.

FRONTAGE – The portion of a lot that directly abuts a public street or street Right-of-Way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street Right-of-Way that are not continuous or abuts two (2) or more separate and distinct Rights-of-Way, the segments shall not be totaled together when calculating lot frontage. Rather each side of the lot abutting a public Right-of-Way shall be considered to the front of a lot and both must comply with the minimum frontage and front setback requirements as observed in the applicable District's "Lot Area, Setback, Height, and Lot Coverage Requirements" table. Property Lines that abut limited access roads shall not be construed to be included within any calculation of Lot Frontage.

FUNERAL SERVICES FACILITIES – A Building, or part thereof, used for human funeral services. Such Building may contain space and facilities for:

- embalming and the performance of other services used in the preparation of the dead for burial;
- the storage of caskets, funeral urns, and other related funeral supplies; and
- the storage of funeral vehicles. Funeral services facilities exclude crematoriums.

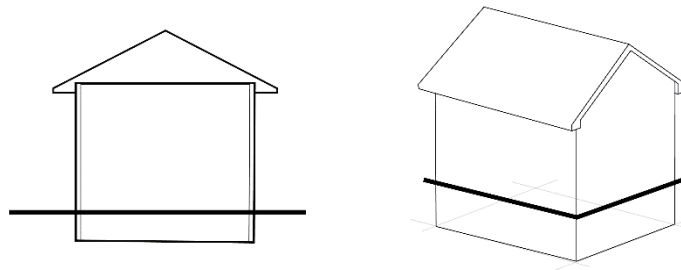
GARAGE, PRIVATE – An Accessory Building or an accessory portion of the main Building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

GARAGE, PUBLIC – A Building, or portion of a Building, in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried out.

GOVERNMENTAL SERVICES – Any service provided by a governmental agency including but not limited to fire and safety protection services and other administrative services associated with a governmental agency.

GRADE – The elevation of the ground at any given point.

GRADE, FINISHED - The elevation of the finished surface of the ground adjoining the base of all exterior walls of a Building or the elevation of the finished surface of the ground at the base of a Structure, exclusive of any artificial embankment at the base of such building or Structure. If the ground is not entirely level, the finished grade shall be determined by averaging the Grade of the ground at each corner of the Building or Structure.

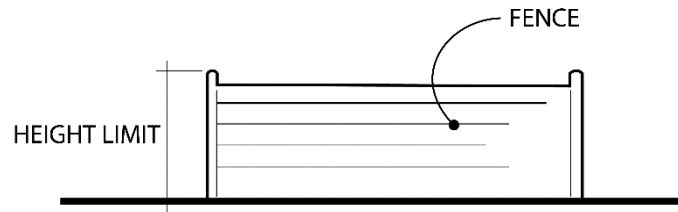


HABITABLE – Any room designed and used for living, sleeping, eating, cooking, or combinations thereof. The following are not to be considered habitable: bathrooms, toilet compartments, closets, halls, storage rooms, unfinished Basements, laundry and utility rooms, garages, and similar areas.

HEALTH CARE FACILITIES – General and specialized hospitals and associated clinics providing health related services and involving the overnight or long-term stay of patients.

HEIGHT, BUILDING – The vertical distance between the Finished Grade of the Building and the highest point of the roof.

HEIGHT, FENCE – The vertical distance between the highest point of the fence and the Finished Grade.



HEIGHT, SIGN – See, [Article 19](#).

HOME DAY-CARE FAMILY, LARGE – See, [Day-Care Home, Family Large](#).

HOME DAY-CARE FAMILY, SMALL – See, [Day-Care Home, Family Small](#).

HOME OCCUPATION - An Accessory Use which is an activity, profession, occupation, service, craft or revenue – enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Family Day Care Homes, Types A and B, shall not be considered to be home occupations and shall be treated as permitted and Conditional Use as listed in the applicable zoning district.

HOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A hotel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture. Ingress and egress to and from all rooms is made through an inside lobby.

HOTEL, BOUTIQUE – A small hotel with less than fifty (50) rooms that is located in a pedestrian oriented business area. These hotels typically have a strong artisan sense and focus on the design of the building and rooms.

IMPERVIOUS SURFACE – All areas of a lot that have been, or are proposed to be paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

IMPROVEMENTS – Means any addition to the natural state of land which increases its value or utility, including Buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, Landscaping, street lighting, street trees, public utilities, paved parking areas, and other appropriate items.

IMPROVEMENTS, SITE – Means the Improvements made to the land outside the exterior limits of a Structure or Structures.

IMPROVEMENTS, PUBLIC – Means all Improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement, or deed of transfer.

INDUSTRIALIZED UNIT - A Building or assembly of closed construction fabrication in an off-site facility, which is substantially self-sufficient as a unit or as part of a greater Structure, and that 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 a [Permanently Sited Manufactured Home](#) or [Mobile Home](#), as defined in this Resolution.

INSTITUTIONAL USES – Those uses organized, established, used, or intended to be used for the promotion of public, civic, educational, charitable, cultural or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed building.

KENNEL, AGRICULTURE - Any enclosure, premises, building, Structure, lot, area of one ownership where six (6) or more dogs are kept for breeding purposes. There shall be no boarding, training, housing, or grooming services provided to the general public. These services may only be provided for those animals involved in the breeding business.

KENNEL, COMMERCIAL – Any building or Structure, including the surrounding fenced land, used for the care and board of five (5) or more domesticated dogs or cats more than four (4) months of age that is open to the public for let, hire, board, training, grooming, or other use on a commercial basis and for compensation. The function of the business is not the breeding of dogs or cats.

LANDSCAPE/HARDSCAPE BUSINESS – A place where employees are housed and/or vehicles, machinery and materials such as trees, shrubs, flowers or other living vegetation, as well as irrigation systems, stone, brick pavers or other non-living components of a

landscape design are stored. Typically, workers are dispatched from this site and said materials are transported to another location for installation.

LANDSCAPING – The Improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

LEGAL DESCRIPTION – The geographical description of real estate that identifies the precise location, boundaries, and easements for the purpose of a legal transaction, such as a transfer of ownership. A Legal Description can include either a metes and bounds description or a subdivision plat.

LIGHT TRESPASS – Unwanted light illuminating an area or property with excessive brightness in the standard field of vision.

LIGHTING, EVENT – An outdoor illuminating device, outdoor lighting or reflective surface, lamp, or similar device, permanently installed or portable, used for illumination or decoration within the Temporary Entertainment Use.

LIGHTING, OUTDOOR – An outdoor illuminating device; outdoor lighting or reflective surface; lamp; or similar device, permanently installed or portable, used for illumination or decoration. Such devices shall include but are not limited to lights used for buildings and Structures, recreational areas, parking lot lighting, landscape lighting, architectural lighting, product display lighting, building overhangs, canopy lighting, and security lighting.

LIGHTING, SECURITY – Lighting that is intended to reduce the risk of personal attack; discourage intruders, vandals, or burglars; and facilitate active surveillance for an area by designated surveillance personnel or by remote camera. Said lighting is fully shielded and located in a specific area such as doors, entrances, parking lots, etc.

LIGHTING, SPORTS STADIUM – Sport stadium lights are powerful, mounted fixtures at tall heights with small beam angles usually between 12-60 degrees. Due to these smaller beam angles, higher light intensity allows bright light to reach the ground from the elevated fixture. These lights are focused inward within the sports stadium area to provide lighting for playing fields, bleachers, concession stands, and aisles. The fixtures are designed and are installed to restrict light and glare beyond the outer limits of the stadium.

LIFE CARE RETIREMENT CENTER – A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an Intermediate Care Facility or a Skilled Nursing Center.

LOADING SPACE, OFF-STREET – An Off-Street Loading Space or berth on the same Lot with a Building or contiguous to a group of Buildings, for the temporary parking of a commercial

vehicle while loading or unloading merchandise or materials, and which abuts upon a Street, Alley, or other appropriate means of access.

LOGISTICS CENTER – A large building where material, products, or other manufactured goods are acquired, stored, and transported to their final destination. There is no production, processing, assembling, or packaging of products or materials in these buildings.

LOT – A division of land separated from other divisions for purposes of sale, lease, or separate use, described on a recorded subdivision plat, recorded map or by metes and bounds.

LOT, CORNER – A lot situated at the intersection of two streets, or which fronts a street on two or more sides forming an interior angle of less than 135 degrees. (Also, see, [Lot Line, Front.](#))

LOT, COVERAGE – The total area of those portions of a lot that are covered by a building or Structures, paved areas, and other impervious surfaces.

LOT, INTERIOR – A lot that abuts no more than one street and that fronts a street on not more than one side.

LOT, MINIMUM AREA – The area of a lot computed exclusive of any portion of the Right-of-Way or any public thoroughfare.

LOT LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Property Line.

LOT LINE, FRONT - The property line fronting a public roadway Right-of-Way. For purposes of a corner lot, both Property Lines abutting a public Right-of-Way shall be considered a Front Lot Line (See, [Section 10.12](#)).

LOT LINE, REAR – The lot line that is opposite the front lot line and farthest from it.

LOT LINE, SIDE – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

LOT OF RECORD – Any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.

LOT WIDTH – The horizontal distance between the Side Lot Lines measured at right angles to the Lot Depth.

LOT WIDTH, MINIMUM – The smallest Lot Width, as defined herein, that is permitted within an applicable Zoning District.

LOT WIDTH, ESTABLISHED – The Lot Width measured at the Right-of-Way Line. This distance may be greater than the Minimum Lot Width required by the applicable Zoning District, but it shall not be less than the required minimum, unless a Variance is granted by the Board of Zoning Appeals.

LUMBER YARD – A building where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale and may include storage inside of the building. Any components of this use that include the outdoor storage of said materials shall all within the definition of an outdoor service facility.

MACHINE SHOP – A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

MAKER SPACE, LARGE – A facility that is 5,000 square feet or larger and serves as shared co-working space for independent craftsmen to produce woodwork, furniture, pottery, glass, or other related items. The facility can also have shared office space.

MAKER SPACE, SMALL – A facility that does not exceed 5,000 square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass, woodworking, or other related items. No odor, fumes or excess noise may be produced at the facility.

MANEUVERING AISLE – A paved area in an off-street parking lot or loading area which provides access to parking, stacking, or loading spaces, exclusive of driveways and is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space. This area is not used as space for the parking or storage of motor vehicles or for loading or unloading.

MANUFACTURED HOME – A building unit or assembly of closed construction fabricated in an off-site facility, which conforms 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” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.



MANUFACTURED HOME COMMUNITY – Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, Structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

MANUFACTURED HOME, PERMANENTLY SITED – A manufactured home, as defined herein, that meets all the following criteria:

- The Structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
- The Structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
- The Structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
- The Structure was manufactured after January 1, 1995.
- The Structure is not located within a manufactured home park.
- Otherwise complies with the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

MANUFACTURING - Any industry that makes products from raw materials using manual labor or machinery. This definition also includes the compounding, processing, assembling, and packaging of goods.

MEDICAL MARIJUANA – As defined in ORC Section 3769.01(A), effective September 8, 2016.

MIXED USE BUILDING – A building that contains retail, office or entertainment uses on the ground floor and residential units on the upper floors.

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, which is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a permanently sited manufactured home or industrialized unit as defined in this Resolution. A mobile home shall

not be considered to be a single-family detached dwelling for the purposes of this Resolution.

MONOPOLE – A support Structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

MOTOR VEHICLE – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

MURAL – See, [Sign, Wall Display, Mural](#).

MURAL, GHOST – A type of sign that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a Structure.

MURAL, ORIGINAL ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a Structure. Original Art Mural does not include:

- Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; or
- Murals containing electronic or mechanical components; or
- Changing mural images.

MURAL, VINTAGE ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon or affixed directly to an exterior wall of a Structure prior to the date of adoption of this Resolution.

MULTI-FAMILY BUILDING – A building that is designed for and used exclusively for four or more dwelling units.

NONCONFORMING STRUCTURE – Any building or Structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.

NONCONFORMING USE – Any use that was lawfully conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.

NOXIOUS WEED – Means shatter cane (*Sorghum Bicolor*), Russian thistle (*Salsola Kali var. tenuifolia*), or any plant designated a prohibited noxious weed by the Ohio Department of Agriculture.

NURSING HOME – A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm. or convalescent patients who are not related to the owner or administrator of the facility.

ODOT – The Ohio Department of Transportation.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, LARGE – A building that is 5,000 gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, SMALL – A building that is less than 5,000 gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFF-STREET PARKING GARAGE – A public or private Structure that is principally utilized for the parking or storage of motor vehicles to meet the minimum parking requirements in this Zoning Code.

OPEN SPACE – An area required to be reserved in accordance with this Resolution for passive or active recreational purposes, an area for conservation of natural resources, reserved space for future school buildings, or some other similar green space. Such open space may include any required central green space utilized for the community. That part of a zoned property, including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property. Open Space shall be limited to terrestrial features and shall not include ponds, stormwater retention facilities, or other water features.

OUTDOOR CONCERT FACILITY – A facility, including performance areas, seating, concessions, restroom facilities, and parking, for the public performance of music and/or dancing in an outdoor venue.

OUTDOOR RECREATION FACILITY – See, [Commercial Recreational Facility, Outdoor](#).

OUTDOOR SEASONAL BUSINESS – A use that is conducted on a temporary basis and is outside of a fully enclosed building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

OUTDOOR SERVICE FACILITY – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold or stored. For the

purposes of this Resolution, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, and garden stores. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

OWNER – Owner of record according to records contained in the County Recorder’s Offices.

OVERLAY ZONE – Zoning Districts that extend on top of more than one base Zoning District and are intended to protect certain critical features and resources. Where the standards of the Overlay Zone and base Zoning District are different, the more restrictive standards shall apply.

PARCEL – A piece of real estate described by metes and bounds in the deed of the land and recorded in the office the county recorder.

PARK, COMMUNITY OR REGIONAL – A park that is 20 acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PARK, NEIGHBORHOOD – A park that is up to 20 acres in size, serving an area one to two miles in diameter and serving a population of less than 5,000 persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PARKING AISLE – The traveled path through an off-street parking or facility between one or two rows of parked vehicles.

PARKING BAY – A row of parking spaces typically separated by a parking island or some other feature used to break up large spams of asphalt used for the parking surface.

PARKING AREA - An open area other than a street or other public way that is used for the parking of motor vehicles.

PARKING SPACE, OFF-STREET – Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

PENNANT – A flag or banner longer in the fly than in the hoist, usually tapering to a point.

PERMANENT SUPPORTIVE HOUSING – Community-based, long-term housing and supportive services, as appropriate, for homeless individuals with disabilities.

PERMITTED USE(S) – A use that is permitted within a District that is allowable by a matter of right when designated as such in a District, provided said use complies with all applicable

setback and development standards and is issued a Zoning Permit from the Zoning Inspector, or their designee.

PERSONAL SERVICES – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

PICKAWAY COUNTY PLANNING COMMISSION (PCPC) – The planning commission of Pickaway County, Ohio.

PICK-UP OR BANKING WINDOW – A window used to pick up food, a prescription or other another similar product, parcel pick up, or where banking or financial services are conducted without a patron needing to exit his/her vehicle. Food orders and prescriptions are typically placed ahead of time online via the web or mobile device, and these windows are typically not utilized for placing and waiting for orders on site.

PLACES OF ASSEMBLY, LARGE – Any facility or business where 300 or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLACES OF ASSEMBLY, SMALL – Any facility or business where less than 300 individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLANTS, ASPHALT – A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements. This includes any combination of dryers; systems for screening; handling; storing and weighing dried aggregate; systems for loading; transferring; and storing mineral filler; systems for mixing; transferring and storing asphalt concrete; and emission control systems within a stational source.

PLANTS, CONCRETE – The production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement and/or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

PORTABLE HOME STORAGE UNIT – Any assembly of materials which is designed, constructed, or reconstructed to make it portable and capable of movement from one site to another and designed to be Used without a permanent foundation. Such Structures are typically utilized for temporarily storing household goods or other such materials on a residential property.

PRACTICAL DIFFICULTY – A standard utilized to determine whether an area variance should be granted. It is based on a number of criteria that are weighed against one another to determine if granting the variance will provide a reasonable use of the land without altering the essential character of the area.

PRESERVE OR PRESERVATION – The process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the Structure and provide structural safety without changing or adversely affecting the character or appearance of the Structure.

PRIVATE CLUB OR LODGE – A nonprofit association of persons, who are bona-fide members paying annual dues, which owns, hires, or leases a building or portion thereof, and the use of such premises is restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room, for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with applicable local, state, and federal laws.

PRIVATE LANDING STRIP – A long flat piece of land from which private aircraft can take off and land that is properly licensed by the Federal Aviation Authority or applicable agency. It can be constructed of either grass or pavement.

PRIVATE FAMILY SWIMMING POOL – See, [Swimming Pool, Private Family](#).

PROPERTY LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Lot Line.

PUBLIC PROTECTION FACILITY – A facility operated by a public agency for the purposes of public safety including but not limited to fire stations, police stations, public safety dispatch facilities, civil defense, storm shelters, and other similar uses.

RECONSTRUCTION – The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, Structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its environmental, historic, architectural, and cultural values.

RESEARCH AND DEVELOPMENT – A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

RESIDENTIAL FACILITY – A publicly or privately operated home or facility that is further categorized as:

RESIDENTIAL FACILITY CLASS 1– A facility that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults within mental illness or one or more unrelated children with adolescents with severe emotional disturbances.

RESIDENTIAL FACILITY CLASS 2 - A facility that provides accommodations, supervision and personal care services to any of the following:

- One or two unrelated persons with mental illness.
- One or two unrelated adults who are receiving payments under the residential state supplement program.
- Three to sixteen unrelated adults.

Residential facilities exclude hospitals, facilities licensed under ORC 5123.19, an institution subject to certification under ORC 5103.03, hospice care programs, nursing homes, residential care facilities, homes for the aging, a facility operating an opioid treatment program, a terminal care facility for the homeless, a facility approved exclusively for the placement and care of the veterans per Section 104(a) of the Veterans Health Care Amendments of 1983, or the residence of a relative or guardian of a person with mental illness.

RESIDENTIAL FACILITY, LARGE - Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to six to sixteen unrelated persons. (See, ORC 5119.341)

RESIDENTIAL FACILITY, SMALL – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to one to five unrelated persons. (See, ORC 5119.341)

RESIDENTIAL – OFFICE, ADMINISTRATION, BUSINESS, AND MEDICAL – A small office for administrative, business or medical services as defined in this section but located within a Structure that was existing at the time of the effective date of this Resolution.

RESIDENTIAL – RETAIL – A small business retail as defined in this section but located within a Structure that existed at the time of the effective date of this Resolution.

RESIDENTIAL TREATMENT FACILITY – A Residential Facility – Class 1 (ORC 5119.34) providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly Structured environment for its residents for alcoholism, drug abuse, or behavioral and/or mental disorders.

RESOLUTION – This describes this Zoning Resolution of Jackson Township, Pickaway County, Ohio.

RESPONSIBLE PARTY – The owner of the property as determined by the County Auditor’s Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

RESTAURANT – An establishment which offers food and/or drinks to the public, guests, or employees. The food may be prepared and consumed either on or off site.

RIGHT-OF-WAY – A strip of land occupied or intended to be occupied by transportation facilities, public utilities, street drainage ditches or other special public uses.

RURAL ZONING COMMISSION – The Township body composed of personnel as described in [Section 3.02](#) who oversee the implementation of this Resolution.

SATELLITE DISH ANTENNA, SMALL – Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

SCHOOL, HIGH SCHOOL – A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades 9 – 12.

SCHOOL, POST-SECONDARY – A public or private institution providing educational or training services to individuals who have completed high school.

SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE – A public or private institution providing educational services to children in kindergarten through the eighth grade.

SCHOOL, TECHNICAL – A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

SELF SERVICE STORAGE FACILITY – An individual compartment or stall used for the storage of customer’s goods or wares.

SERVICE ROAD, OR ACCESS ROAD – Means a minor Street parallel to a thoroughfare to afford abutting property owners' access to the thoroughfare at limited points.

SETBACK – A required distance between a lot line and a principal Structure established by the Zoning District in which the principal Structure is located.

SETBACK, AVERAGE FRONT– The distance between a Front Lot Line and principal Building that is established by averaging the front setbacks of two existing Structures on adjacent lots. In no case shall an average front setback exceed any applicable maximum setback requirement.

SETBACK, MAXIMUM – The largest distance permitted between a lot line and a principal Structure. The Zoning Inspector shall not administratively approve the location of a principal Structure that is more than this required distance.

SETBACK, MINIMUM – The smallest distance permitted between a lot line and a principal Structure established by the Zoning District in which the principal Structure is located. The Zoning Inspector may not administratively approve the location of a principal Structure that is less than this required distance but may administratively approve the location of a principal Structure that is more than this required distance. In such cases, the area between the required minimum setback and the principal Structure is considered to be “yard” space as defined in this Resolution.

SEXUAL CONDUCT – Acts of sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight. Any penetration of the vagina or anus, however slight, by an object. Any contact between persons involving the sex organs of one person and the mouth or anus of another. Masturbation, manual or instrumental, of oneself or of one person by another. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

SHIPPING CONTAINER - A Structure designed for use as an individual shipping container designed to be mounted on a rail car as freight or designed as an enclosed truck trailer. These containers are typically prefabricated metal Structures but also include other similar type containers such as shipping crates, boxes, or trailers constructed with other types of material.

SHOOTING RANGE, INDOOR – The use of a Structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR – The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this type of use shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

SHORT TERM RENTAL – Renting a home, or a space in a home, with five guestrooms or less that is reserved/rented wholly or partly for compensatory fee for less than thirty (30) consecutive days.

SIGHT TRIANGLE – The triangular area formed by a diagonal line connecting two points located on intersecting street Rights-of-Way or a Right-of-Way and the edge/curb of a driveway (See, Section 17.18).

SIGN – Any device for visual communication which is designed, intended or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article. This definition includes all signs visible from any public Right-of-Way or adjacent property, including interior signs oriented towards the exterior façade of any Building or Structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign Structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization, or business.

SIGN, ANIMATED – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

SIGN, BILLBOARD - A type of free-standing sign that is mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than 200 square feet.

SIGN, ENTRY FEATURE – A sign intended to provide the identity of a residential development or commercial development with more than one lot or tenant.

SIGN, FLASHING - A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

SIGN, FREESTANDING – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support.

SIGN, GAS INFLATABLE – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or Structure and used on a permanent or temporary basis to attract attention to a product, event, or business.

SIGN, GROUND MOUNTED – A type of free-standing sign that is supported by a monument style base and does not include any poles, pillars, or posts.

SIGN, PERMANENT – A sign intended to be erected, displayed or used, or in fact which is used for time period in excess of 30 days within any 180-day period.

SIGN, POLE – A type of free-standing sign that is supported by pole(s), pillars, posts or other free-standing support and is less than 200 square feet.

SIGN, PROJECTING – A sign which extends outward perpendicular to the building face.

SIGN, ROOF – Any sign erected upon or completely over the roof of any building.

SIGN, TEMPORARY – A display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, feathered flags, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

SIGN, TRAILER – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

SIGN, WALL – A wall display that is less than 125 square feet.

SIGN, WALL DISPLAY, MURAL – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings or awnings.

SIGN, WAY FINDING – Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

SIGN, WINDOW – A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

SOLAR, ARRAY - A mechanically integrated assembly of modules or panels with a support Structure and foundation, tracker and other components as required to form a direct-current power producing unit.

SOLAR ENERGY – Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY SYSTEM (SES) – An energy system that consists of one or more solar collection devices, solar energy-related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.

SOLAR ENERGY SYSTEM, INTEGRATED – An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other Structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED – An SES where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.

SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM (SMALL SCALE SES) – A ground mounted SES with a footprint of between one (1) and five (5) acres.

INTERMEDIATE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM (INTERMEDIATE SCALE SES) – A ground mounted SES with a footprint of between five (5) and fifteen (15) acres.

LARGE SCALE GROUND MOUNTED SOLAR ENERGY SYSTEM (LARGE SCALE SES) – A ground mounted SES with a footprint of more than fifteen (15) acres.

SOLAR ENERGY SYSTEM, ROOF MOUNTED – An SES mounted to the roof of a building or Structure. Roof-mount systems are accessory to the primary use of a property.

SPECIFIED SEXUAL ACTIVITIES – Simulated or actual display of human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus and fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

STAGING AREA – A physical location used to store equipment and materials related to the setup, construction, operation, and/or tear down of an activity or event.

START OF CONSTRUCTION – The first placement of permanent construction of a Structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation,

such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main Structure. For a Structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the Structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STREET – A paved public vehicular Right-of-Way which provides access to abutting properties from the front.

STREET, EXPRESSWAY OR INTERSTATE – Highways which convey high volumes of traffic at high speeds, typically controlled access provided at interchanges. This classification acknowledges existing highways that are generally state or federally designed, funded, and maintained.

STREET, MAJOR ARTERIAL – Means a Street which conveys county to county or city to city travel at relatively higher speeds and typically tightly regulated access. These Streets are typically US highways or state routes.

STREET, MINOR ARTERIAL – Means a Street which is used for intra-county and city corridor travel that links Major Arterials, Interstates, and Expressways with substantial areas of development, and/or conveying substantial traffic volumes.

STREET, MAJOR COLLECTOR – Streets which connect Major and Minor Arterials to population and employment centers, serving more localized trips.

STREET, MINOR COLLECTOR – Streets which predominantly connect local streets with higher classification routes.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a Building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

STRUCTURE – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, outdoor advertising signs, (billboards), and farmers’ street-side stands. Structure does not include Fences.

SUBSTANTIAL IMPROVEMENT/ALTERATION – Any repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds 50% of the market value of the Structure either before the improvement or repair is started, or if the Structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether or not that alteration affects the external dimensions of the Structure. The term does not, however, include any project for improvement of a Structure to comply with existing state or local health, sanitary, or safety Code specifications which are solely necessary to assure safe living conditions, or any alteration of a Structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the Structure’s designation as a historic Structure.

SUBSTANTIALLY COMPLETE – The stage in which the work, described in the Zoning Permit, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

SWIMMING POOL, COMMUNITY – A body of water in an artificial or natural receptacle or another container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a family pool as defined herein, and shall include all Structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also, all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

SWIMMING POOL, PRIVATE FAMILY – A swimming pool used or intended to be used solely by the owner or lessee thereof and family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

SWIMMING POOL, STORABLE – A pool capable of holding water to a maximum depth of forty-two inches (42") and is constructed of non-metallic, molded polymeric or fabric walls supported on a rigid frame or by an inflatable ring and entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.

TELECOMMUNICATION TOWER – A Structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition.

TELECOMMUNICATION TOWER, ATTACHED – Any Structure that will be attached to a Building or other Structure that meets the criteria for a telecommunication tower, as defined herein.

TELECOMMUNICATIONS TOWER, FREE-STANDING – Any free-standing Structure that meets the criteria for a telecommunication tower, as defined herein.

TEMPORARY ENTERTAINMENT USE – A use for providing amusement or enjoyment in an indoor facility, outdoor facility, or outdoor area on private property through an activity that provides a leisure activity either for profit or not for profit and for a specified limited duration not to exceed ninety (90) days (three months). Said use and any associated parking, vehicle or pedestrian queueing, or storage does not occur within the public Right-of-Way. Each Temporary Entertainment Use requires a Conditional Use Permit as detailed in this Resolution.

TEMPORARY STRUCTURE, CONSTRUCTION TRAILER/OFFICE – Any Structure that is not permanent and is located on a construction site for purposes of storing materials and tools or for offices for construction management.

TEMPORARY TENT – See, Section 17.17.

THOROUGHFARE PLAN – Means the document now or hereafter adopted, which may be considered a component of the Ashville Comprehensive Land Use Plan, which sets forth the location, alignment, and/or classification of existing and proposed Streets.

TOWNSHIP – Refers to Jackson Township, Pickaway County, Ohio.

TRAFFIC MANAGEMENT PLAN – A Traffic Management Plan, or "TMP," is a plan developed and established to anticipate, prepare for, manage, and control vehicular traffic in a manner that maintains the functionality, capacity, traffic flow, and safety of the public roadway. The TMP identifies, coordinates, and manages the needs and actions of several agencies responsible for road traffic management and safety on a given road network. This may include the Township Road Superintendent, Pickaway County Engineer, Ohio Department of Transportation, Pickaway County Sheriff's Office, and the State Highway Patrol. The purpose of this approach is to limit the effects of events that can lead to serious deterioration of traffic conditions, including functionality, capacity, traffic flow, and safety. The objective is coordinated action by the various authorities and services that participate in the operation of the roadway. To anticipate the arrangements for controlling and guiding traffic flows in real-time and for informing road users about the traffic situation in a consistent and timely way before and during their trip. The situations covered can be unforeseeable (incidents, accidents) and/or predictable (recurrent or non-recurrent events). The measures are always applied temporarily – although "temporary" may be lengthy, such as an event, construction, or long-term maintenance activity. The TMP determines the placement of barricades,

warning lights, signs, off-street parking, and/or personnel for the duration of the event or incident that impedes the normal traffic flow for the roadway.

TRAFFIC QUEUEING – A line of motor vehicles awaiting their turn to be attended to or to proceed.

TRANSITIONAL LIVING CENTER – A facility that provides short-term room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.

TREE, LARGE – Any tree species which normally attains a full-grown height above 60 feet.

TREE, MEDIUM – Any tree species which normally attains a full-grown height between 30-60 feet.

TREE, SMALL – Any tree species which normally attains a full-grown height of under 30 feet.

TRUCK SERVICE CENTER – A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

TRUSTEES, BOARD OF TOWNSHIP – The three-member board elected at the general elections in off-numbered years for terms of four years. Two Trustees are elected the year after presidential elections, and one trustee the year following gubernatorial elections.

UNNECESSARY HARDSHIP – A standard utilized to determine whether a use variance should be granted. It is based on the deprivation of an owner's right to the beneficial use of property that is caused by the strict enforcement of this Resolution. It must involve unique characteristics of the property itself and does not include economic difficulties of the owner/applicant.

USE – The purpose for which a Building or land may be arranged, designed, or intended to be occupied or maintained.

VARIANCE – A modification of the strict terms of this Resolution due to the strict enforcement of these regulations resulting in a practical difficulty or unnecessary hardship and where such modification will not be contrary to the public interest.

VARIANCE, AREA – A type of variance that is from a regulation based on the dimensions or physical requirements of applicable zoning regulations such as setbacks, height, or other similar requirement. This type of Variance is typically reviewed using a Practical Difficulty standard, as described in [Section 7.03\(b\)](#).

VARIANCE, USE – A type of variance to allow a use that is otherwise prohibited within the district. This type of Variance is typically reviewed using an unnecessary hardship standard, as described in [Section 7.03\(c\)](#).

VEHICLE, CHARGING STATION – The design and construction of a parking space with Electric Vehicle Supply Equipment that supplies electric energy for the recharging of electric vehicles.

VEHICLE, RECREATIONAL – Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to all-terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats and jet skis.

VEHICULAR SALES, EQUIPMENT – An open area or building used for the display, sale or rental of farm, construction, or other similar machinery.

VEHICULAR SALES, MOTORCYCLES – An open area or building used for the display, sale, or rental of new or used motorcycles and where only incidental repair work is done.

VEHICULAR SALES, NEW AND USED CARS – An open area other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition and where only incidental repair work is done.

VEHICULAR SALES, RECREATIONAL – An open area or building used for the display, sale, or rental of new or used recreational vehicles and where only incidental repair work is done.

WALL, DECORATIVE – An architecturally designed wall that is intended to prohibit public view and provide seclusion, has more than 50 percent of its vertical surface area closed to light and air, and is not designed for purposes of retaining soil.

WALL, RETAINING – An engineered wall that is designed and intended to support soil laterally so that it can be retained at different levels on the two sides.

WALLSCAPE – A type of wall display that greater than 125 square feet and is mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached to the side of a building.

WATER, WASTEWATER, TRANSPORTATION AND OTHER GOVERNMENTAL SERVICES – Government services concerning the extraction, transportation, and treatment of water and wastewater within the Township.

WEDDING VENUE – An event space that may be located, generally, in [Places of Assembly](#) or tied to an [Agritourism Use](#), as defined herein, to celebrate marriage. For the purposes of this Code, a Wedding Venue tied to an Agritourism Use shall have a heightened standard

requiring a minimum Lot Size of twenty (20) acres and therefore require a Conditional Use Permit. This heightened standard is permissible due to not falling under Agritourism regulations per the definition found in ORC 901.80(2).

WIND ENERGY CONVERSION SYSTEM – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL – A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, an aggregate rated capacity of not more than 100 kilowatts and is intended to primarily reduce on-site consumption of utility power.

WIND ENERGY CONVERSION SYSTEM, TOWER – The support Structure to which the nacelle and the rotor are attached.

WIND ENERGY CONVERSION SYSTEM, TOWER HEIGHT OF – The distance from the rotor blade at its highest point to the top surface of the tower foundation.

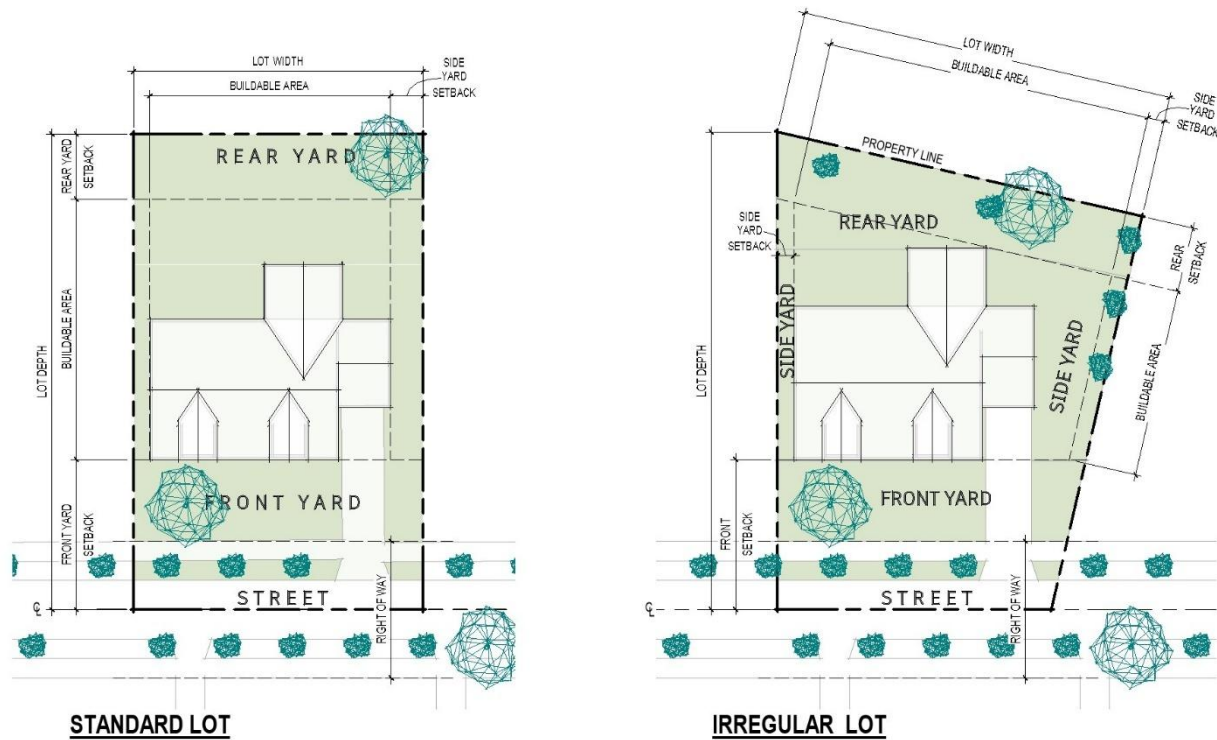
WIND FARM, SMALL – A Wind Energy Conversion System consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of 100kW or more, but less than 50 megawatts and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is 5 megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Resolution.

YARD – An open space on a lot with a building that is unoccupied and unobstructed by any portion of a principal Structure. Fences and other accessory Structures may be permitted within a yard as regulated in this Resolution.

FRONT YARD – The horizontal distance between the Right-of-Way line and the nearest foundation or structural appurtenance of the principal Structure.

REAR YARD – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal Structure.

SIDE YARD – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.



ZONING DISTRICT – Any section of the Zoning Map and/or legal description in which the zoning regulations are uniform.

ZONING INSPECTOR - The authorized representatives appointed by the Trustees to issue Zoning Permits and perform other duties as specified in this Resolution.

ZONING PERMIT – A document issued by the zoning administrator authorizing the construction or alteration of a building, Structure, or use consistent with this Resolution.

ZONING MAP – A map of Jackson Township, Pickaway County, Ohio that legally denotes the boundaries of the Zoning District as they apply to the properties within the Township. The official zoning map shall be kept on file in the administrative offices.

ARTICLE 3
Administration

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| <p>3.01 Zoning Inspector</p> <p>3.02 Rural Zoning Commission</p> <p>3.03 Board of Zoning Appeals</p> <p>3.04 Board of Township Trustees</p> <p>3.05 Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal</p> | <p>3.06 Administrative Procedures for Planned Districts</p> |
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3.01 ZONING INSPECTOR

- a) Office of Zoning Inspector Established. The Zoning Inspector, appointed by the Board of Township Trustees, shall enforce this Resolution. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, or apparent violations as described in this Resolution.
- b) Relief from Personal Liability. The Zoning Inspector, acting in good faith and without malice in the discharge of their duties during enforcement of this Resolution, is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. The Zoning Inspector shall not be held liable for the costs in any action, suit, or proceeding that may be instituted against them as a result of the enforcement of this Resolution.
- c) Duties of Zoning Inspector. For the purposes of this Resolution, the Zoning Inspector shall have the following duties:
- 1) Enforce this Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
 - 2) Investigate all complaints received from residents alleging illegal activity, provided such complaints are filed in writing, and report finding to the Board of Township Trustees.
 - 3) Issue Zoning Permit(s) when the provisions of this Resolution have been met or refuse to issue same in the event of non-compliance.
 - 4) Collect designated fees, as established by separate resolution, for Zoning Permits, Appeals, Variances, and Conditional Uses.
 - 5) Make and keep all records necessary and appropriate to the office, including records of issuance and denial of Zoning Permits and receipt of complaints of violation of this Resolution and action taken on same.

- 6) Inspect any Buildings or lands to determine whether any violations of this Resolution have been committed or exist.
 - 7) Advise the Rural Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to this Resolution.
- d) Removal from Office. As an employee of the Township, the Zoning Inspector may be removed by the Township Trustees for non-performance of duty, misconduct in office, or other just cause.

3.02 RURAL ZONING COMMISSION

a) Rural Zoning Commission Established.

- 1) Pursuant to Ohio Revised Code Article 519.04, a Rural Zoning Commission is hereby established for the Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms of the members shall be of such lengths and so arranged that the term of one (1) member will expire each year.
- 2) For the purposes of this Resolution, the members of the Rural Zoning Commission existing on the effective date of this amended Resolution shall remain in office. However, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Commission shall be filled by the Board of Township Trustees, consistent with the provisions of ORC 519.04.

- b) Removal of Members. Members of the Rural Zoning Commission shall be removed for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees. A public hearing shall be held regarding such charges no longer than sixty (60) days after the charges are filed against the Commission member. In such case, a copy of such charges shall be served to the member at least ten (10) days prior to the hearing, either personally or by registered mail. The member shall be given an opportunity to be heard and answer all such charges.

c) Proceedings.

- 1) The Rural Zoning Commission shall elect a chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the chairman, and at such other times as deemed appropriate by the Commission, as determined by a majority vote. All meetings shall be open to the public. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required for action on any specific business.
- 2) The Commission shall keep minutes of proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public record and shall be immediately filed in the office of the Commission.

d) Powers and Duties. For the purposes of this Resolution, the Rural Zoning Commission shall have the following powers and duties:

- 1) Initiate amendments to this Resolution, pursuant to [Article 6 - Amendments](#).
- 2) Review proposed amendments to this Resolution and make recommendations to the Board of Township Trustees.

3.03 BOARD OF ZONING APPEALS

a) Establishment.

- 1) There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 and 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.
- 2) The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Jackson Township, Pickaway County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until their successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpected term of the member affected.
- 3) For the purposes of this Resolution, the members of the Board of Zoning Appeals existing on the effective date of this amended Resolution shall remain in office; however, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Board shall be filled by the Board of Township Trustees, consistent with the provisions of ORC 519.13 and 519.15.

b) Removal of Members. Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after notification and a public hearing held no more than sixty (60) days after the charges are filed against the person, following the procedures specified for the members of the Rural Zoning Commission in [Section 3.02](#) above.

c) Proceedings.

- 1) The Board shall organize annually and elect a chairman. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Zoning Secretary, as established below, shall be responsible for keeping minutes and performing other administrative duties for the Board as required. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Resolution. All meetings of the Board shall be open to the public.

- 2) The Board shall have the power to subpoena witnesses, administer oaths, and may require the production of documents, under such rules as it may establish.
- d) Powers and Duties. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variation in the application of this Resolution. For the purposes of this Resolution, the Board has the following responsibilities:
 - 1) 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 accordance with [Article 7 – Appeals and Variances](#) – of this Resolution.
 - 2) Authorize such Variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in Unnecessary Hardship in accordance with the provisions of this Resolution.
 - 3) Interpret the boundaries of the Zoning Map, in accordance with the provisions of this Resolution.
 - 4) Grant Conditional Uses as specified in the Use Table in [Article 8 – Conditional Uses](#) – and under the conditions specified in [Article 17 – General Development Standards](#) – of this Resolution, and such additional safeguards as will uphold the intent of this Resolution.
 - 5) Authorize the substitution or extension of Nonconforming Uses, as specified in [Article 5 – Nonconformities](#) – of this Resolution.
 - 6) Authorize extensions of time for completion of work specified in the Zoning Permit, in accordance with [Section 4.03 – Approval of Zoning Permit](#).
 - 7) Declare Zoning Permits void, pursuant to [Section 4.09 – Void Zoning Permits](#) – of this Resolution.

3.04 BOARD OF TOWNSHIP TRUSTEES

- a) The powers and duties of the Board of Township Trustees pertaining to this Resolution are as follows:
 - 1) Appoint members to the Rural Zoning Commission and Board of Zoning Appeals.
 - 2) Initiate and/or act upon suggested amendments to the Resolution text or Zoning Map.
 - 3) Override a written recommendation of the Rural Zoning Commission on a text or map amendment as described in [Section 6.06 – Recommendation by the Rural Zoning Commission](#).

- 4) May appoint a Zoning Secretary, who shall record the minutes of the Rural Zoning Commission and Board of Zoning Appeals, confirm the information on zoning applications, maintain zoning records, assist the Zoning Inspector, and perform other such duties relating to this Resolution as deemed appropriate by the Board of Township Trustees. The Zoning Secretary shall be compensated at rates established from time to time by the Board of Township Trustees.

3.05 POWERS OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, AND BOARD OF TOWNSHIP TRUSTEES ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Zoning Inspector on matters of appeal or variance. Nonetheless, nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts pursuant to Articles 2505 and 2506 of the Ohio Revised Code. Such an appeal shall be made within ten (10) days of the Board's written decision.

3.06 ADMINISTRATIVE PROCEDURES FOR PLANNED DISTRICTS.

No land shall be developed as a PCR, PB, PEC, or PUD until the Rural Zoning Commission and the Board of Township Trustees determine whether the application and development plan comply with the provisions of this Article as applicable through the process defined in this Section. This procedure applies to any development within the PCR, PB, PEC, and PUD Districts.

- a) Pre-Application Requirements. The Rural Zoning Commission and the Board of Township Trustees shall consider such applications through the following procedure.
 - 1) **Existing Features (Site Analysis) Map and Conceptual Development Plan –** The applicant shall submit an existing features (site analysis) map and a conceptual development plan for a Tract(s) of land to be considered as planned conservation residential development with the Rural Zoning Commission and schedule an agreeable time to jointly visit the site for an on-site walkabout. This map and conceptual development plan shall include general soil types, known wildlife habitat, stormwater features, water features (such as ponds, wetlands, and permanent and intermittent watercourses), areas subject to flooding, natural features (such as historic structures,

- archaeological sites, or similar heritage resources), and approximate locations of nearby Structures.
- 2) **On-Site Walkabout** – The applicant, or their representative; the Zoning Inspector; up to two (2) members of the Rural Zoning Commission and one (1) member of the Board of Township Trustees may visit and view the site, at which time the primary and secondary conservation areas should be identified. If members of the public wish to participate in the walkabout they shall execute a release of liability in favor of the Township, the applicant, and the property owner. No binding decisions or votes are made at the on-site walkabout.
 - 3) The applicant shall request a review meeting with the Rural Zoning Commission for initial review of the conceptual development plan. Other agencies including the County Engineer and the Regional Planning Commission may be included. No statement by officials of the Township or the County shall be binding upon either.
- b) Trip Generation and Connectivity Memo. Prior to submitting an application including a development plan, the applicant shall submit a “Trip Generation and Connectivity Memo.”
- 1) The Trip Generation and Connectivity Memo shall include the following information:
 - i) The number of new daily vehicle trips and a.m./p.m. peak hour trips generated by the Permitted Uses in the proposed development. Vehicle trips shall be determined by utilizing the ITE Trip General Manual (most current edition).
 - ii) A determination, by the Pickaway County Engineer’s Office, as to whether further traffic analysis or a Traffic Impact Study (TIS) is required.
 - iii) Recommendations from the Pickaway County Engineer’s Office regarding the connection of roadways and the potential need for unloaded Collector Roads to be constructed to ensure appropriate trip distribution and traffic movement through the Township.
 - iv) A signature of an authorized representative of the Pickaway County Engineer’s Office certifying the accuracy of the information contained in the Trip Generation and Connectivity Memo.
 - 2) The Zoning Inspector reserves the right to request that a third-party engineer review the Trip Generation and Connectivity Memo in order to confirm or make further recommendations for requiring a traffic analysis or TIS. The Zoning Inspector shall be responsible for identifying the third-party engineer.
 - 3) If further traffic analysis or a TIS is recommended by the County Engineer per 12.05(b)(1)(ii), above, or a third-party engineer, said information shall be submitted as part of the Development Plan.

- c) Fees. A fee as established by the Schedule of Zoning Fees shall accompany an application requesting approval of the development plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by the Township in using professional consulting services to review the development plan. These expenses may include, without limitation, costs for professional consultants such as architects, legal, landscape architects, planners and engineers utilized by the Township in connection with reviewing the development plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Development Plan, the Rural Zoning Commission Chair and Zoning Inspector shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Rural Zoning Commission Chair and Zoning Inspector decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Inspector shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Inspector shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Fiscal Officer, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Rural Zoning Commission Chair and Zoning Inspector shall consider the reasonable commercial rates of qualified professionals and reasonable estimates of time to complete the review. Any unused portion of the estimated amount received to cover the professional consulting fees and charges shall be returned to the applicant as soon as practicable following the final disposition of the application, along with a summary of the fees and charges expended for such services.
- d) Prepare Application and Development Plan.
- 1) **Prepare Application and Development Plan** – Applicant shall prepare and submit a formal application including the development plan and a minimum of ten (10) hard copies or as otherwise determined by the Rural Zoning Commission, along with an electronic copy and fees in accordance with this Section to the Zoning Inspector. The Rural Zoning Commission shall schedule a public hearing. Notice of the hearing shall be given by regular mail to all property owners that are adjacent, adjoining, contiguous to, and across from the proposed development within the PCR. The failure of delivery of such notice shall not invalidate any action taken on the application. The Rural Zoning Commission may request comments from the Pickaway County

Regional Planning Commission. The Pickaway County Regional Planning Commission's review is administrative. The Rural Zoning Commission's review is also administrative.

- 2) The development plan shall be drawn to a scale of at least 1" = 100' and shall include in text and map form the following:
- i) Proposed name of the development and a survey plan and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development;
 - ii) Names and addresses of owners and developers. Also, the names, parcel numbers, and mailing addresses of all owners of property, as shown on the Pickaway County Auditor's current tax list, which are contiguous, adjoining, adjacent, and across from the area proposed for the planned district approval shall be provided;
 - iii) A map showing all of the contiguous, adjoining, adjacent, and across from properties with reference to the names and mailing addresses of the property owners;
 - iv) If the applicant owns any of the neighboring properties, then the applicant must list the first contiguous, adjoining, adjacent, or across from properties not owned by the applicant;
 - v) If a contiguous, adjoining, adjacent, or across from property is a subdivision, then the above information should include a plat of the subdivision;
 - vi) A site survey with maps showing the topography, with a minimum 2-foot contour interval, and the location of all existing natural and cultural features of the tract including wooded areas, large trees (trunk diameter of 12 inches and greater), roadside trees, streams, watercourses, drainage patterns, wetlands, floodplains, ravines, existing historical structures, archaeological sites, and a description of the proposed protection and/or use of these natural and cultural features in the development. A copy of a completed Ohio Historical Inventory Survey for any building that is fifty (50) years or older on the tract to be developed;
 - vii) All proposed bikeways and walkways along with the proposed widths and construction materials;
 - viii) The general development character of the Tract including the specific limitations or controls to be placed on all uses, with Lot sizes and other development features and restrictive covenants applicable to the project;
 - ix) A site plan containing all details in accordance with the additional development requirements found in [Articles 12, 13, 14, and 16](#), as applicable;
 - x) Building Setback lines with dimensions of Lots and Structure footprints;

- xi) Boundary Lines of the proposed development and the total acreage of the proposed project;
- xii) Dwelling Unit types, the total number of Dwelling Units proposed, and the method and manner used to calculate density;
- xiii) Architectural design guidelines including lighting, materials, colors, and typical renderings for structures and proposed procedures for controlling architectural design elements;
- xiv) Signs, with specific renderings of the elevations. Any proposed lighting shall include control procedures;
- xv) All commonly owned Structures and Recreational Facilities;
- xvi) Landscaping plans in accordance with [Articles 12, 13, 14, and 16](#), as applicable;
- xvii) The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage, including stormwater retention facilities with engineering feasibility studies or other evidence of reasonableness and lack of adverse impact on neighboring properties;
- xviii) A copy of letters from the following entities:
 - A) The County Engineer or maintaining authority stating that the proposed access and sight distance is adequate along the existing Roads where access is provided.
 - B) The Water Utility and the Sewer District stating that the water and sanitary sewers are available and have sufficient capacity to serve the proposed land uses.
 - C) The Township Fire Chief stating that fire protection is available and has sufficient capacity to serve the proposed land Uses;
- xix) The proposed traffic patterns including an access plan for the development showing Public and Private Roads and other transportation facilities and parking areas. The relationship of the proposed Public and Private Roads and other transportation facilities to existing Public Roads and any improvements to such Roads shall be indicated. If temporary access roads are required during phased construction, the applicant is responsible for restoring these areas to natural landscaping when these service roads are no longer needed for construction access. All restoration shall be completed within ninety (90) days of the completion of the PCR phase for which the road was necessary;
- xx) Layout, location, and dimensions of any existing and proposed structures. Any existing structures to be demolished when developing the tract must be labeled as “to be removed”. Any existing structure on an adjacent lot that is within two hundred (200) feet of an adjoining lot line;
- xxi) Color rendering of proposed and existing structures on the tract (except those that are “to be removed”), complete with a listing of all colors referenced by the Munsell Color System (latest edition) or if it is not

- available, the manufacture's reference/serial number with samples and materials to be used;
- xxii) The relationship of the proposed development to existing and probable uses of surrounding areas during and after the development;
 - xxiii) Identification and location of all land dedicated to Schools, Parks and other Public Facility sites within or adjacent to the site;
 - xxiv) Any special accommodations and access requirements for emergency and firefighting equipment as required by the Fire Department;
 - xxv) Intended measures to screen ground level and rooftop mechanical equipment from view;
 - xxvi) Provisions for the parking and/or storage of trailers of any type, boats, or recreational vehicles;
 - xxvii) If appropriate, reports prepared by appropriate professionals for an environmental impact study, a cultural resources management survey, and a traffic analysis. Furthermore, the applicant is responsible for notifying any state or federal agencies that may be involved in permitting, licensing, or funding the project that the Board of Township Trustees request status as a consulting party for the project;
 - xxviii) The proposed timetable or schedule for the proposed development, including street and transportation facilities, Buildings, utilities, and other facilities, and removal of construction materials, equipment, trailers, and offices;
 - xxix) If the proposed timetable for development includes plans to develop the land in phases, all phases shall be fully described in text and map formats and each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Development Plan or absent an extension approved by the Zoning Commission, all phases shall be submitted for and receive Development Plan approval within the time frame set forth in [Section 3.06\(e\)](#). An application for Development Plan approval for each phase of a project shall annotate the "as built" conditions and shall be supplemented with an updated construction schedule;
 - xxx) Layout, numbering, and dimensions of Lots, if more than one;
 - xxxi) Existing Zoning District restrictions for the Tract to be developed as well as adjacent Tracts;
 - xxxii) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the Open Space;
 - xxxiii) A letter outlining a funding plan for all required public improvements including any proposed TIFs, NCAs, JEDDs, or other applicable economic development tools;
 - xxxiv) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan;

- xxxv) All drawings that make up the Development Plan shall bear the seal of a professional engineer, surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans;
- xxxvi) Unless specifically superseded by the standards contained in [Articles 12, 13, 14, and 16](#) or those standards approved in the Development Plan or [Article 17 – General Development Standards](#), the development shall comply with the requirements contained in the General Development Standards in Article XXI of this Resolution. Except for density, permitted uses, and the percentage of required open space, the applicant may request a divergence by the Zoning Commission from the development standards set forth in [Articles 12, 13, 14, and 16](#), or [Article 17](#). An applicant making such a request shall specifically and separately list each requested divergence and the justification thereof on the Development Plan submitted, with a request that the proposed divergence be approved “per plan”;
- xxxvii) Any additional information as may be required by the Rural Zoning Commission.

e) Rural Zoning Commission and Board of Township Trustees Action.

- 1) After receipt of the complete application, Development Plan and required fees, the Rural Zoning Commission shall schedule a public hearing within forty-five (45) days after the filing of the complete application and shall give the applicant and all owners of property, as shown on the Pickaway County Auditor’s website, that are contiguous, adjoining, adjacent, or across from the area proposed for development written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular, first-class mail to addresses of those owners as they appear on the Pickaway County Auditor’s current tax list. The failure of delivery of that notice shall not invalidate any action the Rural Zoning Commission may take on the Application. The Rural Zoning Commission shall make a recommendation to the Board of Township Trustees on the application and Development Plan within thirty (30) days after the conclusion of the hearing.
- 2) Upon receipt of said application, the Board of Township Trustees, shall review the Development Plan and the Zoning Commission’s recommendation and take action on said Development Plan at its next regularly scheduled meeting or at a special meeting scheduled by the Board of Township Trustees. By a simple majority vote, the Board of Township Trustees can uphold, modify, or overturn the recommendation of the Rural Zoning Commission.
- 3) Any action to approve an application shall not be considered to be an amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Ohio Revised Code but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

- f) Condition of Approval. Unless otherwise excluded by resolution approved by the Board of Township Trustees, no real property shall be included in an Application and Development Plan unless said property is a part of an existing New Community Authority or a petition has been filed to initiate a New Community Authority for said property in accordance with Chapter 349 of the Ohio Revised Code. No Application and Development Plan shall be approved unless this condition is met at the time of filing the complete Application. In the event that an NCA is not yet in existence at the time of filing of an Application, an Applicant shall include as part of the development text contained in the Development Plan a requirement that the Applicant shall affirmatively take all steps necessary to assist in the creation of a new NCA by agreeing to add all real property be put to an NCA. In the course of assisting in the creation of this new NCA the Applicant shall be required to obtain fulfil all statutory requirements of Ohio Revised Code Chapter 349. No permits or Certificates of Zoning Compliance shall be issued by the Zoning Department until such time that all real property that is part of an Application has joined an NCA as required herein.
- g) Criteria For Approval. In determining whether to approve an application and development plan, the reviewing authorities shall consider the following:
- 1) Whether the application and proposed Development Plan are consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution and/or that any proposed divergences provide the benefits, improved arrangement and design of the proposed development and justify deviation from the development standards or requirements of this Resolution.
 - 2) Whether the application and proposed Development Plan meet all the design features required in this Resolution.
 - 3) Whether the application and proposed Development Plan are compatible with the character of existing land use, consistent with the intent and purposes of the PCR and are in keeping with other applicable public plans for the area.
 - 4) Whether the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage features, potable water and centralized sanitary sewers.
 - 5) Whether the application and proposed Development Plan promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of all types of development.
 - 6) Whether the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.

- 7) Whether an adequate funding source for the construction and long-term maintenance of the required Open Space and community improvements have been provided.
 - 8) Whether the proposed development is designed in such a way as to minimize any unreasonable adverse impact on the surrounding areas of the Township.
 - 9) Whether the drainage plan is designed as to not negatively impact surrounding properties.
 - 10) In approving the application and Development Plan, the Rural Zoning Commission or Board of Township Trustees may impose such conditions, safeguards, and restrictions deemed necessary in order to carry out the purpose and intent of the overlay district.
- h) Plat Required.
- 1) No Zoning Certificate shall be issued for any structure in any portion of the PCR for which a plat is required by the Pickaway County Subdivision Regulations unless and until:
 - i) The final subdivision plat for the portion has been approved by the Pickaway County Regional Planning Commission, the Pickaway County Commissioners, and then recorded.
 - ii) A full size and an 11" x 17" copy of the recorded plat has been filed with the Zoning Inspector.
 - 2) No Amendment of the provisions of the development plan, or any part thereof as finally approved, shall be made unless the provisions of [Section 3.06\(k\)](#) are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review to assure the notes and agreed conditions on the development plan are not compromised by engineering.
- i) Zoning Certificate and Development Plan Approval Period. After the Development Plan is approved and any required Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each lot. The zoning permit for PCR development shall be for a period not to exceed two (2) years or that period approved in the Development Plan unless otherwise provided for by an approved extension. If significant construction, meaning the physical placement of roads or foundations, has not begun within two (2) years after Development Plan approval is granted or within the time period approved in the Development Plan, then the Development Plan approval shall be void. In such case, the PCR zoning and map amendment remain in place, but a Development Plan must be resubmitted for approval.
- j) Extension of Time. An extension of the time limit for the approved Development Plan may be granted by the Rural Zoning Commission without public hearing provided they find that such extension is not in conflict with public interest.

k) Amendment of Development Plan.

- 1) A request for modification of an approved Development Plan may be submitted to the Rural Zoning Commission by the owners of the proposed development (owners are the developer or the entity to which the developer transfers ownership or otherwise legally assigns the right of representation, e.g., another developer, a HOA, NCA, or group of designated trustees) or by signed petition from at least fifty-one (51%) of the current property owners in the development. At the time the request for modification is submitted, the requestor must submit a written notarized statement indicating that all individual property owners in the development have been notified that a request for modification of the Development Plan has been submitted. Such notice must contain the specific modification that is being requested.
 - i) Minor Amendments. Within thirty (30) days of the submittal of a written application specifically detailing the changes requested along with a revised Development Plan, the Zoning Inspector may administratively approve a Minor Amendment. “Minor Amendments” are limited to the following:
 - A) An encroachment of two (2) feet or less into a side or rear setback as shown on the approved Development Plan, provided such setback abuts property having the same or similar use, as determined by the Zoning Inspector. (Changes to the Right-of-Way setbacks have more impact to utilities and the overall design intent and shall be considered a major amendment.)
 - B) A change in the Sign face that does not alter the size, height or setback of the Sign.
 - C) An increase of no more than two (2) feet in the maximum building height as shown on the approved Development Plan.
 - D) Anyone aggrieved by the decision of the Zoning Inspector on a proposed minor amendment may appeal said decision to the Board of Township Trustees within thirty (30) days of said decision by the Zoning Inspector. The Board of Township Trustees shall hear said appeal within thirty (30) days of receiving the appeal. The Township Board of Trustee’s action is final and is only appealable to the courts.
 - ii) Major Amendments. All other proposed amendments, other than the three identified in Section 12.05(k)(1)(i), above, shall be considered major amendments and must be approved by the Rural Zoning Commission for a final decision by the Board of Township Trustees.
 - A) Major Amendments to an approved Development Plan shall follow the same procedure in [Article 6](#).

l) Administrative Review.

- 1) Upon projection completion, all plats, construction drawings, restrictive covenants, an “as built” plat plan, and other necessary documents shall be submitted to the Zoning Inspector, the Rural Zoning Commission, or their designated technical advisors for administrative review to ensure substantial compliance with the Development Plan as approved.
- 2) The Rural Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space, and any other pertinent development characteristics.

ARTICLE 4
Enforcement and Penalty

4.01	Zoning Permit	4.07	Certificate of Zoning Compliance
4.02	Application for Zoning Permit	4.08	Schedule of Fees, Charges, and Expenses
4.03	Approval of Zoning Permit	4.09	Void Zoning Permit
4.04	Submission to the Department of Transportation	4.10	Violation and Penalty
4.05	Record of Zoning Permits		
4.06	Expiration of Zoning Permits		

4.01 ZONING PERMIT REQUIRED

- a) A Zoning Permit is required for any of the following and is subject to the limitations of Section 519.211 of the Ohio Revised Code:
- 1) Construction, structural alteration, or enlargement of any Building or Structure, including Accessory Structures and Temporary Structures.
 - 2) Change in the use of an existing Building, Structure, or land to a Permitted Use in the Zoning District where the Building is located.
 - 3) Occupying or using vacant land.
 - 4) Demolishing any Building or Structure.
- b) The failure to obtain a Zoning Permit shall be considered a violation of this Resolution and shall be punishable in accordance with this Article.

4.02 APPLICATION FOR ZONING PERMIT

- a) The responsible party or applicant shall submit three (3) copies of an application for a Zoning Permit to the Zoning Inspector and shall include the following information:
- 1) Name, address, phone number, and email address of the applicant.
 - 2) Address and parcel number of the property subject to the application.
 - 3) Legal description of the property as recorded in the County Recorder's office. If there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant to supply a survey of the property by a registered surveyor in the State of Ohio.
 - 4) Existing and proposed uses.
 - 5) The Zoning District in which the property is located.
 - 6) Plans and/or drawing to approximate scale showing:
 - A) The dimensions of the property.
 - B) The dimensions of existing and proposed Building or Structures on the property.

- C) The distance between the Property Lines and the existing and proposed Structures.
 - D) The dimensions and number of existing and proposed parking spaces.
 - E) Any existing or proposed signage (not required for One-Unit Dwelling certificates).
 - F) The Height of existing and proposed Buildings.
 - G) Number of proposed Dwelling Units, if applicable.
 - H) The property owner is required to sign the application, or an affidavit authorizing a representative to sign and serve as the contact on behalf of the owner must be submitted.
 - I) Any other information as determined by the Zoning Inspector to determine compliance with this Resolution.
 - J) A copy of any required approvals including, but not limited to, any necessary Variances or Conditional Use Permits.
- b) The Zoning Inspector may increase or decrease the requirements for the application when the scope and scale of the proposed request warrants. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the Lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

4.03 APPROVAL OF ZONING PERMITS

- a) The Zoning Inspector shall approve or deny the Zoning Permit application within thirty (30) days after the receipt unless the provisions of [Section 4.04 – Submission to the Department of Transportation](#) – are applicable.
- b) If a Zoning Permit is approved:
- 1) The Zoning Inspector shall mark the Zoning Permit as approved, sign, date, and return the approved Zoning Permit to the applicant.
 - 2) The applicant shall Commence Work within one (1) year of the date of Zoning Permit approval unless an extension is granted by the Zoning Inspector. The Zoning Inspector may grant a one-time extension of up to six (6) months due to unexpected delays that are not a result of any action of the applicant and provided there are no changes in area conditions, as determined by the Zoning Inspector. Otherwise, the Zoning Permit shall be considered null and void and a new Zoning Permit must be obtained.
 - 3) The work described in the Zoning Permit must be completed and a Certificate of Zoning Compliance must be issued within two (2) years of the date of the Zoning Permit approval. Any work described in the Zoning Permit that has not been completed within this two (2)-year period or as extended by the Zoning Inspector shall not proceed unless a new Zoning Permit is obtained.

c) If a Zoning Permit is Denied:

- 1) The Zoning Inspector shall mark the Zoning Permit as denied, sign, date, and provide a list of reasons for denying the Zoning Permit, and return it to the applicant.
- 2) The applicant shall have thirty (30) days from the date that the Zoning Inspector denied the Zoning Permit to file an Appeal application to the Board of Zoning Appeals.

4.04 SUBMISSION TO THE DEPARTMENT OF TRANSPORTATION

Before any Zoning Permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Department of Transportation, the Zoning Inspector shall give notice, by registered or certified mail, to the Department of Transportation. The Zoning Inspector shall not issue a Zoning Permit for one hundred and twenty (120) days from the date the notice is delivered to the Department of Transportation. If the Department of Transportation notifies the Zoning Inspector that the Department of Transportation shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Permit.

4.05 RECORD OF ZONING PERMITS

A record of all Zoning Permits shall be kept on file in the Office of the Zoning Inspector, or their designated agent, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the Building or land affected.

4.06 EXPIRATION OF ZONING PERMITS

If the work described in any Zoning Permit has not Commenced Work within one (1) year from the date of issuance thereof or has not been completed within two (2) years from the date of issuance thereof, said Zoning Permit shall expire. For the purposes of these regulations, a Building or Structure shall be considered complete when a Certificate of Zoning Compliance, pursuant to [Section 4.07](#) below, has been issued. In cases where a Zoning Permit has expired, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired Zoning Permit shall not proceed unless and until a new Zoning Permit has been obtained or extension granted by the Board of Zoning Appeals.

4.07 CERTIFICATE OF ZONING COMPLIANCE

- a) It shall be unlawful to use or occupy or permit the use or occupancy of any Building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its Use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Inspector, stating that the proposed Use of the Building or land, as completed, conforms to the requirements of this Resolution. A Certificate of Zoning Compliance may be processed as an indication of final approval on the Zoning Permit.
- b) An applicant shall apply for a Certificate of Zoning Compliance after completing the work described in an approved Zoning Permit. The application shall be submitted to the Zoning Inspector. After the completion of the excavation for any new Buildings and prior to the commencement of construction of the footers or foundation for any new Buildings, the applicant shall request an inspection from the Zoning Inspector to determine that all approved setbacks are being adhered to.
- c) No Building or Structure shall be occupied or utilized in any manner until such time a Certificate of Zoning Compliance has been issued by the Zoning Inspector. The Certificate of Zoning Compliance shall state:
 - 1) The proposed Use is in conformance with the approved Zoning Permit; and
 - 2) The Buildings and/or Structures have been constructed in accordance with the approved Zoning Permit.
 - 3) If there are any Non-Conforming Uses or Structures located on said property, the Certificate of Zoning Compliance shall note the existing non-conforming status on the Certificate of Zoning Compliance.
- d) A Certificate of Zoning Compliance shall not be issued until a signed letter from the applicable water and sewer authority has been provided stating that water and sanitary sewer systems (on-site or central) have been installed and approved by said authority.
- e) The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance.
- f) The Zoning Inspector is authorized to issue a Temporary Certificate of Zoning Compliance that does not exceed six (6) months provided:
 - 1) All completed work complies with the approved Zoning Permit when the Temporary Certificate of Zoning Compliance is issued.
 - 2) The reason the unfinished work has not been completed is due to circumstances beyond the applicant's control, such as the weather.
 - 3) That the temporary occupancy of a Building does not impair public health and safety.

4.08 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, Certificates of Zoning Compliance, Appeals, and other matters pertaining to this Resolution. Copies of the schedule of fees shall be retained by the Zoning Inspector and posted in the Township offices and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

4.09 VOID ZONING PERMIT

- a) A Zoning Permit shall be void if any of the following conditions exist:
 - 1) The Zoning Permit was issued contrary to the provisions of this Resolution by the Zoning Inspector.
 - 2) The Zoning Permit was issued based upon a false statement by the applicant.
 - 3) The Zoning Permit has been assigned or transferred.
- b) When a Zoning Permit has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to the applicant and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the Building(s), Structure(s), or land cease unless, and until, a new Zoning Permit has been issued.

4.10 VIOLATION AND PENALTY

- a) Construction and Uses to be Provided in Applications, Plans, Permits, and Certificates. Zoning Permits or Certificates of Zoning Compliance issued based on plans and applications approved by the Zoning Inspector authorize only the use and arrangement of the plans, applications, or amendments. Any use, arrangement, or construction not in conformance with the authorization shall be deemed a violation of this Resolution and punishable, as provided in Section 4.10(c), below.
- b) Complaints Regarding Violations. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint to the Zoning Inspector, stating in full the violation and providing evidence to support the claim. The Zoning Inspector shall immediately investigate the alleged violation and take appropriate action as provided by this Resolution.
- c) Penalties for Violation. Violations of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall be assessed as a civil fine of not more than five hundred

dollars (\$500) for each offense. The fees shall be collected by filing a civil action in the Pickaway County Court of Common Pleas. The complaint may combine a cause of action for collection of civil fines under this section with a cause of action for collection of civil fines under this section with a cause of action for injunction, abatement, mandamus, or other appropriate relief under Section 4.10(d), below. Each day the violation continues from the date of judgment granting relief under this section shall constitute a separate offence.

- d) Availability of Special Counsel. Under the regulations of Section 519.24 of the Ohio Revised Code, in case any Building is or is proposed to be erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is proposed to be used in violation of this Resolution or of any regulation or provision adopted by the Township, such Board of Township Trustees, the Pickaway County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this article.

ARTICLE 5

Non-Conformities

5.01	Intent	5.05	Non-Conforming Structures
5.02	Grace Period	5.06	Non-Conforming Uses
5.03	Conformance Required	5.07	Damage or Destruction
5.04	Lots of Record		

5.01 INTENT

The purpose of this Article is to allow for the continuation of Uses and Structures that were lawfully permitted prior to the enactment of this Resolution or subsequent amendments, but do not conform to the currently adopted regulations.

5.02 GRACE PERIOD

- a) The construction, change, or remodeling of a Use, Structure, or Building that was legally commenced prior to the effective date of this Resolution or amendment thereto but does not conform to these regulations may be continued as long as the following criteria are met:
 - 1) The property was purchased or otherwise legally acquired prior to the effective date of this Resolution or amendment thereto making it Non-Conforming.
 - 2) Said work has been completed within two (2) years of the effective date of this Resolution or amendment making it Non-Conforming.

5.03 CONFORMANCE REQUIRED

Unless otherwise specifically permitted by this Article, all Buildings, Structures, and Uses shall comply with the regulations for the Zoning District in which they are located.

5.04 LOTS OF RECORD

- a) A Lot of Record is any Lot or Parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.
- b) Any Lot of Record existing on the initial effective date of this Resolution may be used for any One-Unit Dwelling when such use is permitted in the Zoning District, regardless of the width or area of said Lot, provided all the following criteria are met:
 - 1) The Side Setback for any Lot of Record shall not exceed ten (10) percent of the width of the Lot, but in no case shall a Side Yard be less than ten (10) feet.

- 2) The Rear Setback for any Lot of Record shall not exceed twenty (20) percent of the depth of the Lot, but in no case shall the Rear Yard be less than ten (10) feet.
 - 3) Accessory Structures shall comply with all Side and Rear Setback requirements in the applicable Zoning District regulation.
- c) In any Zoning District where Dwellings are not listed as a Permitted Use, a Lot of Record may be used for any Permitted Use in the Zoning District in which it is located, provided the following criteria are met:
- 1) The Side Setback shall be a minimum of ten (10) percent of the Lot Width.
 - 2) The Rear Setback shall be a minimum of twenty (20) percent of the Lot Depth.
 - 3) All other regulations for the Zoning District including, but not limited to, the impervious surface ratio, shall apply as stated in the applicable Zoning District.
- d) Any Lot of Record that contains a Structure that complies with the regulations in this Section shall be considered to be in compliance with this Resolution.

5.05 NON-CONFORMING STRUCTURES

- a) A Non-Conforming Structure is any Building or Structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the Zoning District in which it is located.
- b) A Non-Conforming Structure may continue to exist in accordance with the provisions of this Article.
- c) A Non-Conforming Structure may be enlarged, maintained, repaired, or structurally altered, provided the existing Non-Conformity is not increased or extended, and so no new Non-Conformities are created.
- d) A Non-Conforming Structure shall not be moved in whole or in part for any distance to any other location on the same or any other Lot. If such Structure is moved, the entire Structure shall conform to the regulations of the applicable Zoning District in which it is located. A Zoning Permit shall be required prior to moving such Structure.
- e) A Non-Conforming Mobile Home located in any Zoning District, once removed shall not be relocated on such Lot, or replaced with another Mobile Home.

5.06 NON-CONFORMING USES

- a) A Non-Conforming Use is any Use that was lawfully being conducted within any Building or on any land on the effective date of these regulations or amendment thereto but is not listed as a Permitted Use of the Zoning District in which it is located.

- b) A Non-Conforming Use may continue to operate in its current location in accordance with the provisions of this Article.
- c) The Board of Zoning Appeals may authorize a Non-Conforming Use to be changed to another Non-Conforming Use, provided the proposed use is equally appropriate or more appropriate to the Zoning District than the existing Non-Conforming Use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Code, which if violated are punishable under [Section 4.10\(c\)](#) of this Resolution.
- d) Unless otherwise permitted by this Article, a Non-Conforming Use shall not be enlarged, extended, or expanded.
- e) The Board of Zoning Appeals may permit, on a once-only basis, the expansion of a Non-Conforming Use, provided such expansion does not exceed twenty-five (25) percent of the Ground Floor area of the existing Building(s) devoted to a Non-Conforming Use at the time of enactment of this Resolution or at the time of its amendment making a Use Non-Conforming. The Board of Zoning Appeals shall not authorize any enlargement which would:
 - 1) Result in a violation of the provisions of this Resolution with respect to any adjoining premises;
 - 2) Occupy ground space required for meeting the Setback or other requirements of this Resolution.
- f) A Non-Conforming Use which has been replaced or abandoned shall not be returned to a Non-Conforming Use. A Non-Conforming Use shall be considered abandoned when there is intent either express or implied to cease the Non-Conforming Use for a period of two (2) years. Abandonment may be evidenced by an overt act or failure to act indicating that the owner or responsible party has not been using the Non-Conforming Use for said time period. A Non-Conforming Use shall be considered replaced when either one of the following conditions exists:
 - 1) When a Non-Conforming Use has been changed to a Permitted Use in the applicable Zoning District.
 - 2) When the Non-Conforming Use has been changed to another Non-Conforming Use under permit from the Board of Zoning Appeals.

5.07 DAMAGE OR DESTRUCTION

- a) In the event that any Non-Conforming Building, Structure, or Use is damaged or destroyed by any means, to the extent of more than fifty (50) percent of its fair market value at the time of damage, such Building or other Structure shall not be restored unless

such Building or other Structure and the Use thereof conform to the regulations of the Zoning District in which it is located.

- b) If such damage is fifty (50) percent or less of its current fair market value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics and the previous Use may be permitted, if all of the following are met:
 - 1) A Zoning Permit is obtained;
 - 2) Restoration commences within one (1) year after the date of such destruction; and
 - 3) The restoration is substantially completed within two and a half (2 ½) years from when the Zoning Permit is issued.

ARTICLE 6 Amendments

6.01 Intent.	6.06 Recommendation by Rural
6.02 Initiation of Zoning	Zoning Commission.
Amendments.	6.07 Public Hearing by the Board of
6.03 Contents of Application.	Township Trustees.
6.04 Submission to the Pickaway	6.08 Action by the Board of Township
County Planning Commission.	Trustees.
6.05 Public Hearing by the Rural	6.09 Criteria.
Zoning Commission.	6.10 Effective Date and Referendum.

6.01 INTENT.

This Article describes the procedures to be followed for the amendment of this Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of ORC Section 519.12, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

6.02 INITIATION OF ZONING AMENDMENTS.

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

- a) By referral of a proposed amendment to the Rural Zoning Commission by the Board of Township Trustees.
- b) By the adoption of a motion by the Rural Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- c) By the filing of an application by at least one (1) owner or tenant of property or their designated agent within the area proposed or affected by said amendment.

6.03 CONTENTS OF APPLICATION.

- a) An application for amendment shall be limited to the Zoning Inspector, or their designee, and shall include the following information:
 - 1) Name, address, and phone number of the applicant.
 - 2) Proposed amendment to the text or legal description of the property affected.
 - 3) Present Use and Zoning District.
 - 4) Proposed Use and Zoning District.
 - 5) A map drawn to scale showing Property Lines, Streets, existing, and proposed Zoning Districts.

- 6) A list of all property owners within the five hundred (500) feet contiguous to and directly across the Street from the parcel(s) proposed to be rezoned and their current addresses as appearing on the Pickaway County Auditor's tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
 - 7) A statement as to how the proposed amendment will impact adjacent and proximate properties.
 - 8) Any other information requested by the Zoning Inspector to determine conformance with and provide for enforcement of this Resolution.
- b) If the above requirements are met, the Zoning Inspector shall transmit the application to the Rural Zoning Commission. The date of this transmittal is the date of the filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant.

6.04 SUBMISSION TO THE PICKAWAY COUNTY PLANNING COMMISSION.

Within five (5) days after the adoption of a motion by the Rural Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application according to Sections 6.02-.03, above, the Rural Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Pickaway County Planning Commission. The Pickaway County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township's Rural Zoning Commission. The recommendation shall be considered at the public hearing held by the Rural Zoning Commission pursuant to Section 6.05, below.

6.05 PUBLIC HEARING BY RURAL ZONING COMMISSION.

- a) Date of Public Hearing. The Rural Zoning Commission shall schedule a public hearing after adopting their motion, transmitting a resolution from the Board of Township Trustees, or filing an application pursuant to Sections 6.02-.03, above. The hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.
- b) Township Webpage and Social Media Account Notice. Before holding the required public hearing, notice of such hearing shall be given by the Rural Zoning Commission by one publication at least ten (10) days before the date of said hearing using the website and social media account of the Township.
 - 1) Published Notice, Text Amendment, Amendment to Rezone Greater than 10 Parcels. If the proposed amendment alters the text of this Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- i) The names of the members of the Rural Zoning Commission that will be conducting the public hearing on the proposed amendment.
 - ii) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - iii) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
 - iv) The name of the person responsible for giving notice of the public hearing by publication.
 - v) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
 - vi) Any other information requested by the Rural Zoning Commission.
- 2) Published Notice, Amendment to Rezone 10 or Fewer Parcels. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - i) The names of the members of the Rural Zoning Commission that will be conducting the public hearing.
 - ii) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
 - iii) A list of addresses of all properties to be rezoned or redistricted by the proposed amendment, and the names of the owners of these properties, as they appear on the County Auditor's current tax list.
 - iv) The present zoning classification of the property named in the proposed amendment and the proposed zoning classification of such property.
 - v) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
 - vi) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
 - vii) A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Trustees for its action.
 - viii) Any other information requested by the Rural Zoning Commission.
- c) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Rural Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing, to all owners of property within five hundred (500) feet contiguous to and directly across the thoroughfare from the area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Pickaway County Auditor's current tax list,

as provided by the applicant in [Section 6.03\(a\)\(6\)](#). The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of publishing notices as specified in [Section 6.05\(b\)](#), above.

6.06 RECOMMENDATION BY THE RURAL ZONING COMMISSION.

Within thirty (30) days after the public hearing required in [Section 6.05](#), above, the Rural Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification or denial of the amendment requested.

6.07 PUBLIC HEARING BY THE BOARD OF TOWNSHIP TRUSTEES.

Within thirty (30) days from the receipt of the recommendation of the Rural Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in [Section 6.05\(b\)](#).

6.08 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES.

Within twenty (20) days after the public hearing required in [Section 6.05](#), the Board of Township Trustees shall adopt, adopt with modification, or deny the recommendation of the Rural Zoning Commission. If adopted with modification or denied, a majority vote by the Board of Township Trustees is required pursuant to Section 519.12(H) of the Ohio Revised Code.

6.09 CRITERIA.

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- a) Compatibility of the proposed amendment with the Zoning District and Use of adjacent land and with any land use or comprehensive plans adopted by the Township.
- b) The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage, or public infrastructure in the area.
- c) The effect of the adoption of the proposed amendment upon the public health, safety, and general welfare of the adjacent properties and other residents of the Township.

6.10 EFFECTIVE DATE AND REFERENDUM.

- a) Any amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof

included in the zoning plan, equal to eight (8) percent of the total vote cast for all candidates for the most recent election in which a governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

- b) No amendment shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment under such referendum. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately.

ARTICLE 7
Appeals and Variances.

7.01 Appeals.	7.05 Public Hearing by the Board of Zoning Appeals.
7.02 Appeal Decision by the Board of Zoning Appeals.	7.06 Notice.
7.03 Variances.	7.06 Action by the Board of Zoning Appeals.
7.04 Application for Appeals and Variances.	

7.01 APPEALS.

A notice of appeal may be filed with the Clerk of the Township by any person aggrieved, including a tenant, government officer, department, board, or bureau. Such Appeals shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the Appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Clerk of the Township shall transmit said notice to the Board of Zoning Appeals.

7.02 APPEAL DECISION BY THE BOARD OF ZONING APPEALS.

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the Appeal, give ten (10) days' notice in writing to parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in Pickaway County at least ten (10) days before the date of such hearing, and decide the Appeal within a reasonable time after it is submitted. Upon the date of the public hearing, any person may appear in person or by attorney.

7.03 VARIANCES.

- a) The Board of Zoning Appeals shall have the power to authorize Variances from the provisions of this Resolution that are not contrary to the public interest. Such Variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in *Practical Difficulty* (Area Variance) or *Undue Hardship* (Use Variance) that would deprive the owner of the reasonable Use and Buildings involved.
- b) Criteria for Approving an Area Variance. The Board of Zoning Appeals may grant an Area Variance upon a finding by clear and convincing evidence of "Practical Difficulty" in meeting this Resolution's requirements. The factors to be considered and weighed by the Board of Zoning Appeals in determining whether a property owner has encountered Practical Difficulties, include, but are not limited to, the following:

- 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial Use of the property without the Variance;
 - 2) Whether the Variance is substantial;
 - 3) Whether the essential character of the neighborhood or surrounding area would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the Variance;
 - 4) Whether the Variance would adversely affect the delivery of governmental services, for example, water, sewer, garbage, etc.;
 - 5) Whether the property owner purchased the property with knowledge of the restrictions as found in this Resolution;
 - 6) Whether the property owner's Practical Difficulty can be eliminated through some method other than a Variance; and/or
 - 7) Whether the spirit and intent behind this Resolution's requirements can be observed and substantial justice can be done by granting a Variance.
- c) Use Variances. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a Use not permissible in the respective Zoning District involved.
- d) Burden of Proof. The burden of proof is on the applicant to present reliable, probative, and substantial testimony and evidence that supports the request for a Variance.

7.04 APPLICATION FOR APPEALS AND VARIANCES.

- a) Any responsible party, owner, or their agent may file an application to obtain an Appeal or Variance from the decision of the Zoning Inspector. An application for a Variance shall be filed in triplicate with the Zoning Inspector. The Clerk of the Township shall forward such application to the Secretary of the Board of Zoning Appeals within five (5) days from receipt of the completed application.
- b) The application for a Variance shall contain the following information:
- 1) Name, address, and phone number of the applicant.
 - 2) Legal description of the property, including parcel number, as recorded in the Pickaway County Recorder's office.
 - 3) A map or drawing to approximate scale, showing the dimensions of the Lot and any existing or proposed Building(s).
 - 4) The names and addresses of all property owners within five hundred (500) feet, contiguous to and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.
 - 5) Each application for an Appeal or Variance shall refer to the specific provisions of this Resolution which apply.
 - 6) A narrative statement explaining:
 - i) The use for which the Appeal or Variance is sought.

- ii) Details of the Appeal or Variance that is applied for and the grounds on which it is claimed that the Appeal or Variance should be granted.
- iii) The specific reasons why the Variance is justified, according to Section 7.03, above.

7.05 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an Appeal, Variance, or Conditional Use Permit from the Zoning Inspector or an applicant.

7.06 NOTICE.

- a) Township Webpage and Social Media Account Notice. Before holding the public hearing required in Section 7.05, above, notice of such hearing shall be given by the regulating authority by one publication at least ten (10) days before the date of said hearing using the website and social media account of the Township. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Notice shall state who placed the notice (such as clerk or chairman of the Board of Zoning Appeals).
- b) Interested Parties. Before holding the public hearing required in Section 7.05, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals by first class mail at least ten (10) days before the day of the hearing to all owners of property within, contiguous to, and directly across the thoroughfare from the parcel to be considered for a Variance or Conditional Use by the Board of Zoning Appeals. The notice shall be mailed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees.

7.07 ACTION BY THE BOARD OF ZONING APPEALS.

- a) Within thirty (30) days after the public hearing pursuant to Section 7.05, or sixty (60) days from the date of the application if such hearing is not held, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for Variance. In granting any Variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under this Resolution under [Section 7.01 – Appeals](#) – of this Resolution.
- b) If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the Variance and will permit a reasonable Use of the land, Building, or Structure. The Board of Zoning Appeals shall transmit a written copy of its decision

and findings to the Zoning Inspector, who shall forward such a copy to the applicant. If the request for Appeal or Variance is denied, the applicant may seek relief through the Cour of Common Pleas.

ARTICLE 8

Conditional Uses

8.01 Authority and Purpose.	8.05 Public Hearing by the Board of Zoning Appeals.
8.02 Application for Conditional Use Permits.	8.06 Action by the Board of Zoning Appeals.
8.03 General Standards for Conditional Uses.	8.07 Expiration and Revocation of a Conditional Use Permit.
8.04 Supplementary Conditions.	

8.01 AUTHORITY AND PURPOSE.

- a) A Use of property that typically affects an area more intensely than Permitted Uses in the Zoning District in which it is located may nonetheless be desirable and compatible with Permitted Uses if that Use is properly controlled and regulated. Such Uses shall be listed as “Conditional Uses” within the respective Zoning Districts.
- b) The Board of Zoning Appeals may grant conditional approval for Use of the land, Buildings, or other Structures and may allow such a Use to be established where unusual circumstances exist and where the Conditional Use will be consistent with the general purpose and intent of this Resolution.

8.02 APPLICATION FOR CONDITIONAL USE PERMITS.

Any person owning or having an interest in property may file an application to use such property for one of the Conditional Uses provided for by this Resolution in the Zoning District in which the property is situated. An application for a Conditional Use shall be filed with the Zoning Inspector who shall forward within five (5) days a copy to the Secretary of the Board of Zoning Appeals. The application shall contain the following information:

- a) Name, address, and phone number of applicant.
- b) Legal description of the property, including parcel number, as recorded in the Pickaway County Recorder’s Office.
- c) Present Zoning District.
- d) Description of proposed Conditional Use.
- e) A plan of the proposed site for the Conditional Use showing the location of all Buildings, parking and loading area, utilities, Signs, Yards, and such other information as the Board may require determining if the proposed Conditional Use meets the intents and requirements of this Resolution.
- f) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes, and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the Zoning District.

- g) The names and addresses of all properties within five hundred (500) feet, contiguous to and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list. The applicant may also provide the addresses of property owners within the above referenced boundaries when their addresses differ from the property adjoining to the proposed Conditional Use.
- h) Such other information regarding the property, proposed Use, or surrounding area as may be pertinent to the deliberations of the Board of Zoning Appeals.
- i) Fee(s) as established by the Board of Township Trustees – as adopted separately from this Resolution.

8.03 GENERAL STANDARDS FOR CONDITIONAL USES.

In addition to the specific requirements for Conditional Uses as specified in [Section 10.02 - Combined Use Table](#) – the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed Use in terms of the following standards and shall find adequate evidence that such Use at the proposed location meets all the following requirements:

- a) The Use will be designed, constructed, operated, and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity.
- b) The Use will not pose a discernible health hazard to existing adjacent Uses.
- c) The Use will be served adequately by essential public facilities and services such as highways, Streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- d) The Use will not involve Uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of production of traffic, noise, smoke, fumes, glare, or odors.
- e) The Use will be consistent with the objectives of this Resolution and any adopted comprehensive or land use plans for the area.

8.04 SUPPLEMENTARY CONDITIONS.

In granting any Conditional Use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformance with this Resolution.

8.05 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals may hold a public hearing within thirty (30) days from the receipt of the application specified in [Section 8.02 – Application for Conditional Use Permits](#). If a public hearing is held, the requirements for public notice and notification of parties of interest shall be in the same as for an Amendment, as specified in [Section 6.05\(b\)](#) of this Resolution.

8.06 ACTION BY THE BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing pursuant to Section 8.05, above, or sixty (60) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 8.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a Conditional Use Permit listing the specific conditions listed by the Board of Zoning Appeals for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

8.07 EXPIRATION AND REVOCATION OF A CONDITIONAL USE PERMIT.

The approval of a Conditional Use Permit issued in accordance with Section 8.06, above, shall become null and void if such Use is not carried out within one (1) year after the date of approval. The Board of Zoning Appeals may revoke the Conditional Use Permit upon written evidence by any resident or official of the Township of violation of this Resolution and/or written terms and conditions upon which approval is based.

ARTICLE 9
Standard Zoning District Regulations
and Rules of Application

9.01 Zoning Districts Established.	9.08 One Single-Unit Dwelling Per Lot.
9.02 Official Zoning Map Established.	9.09 Platting Requirement.
9.03 Zoning District Boundary Description and Interpretation.	9.10 Types of Lots.
9.04 Limitations on Land Use.	9.11 Types of Encroachments.
9.05 Similar Uses.	9.12 Rules of Measurement.
9.06 Division of Lots.	9.13 Calculating Established Lot Width.
9.07 Street Frontage Required.	

9.01 ZONING DISTRICTS ESTABLISHED.

The Zoning Districts set forth below are hereby established:

- Traditional Agricultural (AG)
- Rural Residential (RR)
- Planned Conservation Residential Overlay (PCR)
- Planned Business Overlay (PB)
- Planned Employment Center Overlay (PEC)
- Big Darby Creek Conservation (DCC)
- Planned Unit Development (PUD)

9.02 OFFICIAL ZONING MAP ESTABLISHED.

The locations and boundaries of the various Zoning Districts as defined herein shall be established by ordinance and shall be shown and delineated on the Zoning Map. The Zoning Map shall be maintained by the Board of Township Trustees and may be divided into parts and such parts may be separately employed for identification purposes when adopting or amending the Zoning Map or for any reference to the Zoning Map.

9.03 ZONING DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION.

Zoning District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Zoning Map. When a map is used, Zoning District boundary lines shall be established by dimensions, Property Lines, recorded Lot Lines, or the centerline abutting the Street, Alley, or railroad Right-of-Way, as the same were of record at time of adoption. In all cases, if there is doubt as to the exact location of the

Zoning District boundary lines, the same shall be determined by the Board of Zoning Appeals.

9.04 LIMITATION ON LAND USE.

No person, firm, or corporation shall use or permit to be used any land or Buildings, nor shall any person, firm, or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any Building, Structure, or Improvement, which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the Use, height, area, Yard, Setback, and other requirements established in the District in which such land, Building, Structure, or Improvement is located, except as provided by [Article 5 – Nonconformities](#). Nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building, lot or use, where a Zoning Permit has been lawfully issued prior to the effective date of this Resolution, and pursuant to such permit, construction or the use is diligently carried to completion. Upon completion, such Building or Use shall be deemed a legally Nonconforming Use and may continue as regulated by [Article 5 – Nonconformities](#).

9.05 SIMILAR USES.

- a) On occasion, new Uses of land may arise that may have not been contemplated at the time of this Resolution's adoption. This section sets forth a process to identify the location for such Uses. Since this action is an interpretation matter, the Board of Zoning Appeals shall be the body designated for determining Similar Uses. Determination as to whether a Use is similar to Uses permitted by right shall be considered an expansion of use regulations of the Zoning District and not as a Variance applying to a particular situation. Any Use found similar shall thereafter be considered as a Permitted Use in that Zoning District.
- b) Applications for Zoning Permits for Uses not specifically listed in the permitted Building or Use classifications of the Zoning District, which the applicant feels qualify as a Similar Use under the provisions of this section, shall be submitted to the Board of Zoning Appeals. Three (3) copies and one (1) digital PDF copy of a completed application shall be submitted. The following information shall be included in the application:
 - 1) Name, address, phone number, and email of the applicant.
 - 2) The address and parcel number of the address in question.
 - 3) If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as their agent for the application.
 - 4) Legal description of the property.
 - 5) The existing Zoning District in which the property is located.

- 6) A vicinity map drawn at a suitable scale, showing Property Lines, Streets, existing Zoning District designations of surrounding parcels adjacent to and within two hundred (200) feet.
 - 7) The names and addresses of all property owners within one hundred (100) feet of the subject property appearing on the Pickaway County Auditor's tax list.
 - 8) A site plan that shows:
 - i) The lot(s) where the Use is proposed.
 - ii) Any existing and/or proposed Buildings.
 - iii) The square footage of the proposed Use.
 - 9) A narrative explaining:
 - i) The lot(s) where the Use is proposed.
 - ii) The reasons the applicant believes the proposed Use complies with [Section 9.05\(a\)](#).
- c) Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested Use is similar to those Permitted Uses in the specific Zoning District. In order to find that a Use is similar, the Board of Zoning Appeals shall find that all of the following elements exist:
- 1) Such Use is not listed as a Permitted or Conditional Use in another Zoning District.
 - 2) Such Use conforms to the basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other Zoning District classification.
 - 3) Such Use creates no increased danger to health and safety; creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable nuisances; and does not create traffic congestion to an extent greater than normally resulting from Uses listed in the classification in which it is added.
- d) The notice requirements in [Section 6.05\(b\)](#) for Amendments shall be utilized for a public hearing on a Similar Use.
- e) If the Board of Zoning Appeals takes action to approve a Use as a "Similar Use" in a Zoning District as described in this Section, then said Use shall become a Permitted or Conditional Use within said Zoning District, as determined by the Board of Zoning Appeals, until such time the Board of Township Trustees changes the Zoning District through the amendment process identified in [Article 6](#).

9.06 DIVISION OF LOTS.

No Lot shall be divided into two (2) or more Lots, unless all Lots resulting from such division conform to all the applicable regulations of the Zoning Districts in which it is located.

9.07 STREET FRONTAGE REQUIRED.

All new Lots shall comply with the minimum Frontage requirements for the Zoning District in which it is located. Said Frontage must be on an acceptable dedicated and improved Right-of-Way. For purposes of this section, an Alley, as defined in [Article 2](#), shall not be considered as an acceptable dedicated Right-of-Way. This section shall not apply to an existing Lot of Record or a Lot within an approved Planned Unit Development.

9.08 ONE SINGLE-UNIT DWELLING PER LOT OF RECORD.

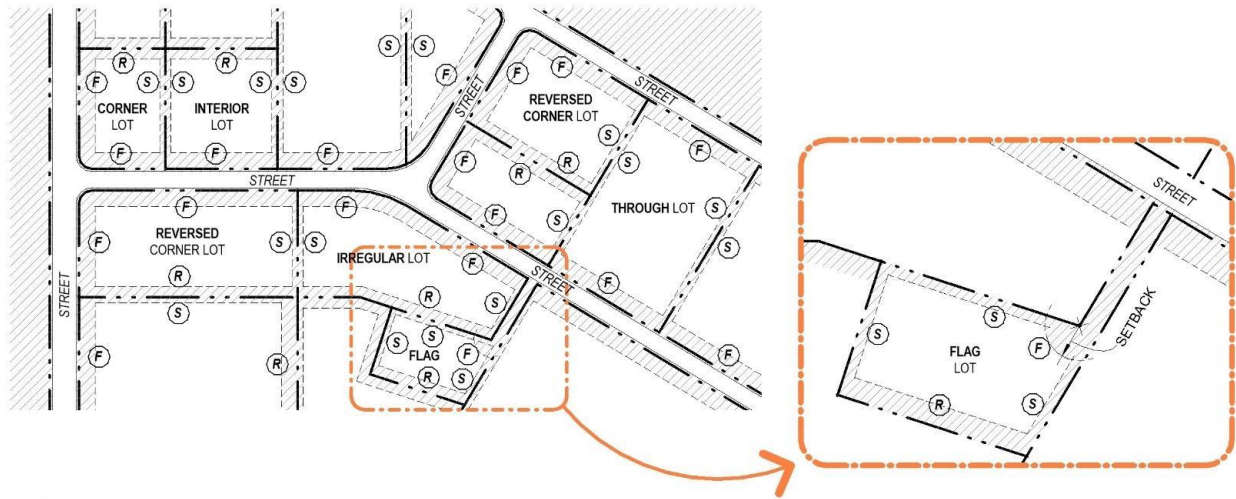
In all Residential Districts, there shall be no more than one (1) permitted Dwelling Unit allowed on any single residential Lot. For purposes of this section, a Lot that contains an Attached or Detached Accessory Dwelling Unit in addition to the primary Dwelling Unit shall be together considered one Dwelling Unit.

9.09 PLATTING REQUIREMENT.

For the purposes of providing a proper arrangement of Streets and assuring the adequacy of Open Spaces for traffic, utilities, and access of emergency vehicles commensurate with the intensification of Uses customarily incident to a change in Zoning Districts, a platting requirement is established as follows:

- a) For any land which has been rezoned to a Zoning District other than an Agricultural District upon application of a private party, no Building or Zoning Permit shall be issued until that portion of the Tract on which the Permit is sought has been included in a required subdivision plat or replat, as the case may be, submitted to and approved by the Rural Zoning Commission, and filed of record in the Pickaway County Recorder's Office. Provided that the Rural Zoning Commission, pursuant to their exclusive jurisdiction over subdivision plats, may remove this platting requirement upon determining that the above purposes have been achieved by previous platting or could not be achieved by a plat or replat.

The Remainder is Intentionally Left Blank

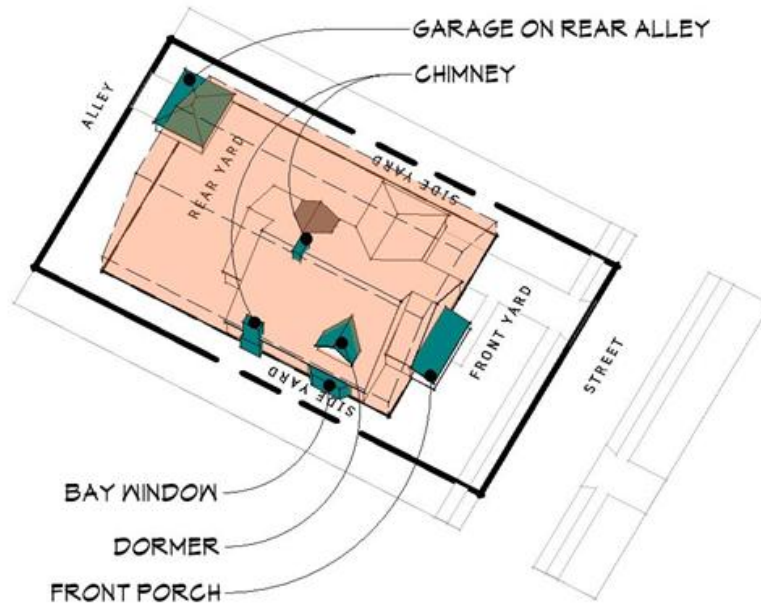
9.10 TYPES OF LOTS.**LEGEND**

- (F) FRONT SETBACK
- (S) SIDE SETBACK
- (R) REAR SETBACK
- AREA OUTSIDE OF BUILDABLE AREA
- PROPERTY LINE

- a) Front, Year, and Rear Side Setbacks must comply with the requirements of the applicable Zoning District. The purpose of the above graphic is to illustrate which Lot Lines serve as Front, Rear, and Side Lot Lines for each type of Lot.
- b) For a Flag Lot, the Front Yard shall be determined by identifying the midpoint of the terminus of the panhandle (or the terminus of an easement outside of the panhandle) and drawing a semi-circle with a radius that is equal to the minimum setback for the applicable Zoning District.

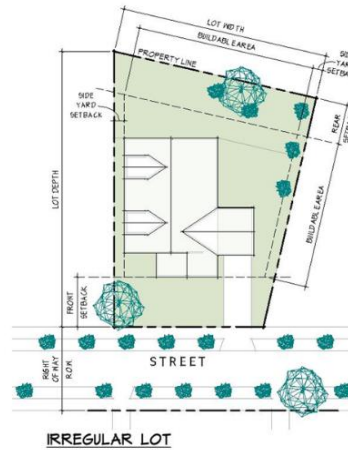
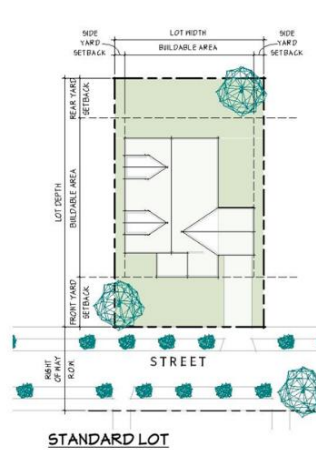
9.11 TYPES OF ENCROACHMENT.

Each Zoning District allows various types of encroachments. Refer to the Lot Area, Setback, and Height Tables in each Zoning District to identify the type of permitted Encroachments for said Zoning District.

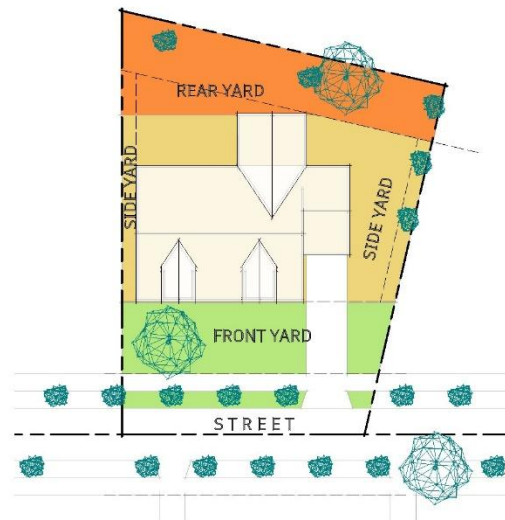
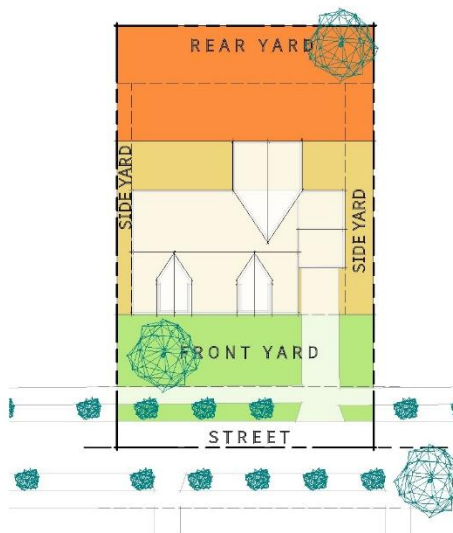
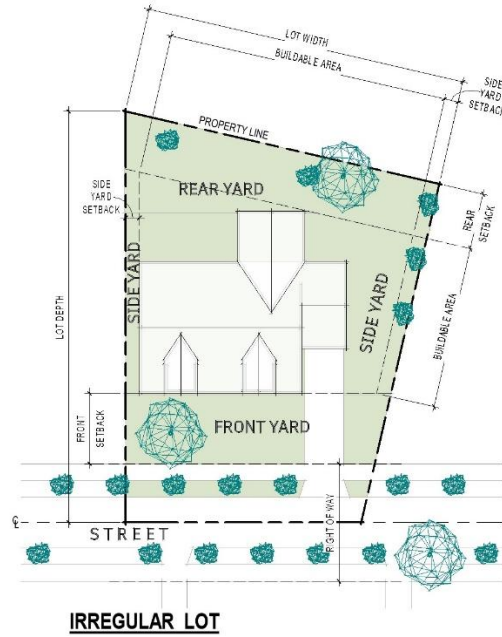
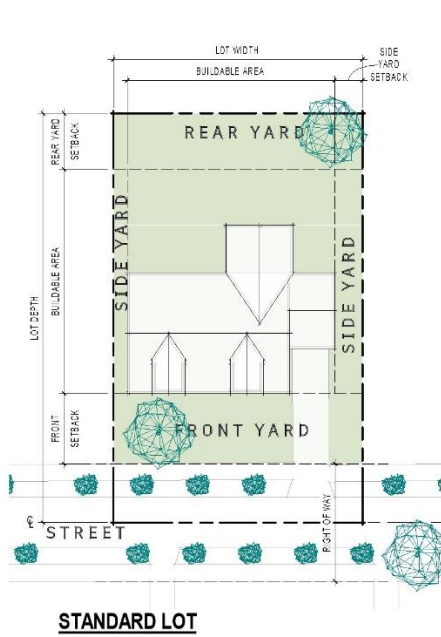


9.12 RULES OF MEASUREMENT.

a) Front Lot Line as the Right-of-Way.



- b) Front Lot Line is the center line of the roadway.



9.13 CALCULATING ESTABLISHED LOT WIDTH.

The Established Lot Width, as defined in Chapter 2, shall be maintained to the Midpoint of the Lot Depth. See an example calculation below:

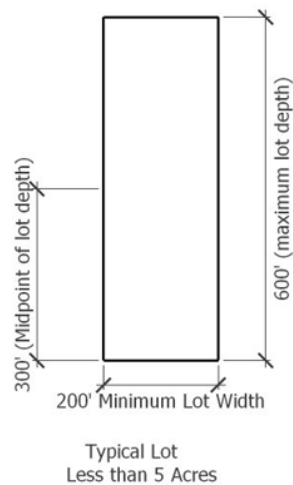
	Equation
Lot Depth (LD)	$LD = (A+B+C+D)/2$
Midpoint	$Midpoint = LD/2$

A = 517 Feet

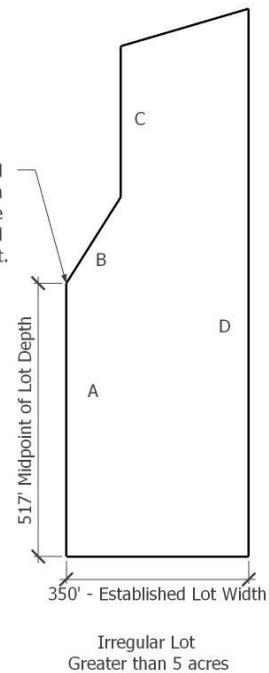
B = 210 Feet

C = 290 Feet

D = 900 Feet (Maximum Lot Depth District)



Established lot width must be maintained to this point.



$$LD = (517 + 210 + 290 + 900)/2 = 958.5 \text{ Feet}$$

$$Midpoint = 958.5/2 = 479.25 \text{ Feet (rounded)} = 479 \text{ Feet}$$

ARTICLE 10
Use Table**10.01 Identified Uses.****10.02 Combined Use Table.**

10.01 IDENTIFIED USES

- a) Each Zoning District includes a list of Permitted, Conditional, and Accessory Uses. Listed Uses are to be defined by their customary name or identification, except as specifically defined or limited by this Resolution. If a Use is not listed as a Permitted, Conditional, or Accessory Use in a Zoning District, it shall be considered prohibited in said Zoning District.
- b) Permitted Uses. A Use listed as permitted is allowed by a matter of right when designated as such in a Zoning District, provided said Use complies with all applicable Setbacks and development standards and is issued a Zoning Permit from the Zoning Inspector, or their designee. Such uses are designated with a “P” in each Zoning District.
- c) Conditional Uses. A Use listed as conditional may be allowed when designated as such in a Zoning District, provided it complies with the criteria in [Section 8.03 – General Standards for Conditional Uses](#) – and a Conditional Use Permit is issued by the Board of Zoning Appeals in accordance with [Article 8](#). Such Uses are designated as “C” in each Zoning District.
- d) Accessory Use. A Use listed as accessory may be allowed when designated as such in a Zoning District, provided it is subordinate to the Permitted Use, complies with the requirements of [Section 17.02](#), and is issued an Accessory Use Permit from the Zoning Inspector, or their designee. Such Uses are designated with an “A” in each Zoning District.
- e) Development Standards. Each Zoning District has a set of development standards to which each Use and Structure must comply. These standards include, but are not limited to, height, Lot Width, Lot Size, and Front, Side, and Rear Setbacks. In addition to the development standards in each Zoning District, all Uses must comply with any applicable “General Development Standards” listed in [Article 17](#).

10.02 COMBINED USE TABLE.

Use	<u>AG</u> <u>Traditional</u> <u>Agriculture</u>	<u>RR</u> <u>Rural</u> <u>Residential</u>	<u>PCR</u> <u>Planned</u> <u>Conservation</u> <u>Residential</u> <u>Overlay</u>	<u>PB</u> <u>Planned</u> <u>Business</u> <u>Overlay</u>	<u>PEC</u> <u>Planned</u> <u>Employment</u> <u>Center</u> <u>Overlay</u>
Accessory Dwelling Unit (Subject to Section 17.01)	C	C			
Accessory Structures (Subject to Section 17.02)	A	A	A	A	
Adult Entertainment Facilities (Subject to Article 21)					C
Advanced Manufacturing					P
Agriculture	Exempt from Zoning per ORC 519.21			Exempt from Zoning per ORC 519.21	
Agritourism	C			P	
Airports/Private Landing Strips	C				
Animal Service Facilities	C			P	P
Automobile Oriented Uses (includes gas stations and quick lube facilities)				P	
Automobile Repair				P	
Bank, with Banking Window				P	P
Bank, without Banking Window				P	P
Bed and Breakfast Facilities	C	C			
Beverage Sales, Alcoholic				P	

Use	<u>AG</u> <u>Traditional</u> <u>Agriculture</u>	<u>RR</u> <u>Rural</u> <u>Residential</u>	<u>PCR</u> <u>Planned</u> <u>Conservation</u> <u>Residential</u> <u>Overlay</u>	<u>PB</u> <u>Planned</u> <u>Business</u> <u>Overlay</u>	<u>PEC</u> <u>Planned</u> <u>Employment</u> <u>Center</u> <u>Overlay</u>
Beverage Sales, Microbrewery				P	
Biotechnology					P
Body Art Establishments				P	P
Business, Retail Small (with Drive Thru)				P	P
Business, Retail Small With Pick-Up Window (No Drive Thru)				P	P
Business, Retail Small (No Drive Thru or Pick-Up Window)				P	P
Business, Retail Medium (With Drive Thru)				P	P
Business, Retail Medium (With Pick-Up Window, but No Drive Thru)				P	P
Business, Retail Medium (No Drive Thru or Pick Up Window)				P	P
Business, Retail Large (May include Drive Thrus and Pick Up Windows)				P	P
Campground	C				
Cemeteries	P	P	P	P	P

Use	<u>AG</u> <u>Traditional</u> <u>Agriculture</u>	<u>RR</u> <u>Rural</u> <u>Residential</u>	<u>PCR</u> <u>Planned</u> <u>Conservation</u> <u>Residential</u> <u>Overlay</u>	<u>PB</u> <u>Planned</u> <u>Business</u> <u>Overlay</u>	<u>PEC</u> <u>Planned</u> <u>Employment</u> <u>Center</u> <u>Overlay</u>
Commercial Recreation Facilities, Large				P	P
Commercial Recreation Facilities, Outdoor				P	P
Commercial Recreation Facilities, Small				P	P
Community Gardens	P	P	P		
Community Services	C	C		P	P
Data Processing Center					P
Dwelling, One Unit	P	P	P		
Equipment Repair, Small				P	P
Equipment Repair, Large				P	P
Farm Market	P			P	
Flea Market	C			P	
Governmental Services					
Home Day Care Family, Large	C	C			
Home Day Care Family, Small	A	A			
Home Occupations (Subject to Section 17.10)	C	C			
Life Care Retirement Center	A	A			
Logistics Center					P
Maker Space, Small	C				

Use	<u>AG</u> <u>Traditional</u> <u>Agriculture</u>	<u>RR</u> <u>Rural</u> <u>Residential</u>	<u>PCR</u> <u>Planned</u> <u>Conservation</u> <u>Residential</u> <u>Overlay</u>	<u>PB</u> <u>Planned</u> <u>Business</u> <u>Overlay</u>	<u>PEC</u> <u>Planned</u> <u>Employment</u> <u>Center</u> <u>Overlay</u>
Manufactured Home, Permanently Sited	P	P			
Mining and Quarrying (Subject to Article 20)	C				
Mixed Use Building				P	
Nursing Home				P	
Offices, Administration, Business Medical or Professional, Large				P	P
Offices, Administration, Business Medical or Professional, Small				P	P
Off-Street Parking and Garages as a Principal Use (Subject to Article 18)				P	P
Outdoor Service Facility				P	
Park, Neighborhood	C	C	P	P	P
Park, Community or Regional	C	C	P	P	P
Permanent Supportive Housing				P	
Personal Services				P	P
Pick-Up Window				P	
Places of Assembly, Large	C	C		P	P
Places of Assembly, Small	C	C	P	P	P

Use	<u>AG</u> <u>Traditional</u> <u>Agriculture</u>	<u>RR</u> <u>Rural</u> <u>Residential</u>	<u>PCR</u> <u>Planned</u> <u>Conservation</u> <u>Residential</u> <u>Overlay</u>	<u>PB</u> <u>Planned</u> <u>Business</u> <u>Overlay</u>	<u>PEC</u> <u>Planned</u> <u>Employment</u> <u>Center</u> <u>Overlay</u>
Portable Home Storage Units and Shipping Containers	P	P	P		
Plants for mixing and/or processing concrete and/or asphalt					P
Public Protection Facility	C			P	P
Research and Development					P
Residential Facility, Large	C	C			
Residential Facility, Small	P	P			
Residential Treatment Center				P	
Restaurants (with Drive Thru)				P	
Restaurant (with No Drive Thru)				P	
Restaurants (with No Drive Thru or Pick Up Window)				P	
School, Primary, Intermediate, or Middle	C	C		P	
School, High or Technical	C	C		P	
School, Post-Secondary	C	C		P	
Self-Storage Facilities					P
Short-Term Rentals	C	C			
Solar Energy Systems	See, Section 17.15			See, Section 17.15	

Use	<u>AG</u> <u>Traditional</u> <u>Agriculture</u>	<u>RR</u> <u>Rural</u> <u>Residential</u>	<u>PCR</u> <u>Planned</u> <u>Conservation</u> <u>Residential</u> <u>Overlay</u>	<u>PB</u> <u>Planned</u> <u>Business</u> <u>Overlay</u>	<u>PEC</u> <u>Planned</u> <u>Employment</u> <u>Center</u> <u>Overlay</u>
Telecommunication Tower, Attached				P	P
Telecommunication Tower, Free Standing (Subject to Section 17.16)	C	C		P	P
Temporary Structures (Subject to Section 17.17)				P	P
Transitional Living Center				P	
Vehicle Charging Stations				A	A
Vehicular Sales, New and Used Cars				P	P
Vehicular Sales, Motorcycles				P	P
Vehicular Sales, Recreational Vehicles				P	P
Vehicular Sales, Equipment				P	P
Water and Wastewater Facilities				P	P
Wind Energy Systems (Subject to Section 17.19)				C	C

ARTICLE 11
Agricultural and Residential Zoning Districts

11.01 Traditional Agriculture (AG)**11.02 Residential Estate****11.01 TRADITIONAL AGRICULTURE (AG).****a) Purpose.**

- The AG District is established to secure the continued agricultural activity in Jackson Township.
- To protect streamside and groundwater quality and other natural resources of lands most suitable for farming.
- To stabilize the agricultural economy by controlling uses that are incompatible with farming.

b) Target Areas.

c) **Permitted, Conditional, and Accessory Uses.**

See, [Section 10.02 – Combined Use Table](#).

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

Development Standards	Traditional Agriculture (AG)
Minimum Lot Size (Acres)	10
Maximum Density (Utilize Net Acres)	1 dwelling unit per 10 acres
Minimum Frontage (Feet)	300
Minimum Front Setback (Feet)	50
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	25
Minimum Rear Setback (Feet)	75
Maximum Height (Feet)	35
Maximum Lot Coverage (Percent)	N/A

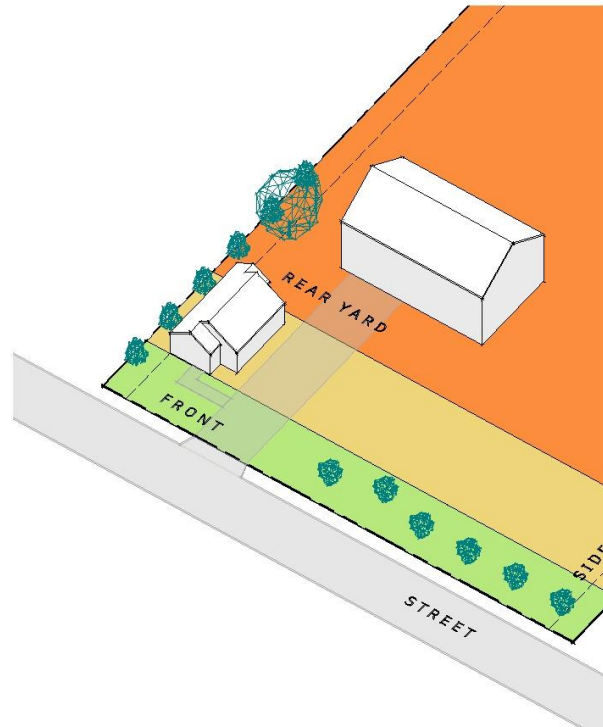
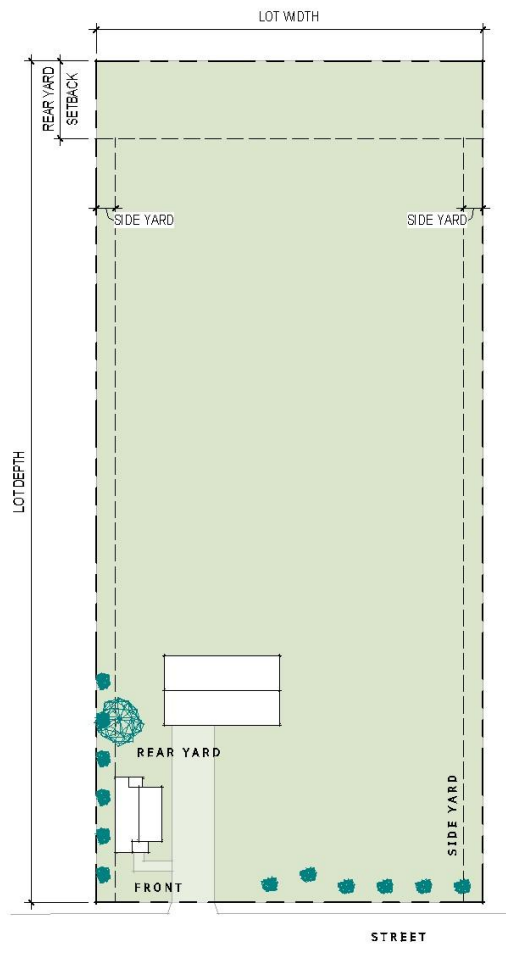
Projection into required setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay windows, porch, stoop, or other similar architectural features may project into a required Setback up to two (2) feet.

Exemptions from required Side and Rear Setbacks

Swimming pools; tennis courts; clotheslines; barbeque pits; playground equipment; portable or permanent dog run, house, or kennel; and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum Side or Rear Setback, but in no case shall such uses be closer than ten (10) feet from a Side or Rear Lot Line.

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 17.02	Detached Accessory Structures may encroach a Side or Rear Setback but shall be no closer than ten (10) feet from the Side or Rear Lot Line. Accessory Structures shall also comply with all other requirements in Section 11.01(d) .
Big Darby Creek Conservation (DCC) District	Y	Article 15	Regulations regarding Permitted, Conditional, and Prohibited Uses available within the demarcated area in the DCC District.
Fences	Y	Section 17.08	Fences and walls may be placed within a required minimum Setback provided they comply with Section 11.01(d) .
Landscaping/Buffering	Y	N/A	Plant material and berms may be placed within any required minimum Setback provided they do not constitute a nuisance as defined by the Township by separate Resolution.
Parking	Y	Article 18	Parking must be provided in accordance with Section 11.01(d) .
Signs	Y	Article 19	Signs, provided they comply with Section 11.01(d) , may be located within a Front Setback.

11.02 RURAL RESIDENTIAL (RR)**a) Purpose.**

- To promote the development of One-Unit Residential Dwellings on larger residential Lots.
- To allow for minimal non-Residential Uses, such as Schools and Parks, which are compatible with and maintain the overall residential character of the area.

b) Target Areas.

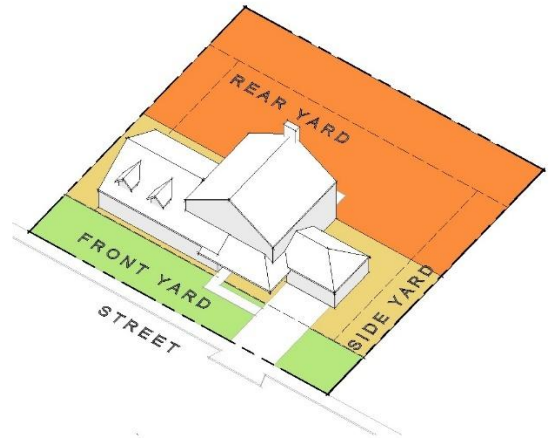
c) **Permitted, Conditional, and Accessory Uses.**

See, [Section 10.02 – Combined Use Table](#).

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

Development Standards	Rural Residential (RR)
Minimum Lot Size (Acres)	2
Maximum Density (Utilize Net Acres)	1 dwelling unit per 2 acres
Maximum Depth-to-Width Ratio (see, Section 9.13)	3:1
Minimum Frontage (Feet)	200 ft.
Minimum Front Setback (Feet)	50
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	20
Minimum Rear Setback (Feet)	50
Maximum Height (Feet)	35
Maximum Lot Coverage (Percent)	35
Projection into required setback Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay windows, porch, stoop, or other similar architectural features may project into a required setback up to two (2) feet.	
Exemptions from required Side and Rear Setbacks Swimming pools; tennis courts; clotheslines; barbeque pits; playground equipment; portable or permanent dog run, house, or kennel; and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than ten (10) feet from a side or rear lot line.	

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 17.02	Detached Accessory Structures may encroach a Side or Rear Setback but shall be no closer than ten (10) feet from the Side or Rear Lot Line. Accessory Structures shall also comply with all other requirements in Section 11.02(d) .
Big Darby Creek Conservation (DCC) District	Y	Article 15	Regulations regarding Permitted, Conditional, and Prohibited Uses available within the demarcated area in the DCC District.
Fences	Y	Section 17.08	Fences and walls may be placed within the required minimum Setback provided they comply with Section 11.02(d) .
Landscaping/Buffering	Y	N/A	Plant material and berms may be placed within any required minimum Setback provided they do not constitute a nuisance as defined by the Township by separate Resolution.
Parking	Y	Article 18	Parking must be provided in accordance with Section 11.02(d) .
Signs	Y	Article 19	Signs, provided they comply with Section 11.02(d) , may be located within a Front Setback.

ARTICLE 12
Planned Conservation Residential
Overlay District (PCR)

12.01 Purpose.	12.06 Development Plan
12.02 Overlay Area.	Standards.
12.03 Effect of PCR Designation.	12.07 Ownership and
12.04 Permitted and Prohibited	Maintenance of Common
Uses.	Open Space.
12.05 Procedure.	

12.01 PURPOSE.

The Planned Conservation Residential Overlay District (PCR) is created pursuant to Section 519.021(c) of the Ohio Revised Code (Planned Unit Developments) to promote the general public welfare; encourage the efficient use of land and resources; promote greater efficiency in providing public and utility services; and encourage innovation in the planning and building of all types of development. The PCR achieves this purpose by allowing the development of clustered conservation housing that:

- a) Permanently preserve and integrate Open Space within Residential Uses;
- b) Offer landowners alternatives to the commonplace Tract developments found in central Ohio;
- c) Establish a less sprawling, more efficient use of land, streets, and utilities on Tracts where central water and sewer are available;
- d) Reduce impacts on natural resources such as woodlands and streams;
- e) Protect and conserve farmland, historical and cultural features, and minimize topographical changes;
- f) Create usable and accessible Open Spaces, recreational areas, gathering places, and green corridors for wildlife, walking trails, and/or bike paths;
- g) Encourage creativity and environmental responsibility in design through a controlled process of review and approval of the development plan and related documents;
- h) Enable an extensive review of design characteristics to ensure that projects are properly integrated into the surroundings and are compatible with adjacent development;
- i) Encourage unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard Zoning District yet are consistent with applicable public plans for the area; and
- j) Benefit existing watersheds and floodplains by minimizing the need for costly engineering solutions to protect structures and reduce property damage through the preservation of natural characteristics and incorporating low impact design/infiltration best management practices.

12.02 OVERLAY AREA.

The PCR is created pursuant to Section 519.021(c) of the Ohio Revised Code and encompasses, includes, and overlays all land bounded by the PCR boundaries in the adopted Zoning Map.

12.03 EFFECT OF PCR DESIGNATION.

- a) As of the effective date of this Resolution, all land bounded by the PCR is eligible for PCR zoning.
- b) The existing Zoning District and associated regulations currently in place shall continue to apply to all property within the PCR unless the Rural Zoning Commission approves an application by an owner of property within the PCR boundaries to subject the owner's property to the regulations of this Article.
- c) Such an application shall be made in accordance with the regulations of [Section 12.05](#) and shall include a development plan in compliance with the regulations of this Article.
- d) Upon receiving such an application, the Rural Zoning Commission shall determine whether the application and development plan comply with the regulations of this Article and make a recommendation to the Board of Township Trustees.
- e) If the Rural Zoning Commission determines that the application and development plan do not comply with the regulations of this Article, the Rural Zoning Commission shall recommend denial of the application. If the Rural Zoning Commission determines that the application and development plan comply with the regulations of this Article, the Rural Zoning Commission shall recommend approval of the application.
- f) If the Board of Township Trustees determines that the application and development plan do not comply with the regulations of this Article, the Board of Township Trustees shall deny the application. If the Board of Township Trustees determine that the application and development plan comply with the regulations of this Article, it shall approve the application and cause the Zoning Map to be changed so the underlying Zoning District no longer applies to such property with the property being thenceforth located in the PCR and subject to the regulations of this Article. The approval of the application and development plan and the removal of the prior Zoning District from the Zoning Map is an administrative, ministerial act and shall not be considered an Amendment to this Resolution. This determination shall not be considered an Amendment to this Resolution for purposes of Section 519.12 of the Ohio Revised Code but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

12.04 PERMITTED AND PROHIBITED USES.

- a) For Permitted Uses, see [Section 10.02 – Combined Use Tables](#).
- 1) Open Space. Fifty (50) percent of the Gross Tract Acreage shall be reserved for Open Space as required in [Section 12.07](#). Whether the Open Space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved development plan. Limited agricultural Uses may be approved as Open Space in the Development Plan.
 - 2) Accessory Buildings and Structures incidental and pertinent to the Permitted Uses found in [Section 10.02 – Combined Use Table](#) – shall be permitted as long as they are necessary to the pursuit of the Permitted Uses on the premises.
- b) Prohibited Uses.
- 1) Uses not specifically authorized by the express terms of this Resolution are prohibited;
 - 2) The outdoor storage of inoperable, unlicensed, or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) consecutive days is prohibited, except for necessary construction equipment that is in working order;
 - 3) No trailer of any type; no boats; no motor homes; and no equipment of any type shall be parked in the Front Yard on any Lot within the PCR;
 - 4) Except as specifically permitted, no mobile home or mobile office structure shall be placed or occupied in the PCR;
 - 5) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any Lot or Parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public, as determined by the Board of Township Trustees. The Board of Township Trustees shall also retain any and all statutory authority that may be afforded regarding nuisances, including, but not limited to, the authorities provided in Section 505 of the Ohio Revised Code.
 - 6) No commercial or business activity shall be conducted in a Unit designated for Residential Use except for Minor Home Occupations.
 - 7) No outside storage of any kind shall be permitted. All Permitted Uses shall be conducted completely within an enclosed Building.

12.05 PROCEDURE.

See, [Section 3.06 – Administrative Procedures for Planned Districts.](#)

12.06 PCR DEVELOPMENT PLAN STANDARDS.

- a) Minimum Gross Tract size for a PCR Subdivision – Twenty-Five (25) acres.
- b) Open Space – At least fifty (50) percent of the Gross Tract Acreage shall be designated as permanent Open Space, not to be further developed. Open Space locations shall be identified on the development plan and shall be subject to the approval of the Rural Zoning Commission. Open Space shall be owned, administered, and maintained as identified on the development plan pursuant to [Section 12.07](#). With prior consent through resolution of the Board of Township Trustees, land may be transferred to the Township for public purposes if approved as part of the Development Plan. Uses of land transferred to the Township for public purposes must be approved as a part of the Development Plan and may include but are not limited to passive and active recreation areas. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Board of Township Trustees. Land dedicated to public purposes may count toward the open space requirement if approved on the Development Plan.
 - 1) In calculating Open Space, the areas of fee simple lots conveyed to homeowners shall not be included.
 - 2) Primary conservation areas, stormwater management detention/retention ponds, and constructed wetlands acting as detention basins may count in their combined aggregate for up to fifty (50) percent of the required Open Space.
 - 3) Any area of natural Open Space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the Development Plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Development Plan.
 - 4) Open space must be clustered to achieve the purpose of creating large open tracts. Consideration must be taken for surrounding developments to ensure that the open space for neighboring developments is located connecting or close to the open space for the new development in the PCR.
- c) Site Design Process.
 - 1) Delineate primary conservation areas to be preserved as natural Open Space.
 - 2) Delineate secondary conservation areas to be preserved as improved or natural Open Space.

- 3) Draw house footprints and Lot Lines outside the conservation areas based upon the permitted density calculations based on Section 12.06(d), below.
- 4) Site Design Standards:
 - i) To reduce visual impact, locate dwellings along the edges rather than in the center of an open field if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges.
 - ii) Front Dwellings on internal Roads, not on external Roads.
 - iii) Locate all house lots within four hundred (400) feet of the permanent Open Space.
 - iv) Retain or restore native vegetation buffers adjacent to wetlands and surface waters.
 - v) Preserve existing hedge and tree lines to extent practicable.
 - vi) Preserve scenic views and vistas.
 - vii) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
 - viii) Preserve historic or archaeological sites (e.g., earthworks, burial grounds, etc.)
 - ix) Landscape or retain vegetation in common areas with native trees and shrubs.
 - x) Place shade trees along internal roads at fifty (50) foot intervals on at least one side of the road.
 - xi) Provide active recreational areas in suitable locations.
 - xii) Include a viable pedestrian circulation system, meaning a minimum of a five (5) foot wide bike and walking path throughout the development. Provide for connection to surrounding neighborhoods (existing and potential).
 - xiii) Protect natural drainage swales and creeks. No construction of buildings is allowed inside the 100-year floodplain. In addition, no residential structures are permitted within 100 feet of the ordinary high-water line of a riparian or wetland area as determined by a professional engineer.
 - xiv) Provide permanent Open Space.

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- d) Determining the Number of Dwelling Units Permitted. The permitted density is noted in Table 12.06(d). For purposes of this Article, “Net Developable Acreage” shall be defined as the gross acreage minus undevelopable land such as existing Rights-of-Way and recorded easements and significant features such as steep slopes, floodplains, and significant tree stands as determined by the Rural Zoning Commission. In no case shall the Net Developable Acreage be less than seventy (70) percent of the Gross Tract Acreage.

Table 12.06(d)

Maximum Dwelling Units Per Net Developable Acre
3

- e) Sewage Disposal. A feasibility letter shall be provided by the Pickaway County Sanitary Engineer indicating that sewer service is available with the capacity needed.
- f) Perimeter Setback. No Building shall be constructed within fifty (50) feet of the external boundary of the conservation subdivision, except, however, no Building shall be located within two hundred (200) feet of the proposed Right-of-Way for an existing state, county, or township roadway.
- g) Stormwater. Features shall be designed to manage stormwater retention and prevent erosion, flooding or standing water within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas and prevent any upstream or downstream impacts. No water shall be allowed to be released above and beyond what was released pre-development. Regional detention ponds and wetlands shall be utilized with soft edges in order to integrate the stormwater feature into the natural landscape and effectively manage stormwater without the excessive use of multiple ponds.
- h) Subdivision Standards. Public streets and all drainage improvements shall conform to the subdivision standards for Pickaway County, Ohio or as otherwise approved per the Development Plan.
- i) Pavement Standards for Private Drives. All private drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Pickaway County Engineer’s Design, Construction, and Surveying Standards Manual or shall have a design life of twenty (20) years.
- j) Pavement Standards for Parking Lots. Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to

the public streets shall be constructed to public street cross sectional and design life standards within fifty (50) feet of the edge of the public paved road.

- k) Paths. A minimum of five (5) foot wide walking or ten (10) foot wide bike path is required for development within the PCR. Paths shall be constructed as to meander through the development, in line with the rural character and feel of the area and to connect existing and potential residential areas and Open Spaces. The Township may also require paved or unpaved walkways to connect residential areas and Open Spaces.
- l) Street Trees. Native deciduous, broad leaf street trees with a minimum caliper of three (3) inches at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).

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- m) Bulk Area Requirements. See, Table 12.06(m), below.

Table 12.06(m)

	PCR
Minimum Tract Size (Acres)	25
Minimum Setback from new Local Road ROW (Feet)	25
Minimum Lot Size (Square Feet)	7,500
Minimum Lot Width (Feet)	60 for a maximum of 40% of the total One-Unit Dwelling Lots; 70 for a maximum of 50% of the total One-Unit Dwelling Lots; 80 or wider for at least 10% of the total One-Unit Dwelling Lots
Minimum Side Yards (Feet) for 60' Lots	5' for each side
Minimum Side Yards (Feet) for 70' Lots	Combined 15', no less than 5' on one side
Minimum Side Yards (Feet) for 80' Lots	Combined 15', no less than 5' on one side
Maximum Building Height (Feet)	35*
Minimum Driveway Setback from Side Lot Lines (Feet)	2**
Minimum Rear Yard (Feet)	25
Minimum Setback for Accessory Structures (Feet)	15

* Building Height is measured at the highest point of the roof from the established Building pad grade as shown on the approved grading plan for the development.

** Side-load garages shall provide at least twenty-four (24) feet of paved apron, exclusive of the two (2) foot Side Lot Line for One-Unit Detached Dwellings on fee simple ownership lots.

- n) Minimum Dwelling Unit Floor Area. No Dwelling Unit shall be constructed in the PCR unless the same shall have at least the minimum square feet of living area, exclusive of basements, porches, breezeways, utility areas, and garages as set forth in the following schedule of dwelling types:
- 1) One-Story – One thousand and five hundred (1,500) square feet of living area above grade.
 - 2) One and One Half (1 ½) or Two-Story – Two Thousand (2,000) square feet of living area above grade.
 - 3) All Dwellings shall include a garage (attached or unattached) of a minimum of four hundred eighty (480) square feet complete with operating doors; this area is not to be included in the living area of the Dwelling.
- o) Building Design. The intent of the building design requirements are to create a rural design theme that is representative of traditional rural architectural design by focusing on materials and colors that transcends design fads while simultaneously

allowing for a unique design approach for individual projects through the review and guidance from the Zoning Commission. Buildings and structures shall be designed to enhance both areas within and surrounding the development, giving due regard to building footprints, building orientation, massing, roof shape, pitch, and exterior materials. The following material and design element requirements have been established to achieve the “Rural Design” theme.

- 1) **Building Materials and Design Elements:** Buildings for all uses shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing principal structure. Additionally, the following standards shall apply to the specific uses in this Section.
- 2) For all Buildings in the PCR, the following design requirements apply:
 - i) **Building Materials.** All exterior elevations shall be comprised of wood, fiber cement, board and batten, brick, or native or cultured stone. Foundations must be clad with the same natural material utilized on the building to blend with the overall architecture of the structure. If brick or stone are utilized on the building, the same brick or stone must be used for the foundation. Exposed cement block or split face block foundations shall be prohibited. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters and shall be made to visually appear as a natural material. The use of frosted, black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited.
 - ii) **Building Colors.** Building colors shall consist of earth tones limited to browns, tans, and grays. Building colors may also consist of white and barn red. Leaf greens and gray sky blues may be utilized as an accent and shall not be the predominant building color.
 - iii) **Roofing.** Flat roofs are prohibited; the roof shall have a minimum of 6:12 pitch for the main roof. Pitched roofs must be constructed of dimensional shingles, standing seam metal, slate or simulated slate and are limited to hip, gable, gambrel, or mansard roof types. Other roof types may be approved where appropriate as determined by the Rural Zoning Commission and Board of Township Trustees with Development Plan approval.



Photo Credit: Pikeproperties.com

- p) Street Lighting. If provided, a lighting plan shall be submitted with and approved as a part of the Development Plan. Poles shall be placed a minimum of five (5) feet from the edge of any driveway or intersection roadway. Poles shall be prohibited within any island within the Right-of-Way. The horizontal illumination shall be measured at the roadway and sidewalk surfaces and be provided in foot-candles (fc). Streetlights located along an internal subdivision road (local road) shall not exceed 0.3 fc. All lighting shall be directed toward the ground and the interior of the parcel and shall be full cut-off lighting. Uplighting shall be prohibited. Light fixture height shall not exceed twelve (12) feet in height as measured from the established grade to the highest point of the light fixture.
- q) Landscaping. All yards, front, side and rear, shall be landscaped to comply with the following regulations. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within road Right-of-Way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name, and placement of all material, and shall be submitted with and approved as a part of the Development Plan.
- 1) All proposed landscaping material shall align with the established Rural Design theme utilizing native plantings and grasses.
 - 2) Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four years after installation.
 - 3) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
 - 4) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
 - 5) Existing tree lines must be preserved, and a two hundred (200) foot woodland buffer must be established from the proposed Right-of-Way of an existing state, county, or township roadway to any new development.
 - i) This two hundred (200) foot buffer shall consist of a minimum of forty (40) feet in width of native vegetation and trees and shall mimic the natural condition of a forest edge for the purpose of greatly reducing noise pollution and visual impacts of the development from any state, county or township roadway.
 - ii) Figure 12.06(q), below, shows the ideal woodland buffer where grasses, sedges and perennials give way to woody shrubs, before finally transitioning to small flowering trees and young canopy trees.
 - iii) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

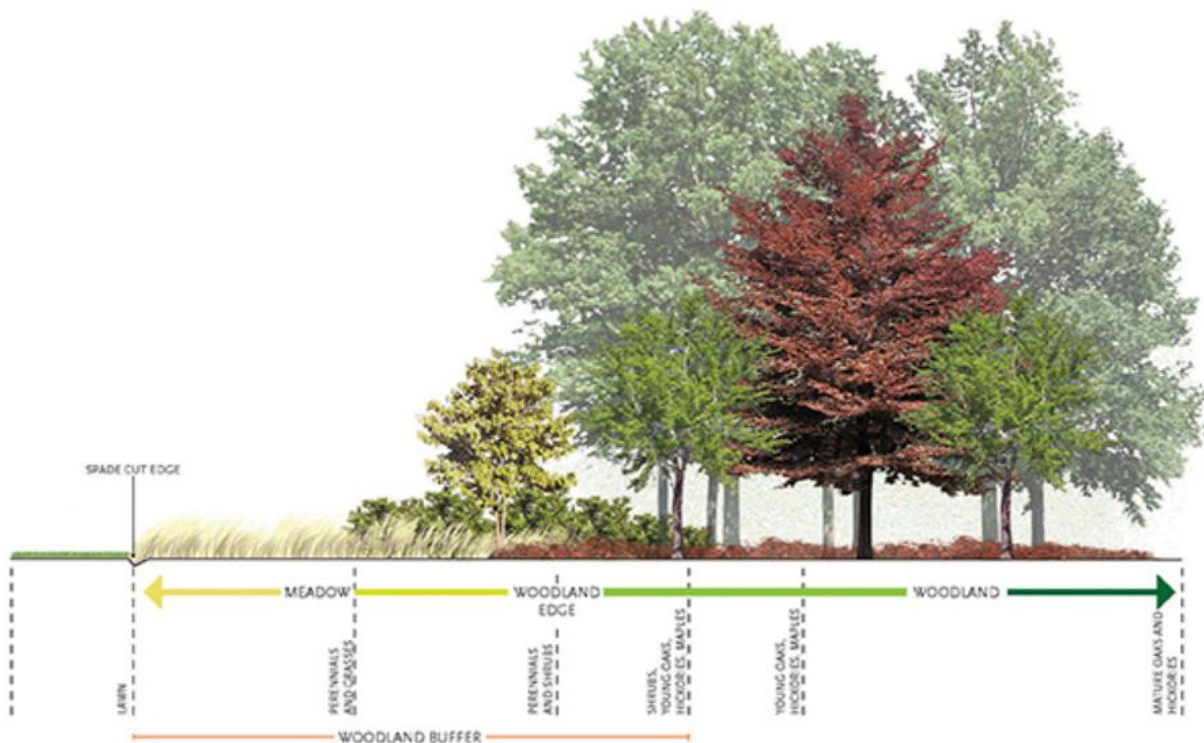
TABLE 12.06(q)(1)

Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliber
Coniferous/Evergreen	5-feet in height
Shrubs and Hedges	3-feet in height

*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.

TABLE 12.06(q)(2)

PCR Overlay Buffer			
	Min. # of trees per 100 lineal feet of adjoining lot lines must include the following:		
Minimum Buffer Width (Feet)	# of Large Trees	# of Small Trees	# of Shrubs
40	4	10	33

FIGURE 12.06(q)

- iv) Additionally, low maintenance ground covers shall be used for earth berms, when earth berms are determined as necessary. Long-term self-maintaining natural plant communities can be used as low maintenance ground covers for earth berms. Berms shall be constructed with a three to one (3:1) slope.
- 6) Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material meets the requirements and achieves the objectives of these Design Standards;
- 7) An entryway feature may also be used, as approved in the Development Plan, as a portion of the required buffer. The entryway feature must be in line with rural design characteristics and should be predominantly made of natural materials, such as wood, stone, or brick;.
- 8) Landscaping at Driveway and Street Intersections. To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections:
 - i) Driveway Intersection Triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point connecting these points; and
 - ii) Street Intersection Sight Triangle: At the street intersections, the sight triangle shall be formed by measuring at least fifty (50) feet along curb lines or edge of pavement and connecting these points.
- r) Parking. Off-street parking shall be provided. Construction traffic may park in the street, but only on one side to allow for safe access by emergency equipment. Off-street parking shall comply with the following regulations in Table 12.06(r), below:

TABLE 12.06(r)

Use	Minimum Number of Required Off-Street Parking Spaces
Common Wall Dwelling Units	2 spaces per dwelling unit
Single Family Units	2 spaces per dwelling unit
Sports Facilities / Fields	50 spaces per field
Neighborhood Parks	20 spaces

s) Signs. All Signs shall be in accordance with the following regulations or as approved per the development plan:

- 1) Signs shall be designed as to adhere to the Rural Design theme utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, or barn red. Signs colors and materials shall match that of the primary building.
- 2) Temporary Signs: The following Temporary Sign regulations apply to all uses within all subareas:
 - i) Temporary Signs shall be prohibited within the Right-of-Way.
 - ii) Two (2) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height;
 - iii) One (1) Large Temporary Signs shall also be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
 - A) Exceed eight (8) feet in height;
 - B) Exceed thirty-two (32) square feet in area (per Sign face); and
 - C) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Township Trustees. On parcels that are greater than five (5) acres, such signs may be displayed for



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up to 180 days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional 180 days. No other extensions may be administratively approved and must be approved by the Board of Township Trustees. In no case, shall such signs be erected for more than 365 days.

- iv) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location; and
- v) The majority of the Temporary Sign must be constructed with wood.
- 3) Residential Subdivision Identification Sign:
 - i) Such identification shall be limited to wall or ground mounted signs or graphics only, for example, with placement on a brick wall, entrance columns on each side of a street or on a similar architectural or landscaping entrance feature that may be used. The reverse sides of identification features shall be finished to match the fronts. Pole type signage is hereby prohibited. Sign copy shall be limited to the name and logo of the subdivision. Manual changeable copy signs are to be mounted on the rear of an entrance feature. Maximum area for residential manual changeable copy signs is four (4) square feet;
 - ii) Such identification signs shall be made of at least eighty percent (80%) natural materials including wood, brick, or stone;
 - iii) Such identification features may not be located in the public right-of-way;
 - iv) The maximum area for such identification is twenty (20) square feet at any one entry location. A maximum of one permanent residential subdivision identification sign is permitted on each side of the street at each entry location to a development;
 - v) Any Residential Subdivision Identification Sign shall not be placed closer than ten (10) feet from the Right-of-Way; and
 - vi) The maximum height for each sign is six (6) feet above grade.
- t) Utilities. All utilities in the PCR Subdivision shall be buried underground.
- u) Supplemental Conditions and Safeguards. If the Rural Zoning Commission determines that additional measures are needed to buffer existing land uses, they may require such as part of the Development Plan approval.
- v) Divergences. The Board of Township Trustees, as a part of a Development Plan approval process outlined in [Section 3.06](#), may grant divergences from any standard or requirement in this Chapter with the exception of the density of dwelling units per acre, permitted uses, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan.”

12.07 OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE.

- a) Different ownership and management options may apply to the permanently protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in this section below. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township. Funding generated through a New Community Authority (NCA) may be used to manage the required open space.
- 1) Offer of Dedication. The Township shall have the right of first refusal for common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may but is not required to accept common open space provided:
 - i) Such land is accessible to all the residents of the Township;
 - ii) There is no cost of acquisition other than incidental costs related to the transfer of ownership;
 - iii) The Township agrees to maintain such lands; and
 - iv) Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
 - 2) Homeowners Association. The common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following regulations:
 - i. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
 - ii. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
 - iii. Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
 - iv. The association shall be responsible for payment of insurance and taxes on the common open space. The association may establish rules to ensure proper maintenance of common open space, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

- v. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such common open space. Shares shall be defined within the association bylaws
 - vi. In the event of transfer, within the methods herein permitted, of common open space by the homeowners' association, or the assumption of maintenance of common open space by the Township, notice of such pending action shall be given by the homeowners' association to all property owners within the development.
 - vii. The homeowners' association shall provide for adequate staff to administer common facilities and property and continually maintain the common open space.
 - viii. The homeowners' association may lease common open space to any qualified person or corporation, for operation and maintenance of common open space, but such lease agreement shall provide:
 - A. That the residents of the development shall at all times have access to the common open space contained therein (except croplands during the growing season);
 - B. That the common open space shall be maintained for purposes set forth in the approved Development Plan; and
 - C. That the operation of common open space may be for the benefit of the residents only or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways.
 - ix. The lease shall be subject to the approval of the homeowners' association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Pickaway County Recorder's office and notification shall be provided to the Board of Township Trustees within thirty (30) days of action by the board.
- b) Dedication of Easements. The Township may, but shall not be required to accept easements for public use of any portion or portions of common open space, title of which is to remain in ownership by condominium or homeowners' associations, provided:
- 1) Such land is accessible to Township residents;
 - 2) There is no cost of acquisition other than incidental transfer of ownership costs; and

- 3) A satisfactory maintenance agreement is reached between the developer, association, and the Township.
- c) Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:
 - 1) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
 - 2) The conveyance contains whatever provisions are agreed to between the Board of Township Trustees, the owner and the organization.
- d) With the approval of the Township, common open space may be owned by a third party if protected by either:
 - 1) An open space easement which permanently and irrevocably transfers the development rights for the common open space to a homeowners or condominium association, the Township or a private conservation organization; or
 - 2) An unmodifiable deed restrictions that permanently restrict the use of the common open space to those uses identified in the approved Development Plan. Common open space to be transferred to a third party other than a homeowners' association, condominium association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.
- e) Maintenance of Common Open Space.
 - 1) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowners' association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.
 - 2) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Board of Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At

such hearing the Board of Township Trustees may modify the terms of the original notice, add to the deficiencies, and may give an extension of time within which they shall be cured.

- 3) If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Board of Township Trustees may pursue the enforcement as a zoning violation.

ARTICLE 13
Planned Business
Overlay District (PB)

13.01 Purpose**13.02 Procedure****13.03 Permitted and Accessory
Uses.****13.04 Development Standards.****13.05 Other Conditions.**

13.01 PURPOSE

The Planned Business Overlay District (PB) is established to provide for business activity in locations where such activity as permitted in the other Zoning Districts may be inappropriate. The PB District will permit the property owner to design a business environment for their general objectives with the oversight of the Township to ensure rural development standards are adhered to.

13.02 PROCEDURE

See, [Section 3.06 – Administrative Procedures for Planned Districts.](#)

13.03 PERMITTED AND ACCESSORY USES

See, [Section 10.02 – Combined Use Table.](#)

13.04 DEVELOPMENT STANDARDS

a) Lot Coverage.

- 1) The Tract area of development per application shall be at least five (5) acres.
- 2) The maximum lot coverage shall not exceed seventy-five (75) percent.

b) Lot Sizes, Buildings Dimensions, Setbacks, and Height.

- 1) The Lot Sizes, Building dimensions, and Setbacks shall follow the values as listed and approved in the preliminary development plan. In cases where there is an adjacent Lot with an existing residential Structure, the minimum setback from said Lot Line shall be sixty (60) feet for Buildings and fifty (50) feet for pavement, unless the Rural Zoning Commission otherwise determines that existing natural features will provide adequate buffering allowing a reduction from these Setbacks.

- 2) The maximum Building Height shall be established with the approved Preliminary Development Plan, but in no case shall a Building exceed thirty-five (35) feet in height.
- c) Architecture. All architectural designs and aesthetics shall comply with the Preliminary Development Plan approved by the Board of Township Trustees.
- d) Landscaping. Landscaping plans shall comply with the Preliminary Development Plan approved by the Board of Township Trustees. All such Landscaping shall be maintained and kept in accordance with the landscape plan as submitted, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space, or area. All Lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.
- e) Parking. The Preliminary Plan approved by the Board of Township Trustees shall establish the minimum parking requirements for all Uses.
- f) Lighting. All lighting shall comply with the Preliminary Development Plan approved by the Board of Township Trustees.
- g) Signs. All Signs shall comply with the Preliminary Development Plan approved by the Board of Township Trustees.
- h) Utilities, Water, and Drainage. All utilities, water, and drainage shall comply with the applicable County regulations.
- i) Fences. All Fences shall comply with the Preliminary Development Plan approved by the Board of Township Trustees.
- j) Accessory Structures. All Accessory Structures shall comply with the Preliminary Development Plan approved by the Board of Township Trustees.
- k) Fire and Explosive Hazards and Air Pollution. All activities regarding fire, flammable explosives, hazardous materials, air emissions, pollutants, and similar materials shall not violate any County, state, or national regulations.

13.05 OTHER CONDITIONS

The Rural Zoning Commission and Board of Township Trustees may impose additional conditions relating to the development regarding the type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

ARTICLE 14
Planned Employment Center
Overlay District (PEC)

- | | |
|--------------------------------------|--|
| 14.01 Purpose | 14.09 Access, Connectivity, and |
| 14.02 Procedure | Visibility. |
| 14.03 Permitted and Accessory | 14.10 Lighting. |
| Uses. | 14.11 Signs. |
| 14.04 Development Standards. | 14.12 Utilities, Water, and |
| 14.05 PEC General Development | Drainage. |
| Standards. | 14.13 Accessory Structures. |
| 14.06 Architectural | 14.14 Fences and Walls. |
| Requirements. | 14.15 Storage Tanks and Fueling |
| 14.07 Landscaping: Buffering, | Areas. |
| Open Space, and | |
| Screening. | |
| 14.08 Parking. | |
-

14.01 PURPOSE

The purpose of the Planned Employment Center Overlay District (PEC) is to encourage industrial, commercial, and business growth within these areas while addressing potential impacts of such development on adjacent and proximate Township residents.

14.02 PROCEDURE

See, [Section 3.06 – Administrative Procedures for Planned Districts.](#)

14.03 PERMITTED AND ACCESSORY USES

See, [Section 10.02 – Combined Use Table.](#)

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14.04 DEVELOPMENT STANDARDS

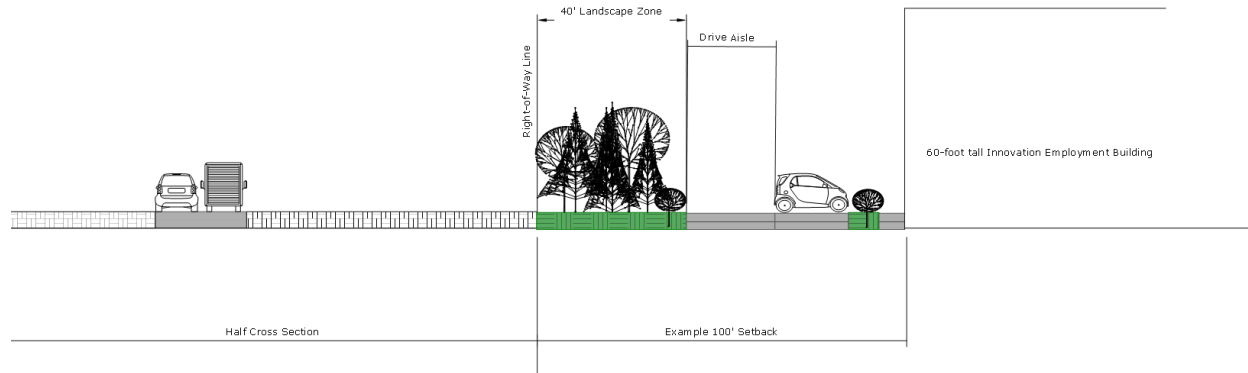
The development plan shall incorporate the following standards for all uses:

TABLE 14.03

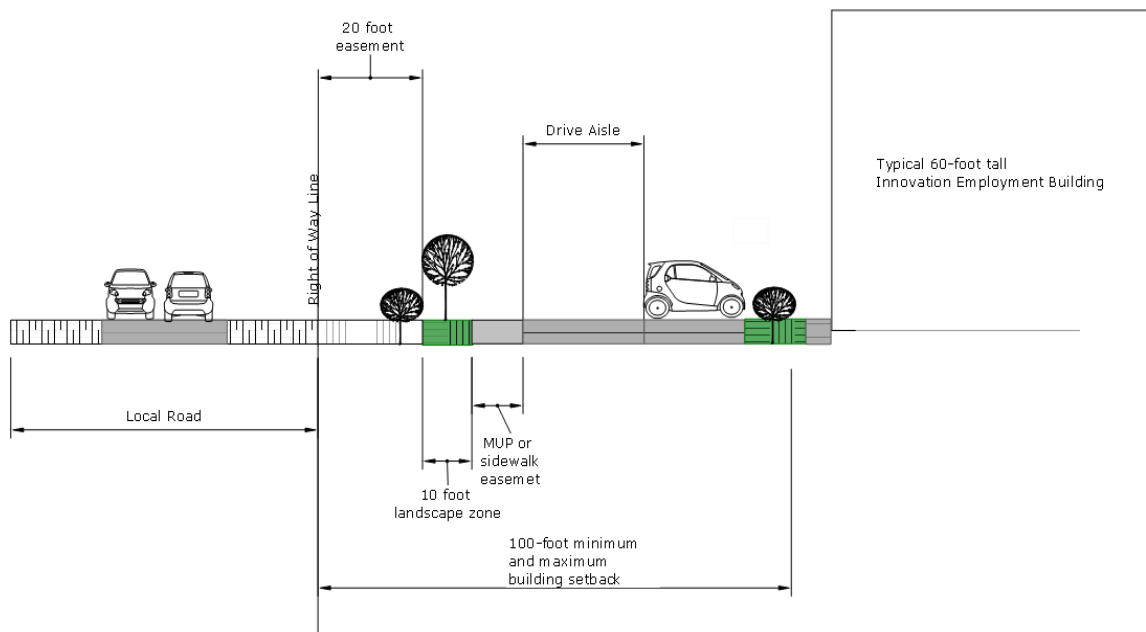
Development Standard	PEC
Minimum Tract Size Per Application	5 acres
Minimum Lot Size	N/A
Minimum Lot Width	At least ½ of lot depth
Minimum Building to Lot Width Ratio	N/A
Minimum Building Setback from Arterial	100 feet
Minimum Building Setback from Collector Road Right-of-Way Line	100 feet
Minimum Building Setback from Local Road Right-of-Way Line	100 feet
Minimum Rear Building Setback	60 feet*
Minimum Side Building Setback	60 feet*
Maximum Building Height**	60 feet
Maximum Lot Coverage	80 percent
<p>*Parking may encroach a front, side or rear setback, but the pavement shall be no closer than 15 feet from the applicable front, side, or rear lot line. If said parking area abuts an existing residential district, the pavement shall be no closer than 50 feet from the lot line of the abutting residential district.</p> <p>**Mechanical and HVAC units may extend above the maximum building height by ten (10) feet provided such units are screened in accordance with Section 14.06(c). This applies to all uses.</p>	

The following cross sections and exhibits illustrate the minimum setbacks along each road classification.

Example Arterial



Example – Local or Collector



14.05 PEC GENERAL DEVELOPMENT STANDARDS

The general development standards of Section 14.03 shall apply to all new developments, redevelopments, additions, Accessory Structures, and major site modifications for all uses including, but not limited to, commercial, office, industrial, institutional, religious, governmental, mixed use, and multi-family residential. These general development standards ensure consistency and quality throughout Article 14 and each Parcel's development.

14.06 ARCHITECTURAL REQUIREMENTS

All buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and Accessory Structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall also apply to structures for the following uses:

a) **Building Design:**

- 1) Any building fronting on a Collector or Local Road shall be designed to appear as the front façade.
- 2) Blank walls shall not be permitted. There shall be a minimum of three design elements for every one hundred (100) feet of elevation width for an elevation facing a public Right of Way and a minimum of two (2) design elements for every one-hundred (100) feet of elevation for each side and rear elevation that does not front on a public Right-of-Way.
- 3) Typical design elements are as follows:
 - i) A door of at least twenty-eight (28) square feet in area with an awning, window, faux window or other feature subject to approval by the Board of Township Trustees, as applicable;
 - ii) A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element:
 - A) Portico;
 - B) Dormers;
 - C) Projecting canopy;
 - D) Masonry water table;
 - E) Trellis containing plantings;
 - F) A gabled vent of at least four (4) square feet in area;
 - G) Patio, deck, or similar feature; or
 - H) A similar significant permanent architectural feature consistent with the style of the building upon approval of the Board of Township Trustees as applicable.
 - iii) All elevations shall have similar style, materials, colors, and details.
 - iv) Façade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met by utilizing bay windows, porches, porticos, building extensions, gables, dormers, or other architectural treatments.

b) Building Materials:

- 1) All exterior walls shall be constructed predominately of precast concrete, brick, or Architectural CMU.
- 2) Precast systems shall be light in color and limited to integrally colored precast, painted or stained precast panels. No raked concrete panels will be permitted. Tilt up concrete panels with accent bands will be permitted. Tilt-slab concrete buildings shall have no greater than ½" exposed aggregate (which applies to all concrete surfaces). Tilt-slab construction walls may have no more than 300 square feet of surface without reveals. Applied paint and stains must be consistent with the architectural finish of the building.
- 3) Masonry Units. Masonry products shall include integrally colored split face units, painted, or stained split face units or brick. No standard concrete units shall be permitted. Glazed brick and glazed tile shall only be used for accent and fine details. Smooth finished blocks shall be prohibited.
- 4) Corrugated metal systems are prohibited.
- 5) EIFS or synthetic stucco may only be utilized at eight (8) feet above finished grade or higher. All finishes and color of EIFS shall coordinate with the overall building design.

c) Roofs.

- 1) Flat roofs shall be standing seam, built up, ballasted, fully adhered, and mechanically fastened EPDM or other membrane roof system. No shingles, including concrete, slate, asphalt, wood, asbestos, or clay shall be permitted.
- 2) Pitched roofs may be permitted for buildings less than 10,000 square feet in area. When a flat roof is permitted, asphalt shingles or standing seam metal shall be permitted.

- d) Exterior Canopies and Entrances.** All exterior canopies and entrance features on a single building shall be consistent color scheme (i.e., each entrance may have more than one color, but each entrance must be the same). The color(s) selected for the entrance canopies shall be a brighter hue than the field colors and shall serve as a complementary accent to the general building design. Loading dock canopies shall be painted to match the entrance features canopies or painted to match the wall field color to which it is attached.

14.07 Landscaping: Buffering, Landscaping, Open Space and Screening

a) All Uses: The following requirements apply to all Uses:

- 1) Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
- 2) All trees required by this Section 14.07 shall meet the following minimum tree sizes at the time of planting:



Example: Street Trees

TABLE 14.07

Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliber
Coniferous/Evergreen	5-feet in height
Shrubs and Hedges	3-feet in height

*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.

- 3) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
 - 4) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
 - 5) Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- b) In addition to the above standards, the following regulations shall apply:
- 1) Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public Right-of-Way shall be screened from the respective Right-of-Way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.

- 2) Parking Island Landscaping. All parking islands required in [Section 14.07\(b\)\(1\)](#) shall have a minimum of one shade tree with a minimum of 2" in caliper and include a minimum of fifty (50) square feet of other plant material. The remaining area of the landscaped island shall be covered with stone or planted with grass. The use of mulch shall be prohibited within the landscaped islands.



Examples: Parking Island

- 3) Right-of-Way – Setback Landscape Zone. Throughout the Setback area along an existing or planned public Right-of-Way, there shall be a landscape zone that complies with the following:
- i) Arterial – Right-of-Way Landscape Zone shall:
 - A) Be a minimum of forty (40) feet in width.
 - B) Include a cluster of the following trees at 100-foot intervals for the entire frontage that includes a minimum of three (3) coniferous trees and (2) deciduous trees.
 - C) Collector and Local Road Setback Landscape Zones shall be a minimum of ten (10) feet in width and contain deciduous trees every thirty (30) feet on center.
- 4) Screening Between Uses. A continuous planting hedge and tree combination to provide screening between non-residential and residential uses shall be installed. The required planting hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation. Mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening. Mounding and fencing can only be utilized in addition to and not in lieu of the planting hedge and tree combination.



Example: Setback Landscaping

- c) Mechanical Equipment, Production Storage and Service Areas, Trash Containers, Loading Zones. The following regulations apply to all Uses:
- 1) Mechanical Equipment. All external mechanical equipment, including generators, shall be screened from adjacent existing or planned public Rights-of-Way with materials that are similar to or the same as those used on the adjacent building façade, or with landscaping. This requirement shall include rooftop equipment and ground mounted mechanical equipment.
 - 2) Service Areas, Production areas, Service areas, Storage Areas, On-Site Trailer Storage Areas, Container Storage Areas, Trash Containers, and Loading Zones. Production areas, service areas, storage areas, trash containers and loading zones shall be located at the rear or the side of the building, except however, these areas are prohibited along a side of a building facing an existing or proposed single-family residential use. These areas shall be effectively screened from all adjacent property lines, existing or planned public Rights-of-Way and private streets.
 - 3) Production areas, service areas, and loading zones: Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize the same or similar materials as those used on the principals building.
 - 4) Trash containers and storage areas: Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping. So that the trash container or storage area can be accessed, a solid, decorative gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage area.

14.08 PARKING

Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. To accomplish these goals, all off-street parking lot areas shall be designed and constructed using the "Parking Bay" concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections.

- a) Parking Lot Location: All parking lots shall be located behind or to the side of the principal building, except as otherwise provided for herein.
- 1) Parking lots, when possible, should be located to the side or rear of the principal building. Parking may encroach a Right-of-Way setback line, but in

no case shall parking be less than forty (40) feet from the road Right-of-Way line.

- 2) Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the Board of Township Trustees determines that parking lots need to straddle internal lot lines to comply with the connectivity requirements of [Section 14.09](#). In such cases, appropriate cross access easements must be established. In no case, shall a parking lot be permitted closer than one-hundred feet from a side or rear lot line, if such lot line abuts an existing or proposed single family residential use.
- b) Parking Bays: No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of forty-eight (48) parking spaces. There shall be a maximum of twenty-four (24) spaces in a single row.
- 1) Parking Lot Islands: Each landscape island in a single loaded parking stall design shall have a minimum area of one hundred sixty-two (162) square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of three hundred twenty-four (324) square feet with a minimum width of nine (9) feet.
 - 2) Parking Lot Screening: All parking lots shall be screened in accordance with [Section 14.07\(b\)\(1\)](#).
 - 3) Number of Parking Spaces: Every Development Plan within the PEC shall include a detailed Parking and Loading Space Plan, which shall comply with these general requirements as well as any specific parking requirements within [Article 18 – Parking](#) – of this Resolution.
 - 4) Handicap accessible parking spaces shall be provided in accordance with the American with Disability Act requirements.
 - 5) All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly and shall be served by aiseways of a minimum of twenty-four (24) feet in width to permit easy and smooth access to all spaces.
 - 6) All common areas and adjacent driveways shall be paved with asphalt material or cement and parking spaces shall be striped. Green or pervious pavers/pavement may be approved by the Board of Township Trustees provided they meet the requirements of the Fire Department and mechanisms for long-term maintenance are provided. The use of gravel for parking lots shall be prohibited.
 - 7) Loading Spaces:
 - i) All loading spaces must be located to the side or rear of the principal structure and screened in accordance with [Section 18.06\(C\)](#) and are prohibited within any Right-of-Way Setback.
 - ii) A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.

- iii) All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve.
- iv) A required loading space shall have a clearance height of not less than fifteen (15) feet and shall have minimum dimensions of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation area.
- v) The number of off-street loading spaces required for various types of uses shall be no less than as set forth in the following:

TABLE 14.08

Required Loading Spaces by use and size:	
Use	Number of Loading Spaces
Office, Hotel, Daycare and Car Rental	
20,000-99,999 SF	1
100,000-349,999 SF	2
350,000 SF or more	3
Advancing Manufacturing, Ag-technology, Biotechnology, Manufacturing, Logistics and other similar uses.	
5,000-9,999 SF	1
10,000-29,999 SF	2
30,000-89,999 SF	3
90,000-149,999 SF	4
150,000-249,999 SF	5
250,000 SF or more	5 plus 1 per each additional 80,000 SF

14.09 ACCESS, CONNECTIVITY AND VISIBILITY

- a) Access: All access points shall be limited to those locations approved by the permitting authority (state, county, or township as applicable). On Township Roads, the minimum spacing between driveways shall be determined by the County Engineer.
- b) Fire Trucks: All buildings must provide space for 360-degree access for fire trucks and shall also comply with the applicable Fire Department regulations.
- c) Visibility: Visibility at intersections shall comply with [Section 17.18](#) of this Resolution.
- d) Vehicular Connectivity (Access Roads and/or Parking Lot Connections): The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads (at the rear of the property or running parallel to an existing/proposed public road) and/or the use of cross-access easements between parking lots. The Board of Township Trustees may rely upon recommendations from

the County Engineer or other consulting engineers to determine that the proposed method for providing connectivity is the most suitable in each development.

- 1) If access roads are utilized to comply with this connectivity requirement, there shall be a minimum distance of two hundred (200) feet between intersections. A greater distance may be required upon recommendation by the County Engineer or a consulting engineer to avoid safety concerns.
- 2) Sidewalks shall connect to the building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.

14.10 LIGHTING

- a) All lighting shall comply with the requirements found in [Section 17.11](#).
- b) Regarding any development that abuts a property zoned for single-family residential purposes (including abutting properties within the PEC overlay that haven't pulled down the cloud and are following the underlying Zoning District): All non-essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, signs, displays, and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety and security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut off fixtures, auto dimming to adjust lighting based on ambient lighting and the use of as little light as necessary without creating safety issues is encouraged.

14.11 SIGNS

All Signs shall comply with [Article 19](#).

14.12 UTILITIES, WATER AND DRAINAGE

- a) All developments shall be served by central water and sewer systems. Bioretention basins, or rain gardens, may be used only when approved by the Township. All stormwater requirements must also comply with the Ohio Department of Natural Resources Rainwater and Land Development Handbook, the County Subdivision Regulations, the County Soil Erosion and Stormwater Regulations, the Rickenbacker Regional Drainage Study (signed November 2, 2005), any applicable requirements of the County Engineer, and any applicable FAA requirements.
- b) The Best Management Practices (BMPs) found in the Ohio Environmental Protection Agency's Industrial Stormwater Permit should be adopted as part of the applicant's development plan.

14.13 ACCESSORY STRUCTURES

Accessory Structures for all Uses shall be identified on and constructed in accordance with an approved Development Plan. Accessory Structures must comply with the architectural requirements in [Section 14.04](#) and all Setback requirements.

14.14 FENCES AND RETAINING/DECORATIVE WALLS

- a) All Fences within the PEC shall comply with the following requirements:
 - 1) No fence shall exceed ten (10) feet in height and shall be a minimum of five (5) feet from any vehicular pavement area.
 - 2) All chain link fencing shall be black PVC coated, RVG, or painted black. Cast iron and pre-finished aluminum fencing or other metal features shall be black.
 - 3) Barbed wire and razor fences are not permitted.
- b) All retaining/decorative Walls shall comply with the following requirements:
 - 1) Exposed concrete block is not permitted. Walls shall be constructed with stone, brick or masonry material that matches the building in color, design, and durability.
 - 2) Vegetation may be utilized as natural wall

14.15 STORAGE TANKS AND FUELING AREAS

Storage tanks and fueling areas that are associated with a Permitted Use and required for the operation and maintenance of a property shall be permitted provided such tanks comply with the following criteria:

- a) Above ground storage tanks and above ground water storage tanks shall: be located behind the front plane of the building, be the same color as the building, and be no taller than the building it serves.
- b) Fueling areas and canopies shall: be located behind the front plane of the building, be the same color as the building, and be no taller than the building it serves. Roof colors, parapet and all exposed trims shall match the main building structure. All lighting shall be recessed under the canopy. No signage or graphics shall be permitted on the canopy.

ARTICLE 15
Big Darby Creek
Conservation District (DCC)

15.01 Findings of Fact.**15.02 Purpose.****15.03 Boundaries.****15.04 Permitted Uses.****15.05 Conditional Uses.****15.06 Prohibited Uses.****15.07 Development Standards.**

15.01 FINDINGS OF FACT

- a) Big Darby Creek flows through the Township.
- b) The stream and its watershed contain an extraordinary array of wildlife, including eighty-six (86) species of fish – five (5) of which are endangered in Ohio including the federally endangered Scioto Madtom; forty-one (41) species of mussels – eight (8) of which are on the Ohio endangered list; one hundred and seventy-six (176) species of birds, thirty-four (34) species of mammals as well as more than one dozen rare plant species (Ohio Department of Natural Resources).
- c) Big Darby Creek is considered to have excellent water quality with the classification of “Exceptional Warmwater Habitat” by the state of Ohio under the Clean Water Act and as “Outstanding State Waters,” the highest level of protection under the state’s anti-degradation policy (National Wild and Scenic Rivers System).
- d) The Darby Accords establish that “to proactively protect resources which directly and indirectly contribute to biodiversity, improved water quality, habitat areas, and ecological procedures ... [through] increased protection in the form of land conservation and stewardship can only improve conditions of water quality and will contribute positively to retaining the unique character of the area” (Big Darby Accord Watershed Master Plan, 3-2 (2006)).
- e) “Stormwater discharges are generated by runoff from impervious surfaces such as paved streets, parking lots, and building rooftops during [precipitation]. Stormwater often contains pollutants in quantities that could adversely affect water quality. Most stormwater discharges are considered point-source[pollutants] and require coverage by a National Pollutant Discharge Elimination System (NPDES) permit. (Ohio Department of Natural Resources).
- f) In order to accomplish the purposes set forth below, it is necessary to limit inappropriate land uses and development activity adjacent to this waterway.

15.02 PURPOSE

The purpose of the DCC District is to promote the public health and safety of the community by protecting and preserving this valuable water resource, in that the protection and conservation of an adequate free flowing safe water supply and the filtration and elimination of pollutants is of vital concern and interest to the Township and its residents.

15.03 BOUNDARIES.

The DCC District shall consist of an area determined by Option 1 of Criterion 2 – Local Stream Setbacks and Associated Development Restrictions as found in the 2024 State Water Quality Protection within the Big Darby Creek Watershed Plan – Appendix 9-3. This setback distance is determined by the greater of the following:

- a) The regulatory 100-year floodplain based on FEMA mapping;
- b) A minimum of 100 feet from the top of the streambank on each side; or
- c) A distance calculated along the following equation:

$$W = 133DA^{0.43}$$

Where:

DA = drainage area (mi²)

W = total width of riparian setback (ft)

W shall be centered over the meander pattern of the stream such that a line representing the setback width would evenly intersect equal elevation lines on either side of the stream.

If the DA remains relatively constant throughout the stretch of interest, then the DA of the downstream edge of the stretch should be used. Where there is a significant increase in the DA from the upstream edge to the downstream edge of the area of interest, the setback width shall increase accordingly.

15.04 PERMITTED USES.

The following are Permitted Uses within the Stream Setback Distance as defined in Section 15.03.

- a) Passive private or public recreational uses such as fishing, walking, bird watching, etc. (No public easement over such public is hereby created). Unpaved public or private trails are included in this definition. Paved trails are a Conditional Use (see, Section 15.05, below). The following conditions apply to unpaved trails as a Permitted Use in the riparian setback:

- 1) Trail Surface: unimproved/earthen
 - 2) Trail Width: minimum three (3) feet, maximum five (5) feet
 - 3) No clearing of woody vegetation shall be permitted
 - 4) Distance from edge of stream, minimum 125 feet (except spurs for river access)
 - 5) River access points may be developed
- b) Selective harvesting of timber, provided not more than twenty-five (25) percent of the tree crown cover within the portion of the particular land owner's parcel within the DCC District is removed and trees on the immediate stream bank are not harvested, unless a specific silviculture plan for the property is submitted to and approved by the Pickaway County Soil and Water Conservation District. Damaged or diseased trees may be removed. The stump and roots of trees on the stream bank shall be left in place to prevent erosion.
- c) Revegetation or reforestation.
- d) Agriculture on Lots greater than five (5) acres, pursuant to Ohio Revised Code Section 519.21.

15.05 CONDITIONAL USES.

The following are Conditional Uses within the Stream Setback Distance as defined in Section 15.03.

- a) Streambank stabilization/erosion control work and/or large-scale stream channel and riparian setback restoration work, that are ecologically compatible and substantially use natural materials and native plant species where practical and available, is an approvable conditional use of the riparian setback. Providing that separate authority exists, such streambank stabilization erosion control, and stream channel restoration work shall be approved by the local jurisdiction or the Director of Ohio EPA. All streambank stabilization plans should provide long-term streambank protection. In reviewing this plan, the local jurisdiction or the Director of Ohio EPA may consult with representatives of the Ohio Department of Natural Resources, Division of Natural Areas and Preserves (ODNR DNAP); the Ohio EPA, Division of Surface Water; the local County Soil and Water Conservation District; or other technical experts as necessary. The local jurisdiction should provide language stating that erosion control measures be limited to the purposes of water quality protection, the prevention of flooding, or the protection of existing structures.
- b) Construction of paved trails in the riparian setback to further passive recreation uses shall be an approvable conditional use. However, trails that become damaged due to natural erosion shall not be repaired but shall be moved upland or removed altogether. The following conditions shall apply to paved trails in the setback:

- 1) Trail surface: (hard) asphalt or concrete
 - 2) Trail width: minimum 10 feet, maximum 12 feet
 - 3) Clearing width: maximum 20 feet (clearing not included as part of overall setback width)
 - 4) Distance from edge of stream: minimum 300 feet
 - 5) River access points may be developed but must be unpaved
 - 6) Private trails should not have stream crossings, and crossings on public trails are a conditional use and will be permitted only if they are part of a comprehensive trail plan.
- c) Unpaved trails as a component of a paved trail system may be necessary for Americans with Disabilities Act compliance. For an approvable Conditional Use in the riparian setback, those trails should have the following conditions:
- 1) Trail surface: (soft) compacted gravel
 - 2) Trail width: minimum 5 feet, maximum 12 feet
 - 3) Clearing width: maximum 20 feet (clearing not included as part of overall setback width)
 - 4) Distance from edge of stream: minimum 200 feet, unless developed as a river access point under Section 15.04(a)(5) above.
 - 5) Trail segments located within the Stream Setback that are damaged by water erosion shall not be rebuilt but shall be removed or moved to a more suitable location. The moved trail shall comply with the standards herein.
- d) A driveway or non-arterial roadway may be an approvable conditional use. A new crossing or new roadway for a street other than an arterial may be permitted to cross the stream corridor protection zone only in those circumstances when the parcel has no other existing access, when such crossing is necessary for public health or safety, or when the applicant can demonstrate that important ecological protection and ecological benefits are realized (such as saving a mature wood lot). In addition, the applicant must demonstrate that the new crossing or new roadway in the setback is necessary to achieve important ecological protection or maximizes ecological benefit. Such activity shall minimize disturbance to the riparian setback and shall mitigate any disturbances.

15.06 PROHIBITED USES.

The following are Prohibited Uses within the Stream Setback Distance as defined in [Section 15.03](#).

- a) Construction within the riparian setback zone is a prohibited use. This restriction applies to new construction and does not apply to existing residential structures and associated appurtenances.
- b) Dredging and filling is a prohibited use in the riparian setback zone.

- c) Motorized vehicles shall be a prohibited use, except for emergency vehicles when necessary for public health and safety or for vehicles that support approved uses.
- d) There shall be no disturbance of native vegetation in the riparian setback zone at any time during development on the remainder of the site, except for:
 - 1) such conservation maintenance that the landowner deems necessary to control noxious weeds and invasive plants (as defined by ODNR or Ohio Department of Agriculture for invasive plants);
 - 2) such plantings as are consistent with these regulations;
 - 3) the passive enjoyment, access and maintenance of lawns and landscaping on existing parcels; and
 - 4) such plantings as are necessary to implement a properly designed and permitted stream restoration project. If native vegetation does not exist, replanting is required with native plant species in accordance with a plan approved by the local jurisdiction.
- e) Parking lots in the riparian setback are a prohibited use. There shall be no parking lots or other human made impervious cover. Exceptions may be appropriate for trails approved under the conditional use provisions of Section 15.05(c).
- f) The riparian setback shall not be used for the application and/or spraying of wastewater treatment plant residuals.

15.07 DEVELOPMENT STANDARDS.

- a) No new structure or surficial (pavement) construction of any kind shall be permitted, with the exception of Fences running perpendicular to the stream bank when used for the containment of livestock.
- b) No discharge is permitted onto any public or private sewer, drain, tile or stream, or onto the ground of any liquids or materials which, because of their toxic properties or temperatures when discharged, would contaminate the Big Darby watershed, groundwater or stream. The OEPA standards shall apply and be met in making a determination as to the propriety of the discharge. Discharges expressly permitted by the Pickaway County Board of Health and/or OEPA are not restricted by this Section.
- c) No grading or filling within the DCC District shall be permitted unless a floodplain development permit is acquired from the County floodplain coordinator that proves the grading and filling adheres to the Pickaway County Flood Damage Prevention Regulations that the cumulative effect of the proposed activities shall not increase the water surface elevation of the Base Flood by more than one (1) foot at any point. In acting on such proposal, the Board may seek the input of the Pickaway Soil and Water Conservation District.

- d) The natural vegetation within the DCC District shall remain undisturbed except for the removal of noxious weeds as otherwise permitted under the Ohio Revised Code Chapters 5579 and 5589, subject to the activities referenced in this Article.
- e) In addition to the standards above, the requirements for floodplain management adopted by the County shall apply.
- f) All agricultural activities, including but not limited to, plowing, discing, and/or cultivating cropland; protecting against streambank erosion; and construction, maintenance and/or repair of levees shall follow “Best Management Practices” as set forth by the Pickaway Soil and Water Conservation District.

ARTICLE 16
Planned Unit Development
District (PUD)

16.01 General Provisions and Purpose.
16.02 Conflict.

16.03 Permitted Uses.
16.04 Planning and Development Principles.

16.01 GENERAL PROVISIONS AND PURPOSE

The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that the traditional zoning districts may not include. These regulations are based upon the premise that the ultimate quality of the built environment is determined not by the compatibility of uses, but how uses are appropriately integrated together through character type and design standards. This District is intended for large scale developments and aims to:

- a) Provide an opportunity for a mix of land uses otherwise not permitted within the standard municipal zoning district classifications.
- b) Allow the creation of development standards that respect the unique characteristics, natural quality, beauty of the immediate vicinity, and protect the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas.
- c) Enable greater review of design characteristics to ensure the development project is appropriately integrated into its surroundings.
- d) Pursue the housing and economic development goals of the Township.
- e) Encourage innovative architecture.
- f) Establish objective criteria for development plan review that ensure conformity to community and development standards and allow for consistent treatment throughout.
- g) Support the proper relationships between buildings, developments and structures and the land.
- h) Encourage a more efficient land-use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features, and providing for various building styles, types, and uses.

16.02 CONFLICT

- a) Whenever there is a conflict or difference between the PUD development text approved by [Section 3.06 – Administrative Procedures for Planned Districts](#) – and other sections of the Township of this Resolution, the provisions of the approved development text shall prevail for the development of land within the PUD District. Subjects not addressed within the approved development text shall be governed by the respective provisions found elsewhere in this Resolution. Unless otherwise stated and varied in the approved PUD development text, the standards in this Zoning Resolution that pertain to the specific uses or land development in the PUD shall be applicable. Such standards include, but are not limited to, the Minimum Project Areas of Ownership and [Article 21 – Adult Entertainment Facilities](#).
- b) Minimum Project Area and Ownership. No tract of land shall be rezoned to the PUD District unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD district. A preliminary development plan approved under these regulations for a PUD shall be binding upon the owners, their successors, and assigns. The preliminary development plan shall also limit and control the issuance and validity of all zoning clearance permits.

16.03 PERMITTED USES

Permitted use within a PUD may include any combination of uses when such use(s) are found that they can be appropriately integrated into an overall design that maintains the intent of these general development criteria, provided the proposed location of the uses will not adversely affect adjacent property, or the public health, safety and general welfare.

- a) The list of specific uses to be included in the proposed PUD shall be clearly delineated in the preliminary development plan, the zoning text, and its supporting documentation.
- b) Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.
- c) Any listed use shall be limited to areas delineated in the preliminary development plan.

16.04 PLANNING AND DEVELOPMENT PRINCIPLES

The PUD zoning text shall create development standards designed according to the following planning and development principles.

- a) Arrangement of use areas.
 - 1) Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development;
 - 2) Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
 - 3) Buildings, structures, and parking areas shall be designed and located within the PUD to conserve environmentally sensitive or unique natural, historical, or cultural features while minimizing environmental impacts.
 - 4) All areas shall be arranged so that all commercial buildings have 360-degree access for fire trucks and shall also comply with the current and applicable Fire Department regulations.
- b) Arrangement of buildings and yards.
 - 1) The physical relationship of buildings and other site improvements to one another and the surrounding open space, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the PUD and adjacent to it.
 - 2) Minimum lot size, width, and front, side and rear yard setbacks should be clearly denoted by subarea.
 - 3) The bulk and height of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development to mitigate any potential adverse impact(s).
- c) Density. The density of residential areas within a PUD shall be specifically defined within the PUD text.
- d) Landscaping, Screening, and Buffering.
 - 1) The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape, or land uses.
 - 2) Privacy for residential buildings shall be maintained using landscaping, screening, and buffering.

- 3) Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
 - 4) Alternative design approaches to meet the intent of the landscape regulations may be incorporated.
- e) Open space. Adequate open spaces shall be integrated throughout the development as follows:
- 1) Open space shall be sufficiently aggregated to create large useable areas of planned open space.
 - 2) Open space shall conserve significant natural features within the PUD to the extent practicable.
 - 3) Open space shall provide a scenic natural environment along existing public streets characterized by large building setbacks that enable the preservation of natural features.
 - 4) All open space shall be easily accessible to residents of the PUD.
 - 5) Where possible, open space areas shall be connected with open space areas on abutting parcels, and wherever possible, by open space corridors.
- f) Protection of natural features.
- 1) Trees shall be preserved, protected, and replaced whenever practical as determined by the Rural Zoning Commission.
 - 2) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. Walkways may be permitted to be located within riparian buffers when the Rural Zoning Commission determines that such will create minimal change to the riparian buffer.
 - 3) Floodplains shall be protected in compliance with the Pickaway County Flood Damage Prevention Regulations.
 - 4) Wetlands that are to be retained in their natural state within the PUD shall be protected. A buffer area not less than twenty (20) feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. The buffer area shall not be disturbed and shall be retained in its natural state. Minimum building and pavement setbacks to protect such wetlands and buffer areas shall be established and shall be measured from the edge of such wetlands.
- g) Pedestrian circulation systems. A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PUD, and to connect the neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Trails with public right of passage should also be incorporated in the pedestrian circulation system.

- h) Bike paths and other trail systems. Trail systems for bikes and other purposes shall be included and designed in accordance with the Township's plan for bike paths. Such trail system shall have a minimum width of ten (10) feet and be properly buffered from any adjacent residential areas. Protected bike lanes, where appropriate as determined by the Zoning Commission, may also be utilized to meet this requirement.
- i) Street design and vehicular circulation.
 - 1) The proposed vehicular circulation system shall provide adequate connections to the existing street network.
 - 2) The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.
 - 3) Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
 - 4) The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, and the intensity of proposed uses.
 - 5) Private streets that utilize a common easement may provide access to clustered lots and/or structures.
 - 6) Street lighting and street signs shall be adequate for safety and security.
 - 7) The applicant shall provide and construct on-site and off-site street improvements for the PUD in accordance with these requirements and consistent with recommendations included in traffic studies and with any agreements submitted as supporting documentation for the PUD.
 - 8) The design and location of the storm water management for streets and parking areas shall comply with the requirements of the County Engineer.
- j) Off-street parking. The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area and as well as those areas adjacent to the development. The number of minimum parking space requirements shall comply with [Article 18 – Parking](#) – unless the approved development text states otherwise.
- k) Signs. All signs and graphics within the PUD shall be compatible in size, location, height, material, shape, color, and illumination.
 - 1) A sign plan for the entire PUD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window, canopy, awning, projecting, and wall signs

- as well as distances from Rights-of-Way and the type and intensity of illumination.
- 2) Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter.
 - 3) The overall design and placement of buildings should consider the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings and the PUD.
 - 4) Ground signs should be designed to relate to and share common design elements with the building.
 - 5) The materials and colors of the sign, sign background and sign frame should be compatible with the building's materials and colors.
- l) Utilities. The applicant shall provide and construct on-site and offsite water, sewer, and other infrastructure improvements for the PUD in accordance with, any agreements submitted as supporting documentation for the PUD. (add sewer provision?)
- m) Project phasing. If the PUD is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas to prevent any adverse impact on completed phases, future phases, and adjoining property. Open space areas shall be reasonably proportioned in each phase of the project.
- n) Common facilities. Common facilities and park areas, regardless of ownership, require maintenance. Adequate access to these facilities for vehicular traffic shall be provided at all times so that fire, police, health, sanitation, and other public utility vehicles can serve the area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

ARTICLE 17
General Development
Standards

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| 17.01 Accessory Dwelling Units. | 17.13 Private Swimming Pools. |
| 17.02 Accessory Structures and Uses. | 17.14 Recreational Vehicles |
| 17.03 Agritourism. | 17.15 Small Solar Facilities. |
| 17.04 Campgrounds. | 17.16 Telecommunication Towers. |
| 17.05 Cargo Containers. | 17.17 Temporary Structures/Construction Trailers. |
| 17.06 Clustered Mailboxes. | 17.18 Visibility at Intersections. |
| 17.07 Community Gardens. | 17.19 Wind Energy Systems. |
| 17.08 Fences and Walls. | |
| 17.09 Food Trucks. | |
| 17.10 Home Occupations. | |
| 17.11 Lighting. | |
| 17.12 Portable Storage Units. | |
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17.01 ACCESSORY DWELLING UNITS

Accessory dwelling units shall not be located in an Accessory Structure. All ADUs must be located within the principal Structure of the property and are subject to any conditions required by the Board of Zoning Appeals when Accessory Dwelling Units are considered to be Conditional Uses or subject to the conditions of the Rural Zoning Commission when Accessory Dwelling Units are permitted as part of a Planned Zoning District.

17.02 ACCESSORY STRUCTURES AND USES

- a) Location. A detached Accessory Structure shall be located within any Side or Rear Yard to the rear of the principal Structure, but not closer to any Side or Rear Lot Line than the distance required for principal Structures in the specific Zoning District.
- b) Area. The total area of all Accessory Uses or Structures shall not exceed twenty-five (25) percent of the area of the lot on which the Structure or Use is located. These Accessory Structure area requirements shall not apply to lakes, ponds, swimming pools and tennis courts.
- c) Height. The maximum height of an Accessory Structure shall be twenty-five (25) feet.
- d) Lakes and Ponds. Lakes and ponds shall be considered as an Accessory Use in Residential Zoning Districts. A Zoning Permit shall be required for the construction and installation of a lake or pond when the normal high water surface area of the body

of water exceeds one hundred (100) square feet. In addition, such lakes and/or ponds shall meet the following requirements:

- 1) The lake and/or pond shall be located not less than sixty (60) feet from any property line, residential structures, leach field, and secondary leach field.
- 2) The applicant shall provide a site plan for the property, indicating the location of the lake and/or pond, as well as the location of inlets, outlets, subsurface drainage, septic lines, and/or secondary leach field site(s).
- 3) The applicant shall demonstrate that the lake or pond meets the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Pickaway County Soil and Water Conservation District.
- 4) Lakes or ponds located in the PCR, PB, PEC, or PUD Zoning Districts, when constructed for water retention and/or detention purposes, shall be subject to a detailed plan for the lake or pond approved by the County Engineer.

17.03 AGRITOURISM

- a) Purpose. It is the purpose of this section to regulate Agritourism under the limitations of ORC Sections 303.21(C)(4) and 519.21(C)(4) of the Ohio Revised Code permits the Township Zoning Resolution to regulate Agritourism structures and property as necessary to protect the public health, safety, and general welfare. The following regulations apply to the “size of structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, egress or ingress where such regulation is necessary to protect public health and safety.”
- b) Declaration of Intent – Agricultural Exemption.
 - 1) In order to qualify for an Agricultural Exemption from obtaining a Zoning Certificate for Agricultural Uses, an applicant must submit a “Declaration of Intent – Agricultural Exemption Form.” This form will be considered by the Zoning Inspector and if granted, the applicant will not be required to have an Conditional Use Permit on file regarding the Agritourism use. A Conditional Use Permit is required to demonstrate compliance with the standards for Setbacks, Structure size, height, parking, and other elements authorized by ORC Section 519.02 and listed herein.
 - 2) The applicant shall provide documentary evidence to the Zoning Inspector that the farm upon which the Agritourism operation is proposed meets all of the requirements of ORC Section 901.80 with regards to liability.
- c) Site Plan Requirements. In order to qualify for an Agritourism Exemption, the applicant shall be required to provide a property site plan to the Zoning Inspector that clearly shows the location, Setbacks, parking areas, plan for ingress and egress from

the structure as well as for traffic entering and leaving the parking area and the size of the exempted Structure.

- 1) No Agricultural Exemption will be granted that does not comply with the requirements of the Setbacks and size of the Structure as outlined under the Zoning District in which it is located.
 - 2) All Buildings and Structures primarily used for Agritourism shall not exceed the maximum building square footage requirements established for the Zoning District in which it is located. Should no maximum building square footage be established by the District, the maximum square footage for said Building or Structure shall be five thousand (5,000) square feet.
 - 3) All Buildings and Structures utilized primarily for Agritourism shall not exceed thirty-five (35) feet in height.
 - 4) The property site plan must provide information necessary to evaluate that the ingress and egress from the Structure meets all public safety requirements as established by the Ohio Fire Code and enforced by the Fire Department. Information necessary for the property site plan shall be submitted with one (1) physical copy and electronically in PDF format and shall include the following on the drawing:
 - i) The site plan drawn to a scale that is legible in print and electronic formats;
 - ii) A scale bar and the written scale (Ex.: 1" = 100');
 - iii) A north arrow;
 - iv) A table that specifies the number of parking spaces, the dimension(s) of the parking spaces, the dimensions of the Structure for all floors, including garages and basements;
 - v) The depiction of the parking spaces that must comply with [Chapter 16](#);
 - vi) The depiction on the drawing of the drive lanes and the dimension of the overall area of the parking area;
 - vii) The dimension of the Driveway ingress/egress Length measured from the edge of the road Right-of-Way to the point where the Driveway ingress/egress turns into any parking stall or internal drive lane; and
 - viii) The location and dimension of the Building footprint, the required Yard Setback Lines, the road Right-of-Way, and the Lot Lines based on the recorded legal description.
 - 5) The property site plan must provide the information above to evaluate the ingress and egress to and from the parking area and the site plan meets all public safety requirements as established by the Township or the County, as applicable.
- d) Parking. All parking demands created by the Agritourism Use shall be met off Public Roads. In no case shall any portion of any Public Road pavement be used for or considered customer parking to serve an Agritourism operation. Parking areas shall adhere to the following Setback requirements:
- 1) Fifty (50) feet from any Lot boundaries;

- 2) A minimum setback of fifty (50) feet for any parking stall or internal drive lane from the road Right-of-Way to the point where the Driveway ingress/egress connects to the parking stall or internal drive lane. Parking areas shall be set back a minimum of six (6) feet from any driveway ingress/egress. The purpose of which is to preserve the driveway ingress/egress Length to allow adequate area for vehicles to enter the site and make maneuvers during the peak hour trip generator for the site and not cause back up onto the Public Road. A greater driveway ingress/egress may be necessary for larger trip generators and may be required by other government agencies including regulations from the Ohio Department of Transportation Access Management and/or Location and Design Manual, and any standards established by the Pickaway County Planning Commission.
- e) Additional Standards.
 - 1) The applicant shall submit evidence to the Zoning Inspector that the ingress and egress to and from the parking area has been approved by the County Engineer and/or the Ohio Department of Transportation. Additionally, the applicant shall provide written documentation that the access and access location(s) comply with the Pickaway County Subdivision Regulations and other infrastructure-related standards adopted by the Pickaway County Planning Commission, as applicable.
 - 2) The applicant shall specifically provide documentary evidence to the Zoning Inspector that identifies the educational, entertainment, historical, cultural, and/or recreational relationship of the proposed Agritourism operation to the existing Agricultural Use of the property.
 - 3) Wedding Venues, as defined in [Chapter 2](#), located on an Agritourism Operation property shall be required to be on a Lot with a minimum of twenty (20) acres in order to help promote the health, safety, and general welfare of the surrounding community.

17.04 CAMPGROUNDS

Campgrounds are regulated under Chapter 3729 of the Ohio Revised Code, which includes health department, fire safety, and siting location approval prior and in addition to the issuance of a Conditional Use Permit.

17.05 CARGO CONTAINERS

Cargo Containers, as defined in [Article 2 - Definitions](#), may be used as Accessory Structures on residential property, only when the following conditions are met:

- a) Permitted: Cargo containers fabricated for the purpose of transporting freight or goods on a truck, railroad or ship shall be allowed to be set up as a residential accessory structure and shall comply with all the requirements of [Section 17.02](#).

- b) Zoning Permit Required: Purchasers, owners or users of cargo containers shall obtain a zoning permit from the Township for each container prior to placing or moving the container onto their property.
- c) Exterior Appearance. The exterior of the cargo container shall be painted or altered to cover any advertising, lettering, or numbers.
- d) Stacking Prohibited. No stacking of Cargo Containers shall be allowed.
- e) Ground Level Location. All Cargo Containers shall be located at ground level for safety.
- f) Dwelling Use Prohibited. Cargo containers shall not be used as a dwelling unit.

17.06 CLUSTERED MAILBOXES

- a) When clustered mailboxes are required by the U.S.P.S. in the PCR District, said Units must comply with the following requirements:
 - 1) Be located outside the public Right-of-Way and appropriately distributed throughout the development. An appropriate number of parking spaces shall be provided to ensure proper traffic circulation throughout the development.
 - 2) Final unit, parking locations, and number of Off-Street Parking Spaces shall be determined and controlled by the development plan approved by the Planning and Zoning Board, upon recommendation from the Design Board; and
 - 3) All clustered mailbox units and associated Off-Street Parking areas shall be privately maintained.

17.07 COMMUNITY GARDENS

When Community Gardens are listed as a Permitted Use in a Zoning District, they shall be prohibited within the Right-of-Way and required Front Setback. Any shed, storage container, or similar Structure within a Community Garden shall be considered an Accessory Structure and shall comply with the requirements of [Section 17.02](#).

17.08 FENCES AND WALLS

Fences do not require a permit for construction. No fence shall be permitted within the Right-of-Way and must comply with the Visibility at Intersection requirements in Section 17. Fences or walls containing barbed wire or charged with electrical current are prohibited unless such Fences or Walls are located in the AG or RR Districts and solely used for the enclosure of livestock.

17.09 FOOD TRUCKS

- a) Purpose. The intent of these regulations is to create an entrepreneurial opportunity for the food industry by providing creative opportunities outside of the traditional brick and mortar restaurants while controlling potential impacts such as traffic, food safety, and compatibility with the surrounding areas. These regulations have been crafted to ensure that Food Trucks are properly integrated into the overall existing or future streetscape designs of the Township. It is further the purpose of these regulations to limit the time frame for Food Trucks to allow ample time for business incubation but also discourage them from becoming permanent fixtures.
- b) Applications and Permits.
- 1) No one can operate or assist in the operation of a Food Truck in the Township without a Township Food Truck Permit, and applicable health license(s) issued in accordance with the Ohio Revised Code, the Ohio Administrative Code, and the Township Codes. The Food Truck may be subject to a fire inspection by the applicable Fire District. A copy of any required health license(s) or fire district inspection reports shall be submitted with the application for a zoning permit.
 - 2) Individuals or organizations shall be permitted to operate a Food Truck on private property within the unincorporated limits of the Township after meeting the permit and fee requirements of this section, unless otherwise exempted by this section.
 - 3) These regulations do not apply to Food Trucks operating within the Right-of-Way. Operations of a Food Truck within the public Right-of-Way permit is prohibited, unless the Township has issued a Right-of-Way permit for said Food Truck.
 - 4) If a Food Truck proposed on private property complies with all standards in Section 17.09(c), a Food Truck Permit may be issued for up to thirty (30) consecutive days on a property. No more than one (1) Food Truck may operate on a single parcel at a time.
- c) Standards. The following standards shall apply to all Food Trucks on private property:
- 1) Maximum of one (1) Food Truck on lots less than one (1) acre, and maximum of two (2) Food Trucks on Lots greater than one (1) acre.
 - 2) Food Trucks shall be located at least five (5) feet from the edge of any driveway, public sidewalk, exit or emergency access/exit way, or emergency call box, and must not be located within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Food Trucks must be located a minimum distance of twenty-five (25) feet in all directions from fire hydrants.
 - 3) Food Trucks shall be located at least two-hundred fifty (250) feet from any school unless with the school's written permission.

- 4) Food Trucks and associated seating must not occupy parking spaces without the business owners' written permission. The minimum required parking spaces shall be maintained at all times and all required handicap accessible parking spaces shall not be utilized for the Food Truck or seating.
- 5) Associated seating areas are only permitted on lots greater than one (1) acre and said seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on private and or any public street or sidewalk.
- 6) Food Truck vendors are responsible for the proper disposal of waste and trash associated with the operation. Township trash receptacles shall not be used for this purpose. Vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor must keep all areas within five (5) feet of the truck and associated seating area clean of grease, trash, paper, cups, or cans associated with the vending operations.
- 7) Food Truck vendors must provide at least one garbage can for customers within reasonable distance from the Food Truck if none are available.
- 8) No liquid waste or grease is to be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public spaces. Under no circumstances can grease be released or disposed of into any centralized sanitary sewer system.
- 9) The Food Truck shall have access to water (through a water tank, a central water line connection, etc.) and electricity (through a generator, a utility line connection, etc.). These services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians.
- 10) Food Trucks shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the Food Truck for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespassing or additional glare onto adjacent properties. Flashing light shall be prohibited.
- 11) Food Trucks are not allowed to park in a way that would impair sight visibility at intersections or impede cars from entering or exiting an existing lot.
- 12) The selling of alcoholic products is prohibited.
- 13) No Signs shall be permitted except as follows:
 - i. Signs directly painted or applied directly onto the Food Truck.
 - ii. One (1) small Temporary Sign that does not exceed eight (8) square feet.
- 14) When a Food Truck is proposed to be located within one-hundred-and-fifty (150) feet of an existing One-Unit Dwelling, operations of said Food Truck shall be limited to 6 a.m. – 9 p.m. Sunday through Thursday and 7 a.m. – 11 p.m. Friday and Saturday.
- 15) An operator, or their designee, must be present at all times except in cases of an emergency.

d) Exemptions.

- 1) No Food Truck Permit shall be required for any unit that operates exclusively as a subset of a Township approved special event, within the approved areas and time frames.
- 2) If a Food Truck is located on a property for less than eight (8) hours, no permit shall be required.
- 3) Due to the unique characteristics of the SE District, the Food Truck regulations do not apply; however, the Food Truck must still pass applicable Fire Department and Health Department regulations.
- 4) The Township may increase the maximum number of Food Trucks allowed for one (1) lot for Township approved special events.

17.10 HOME OCCUPATIONS

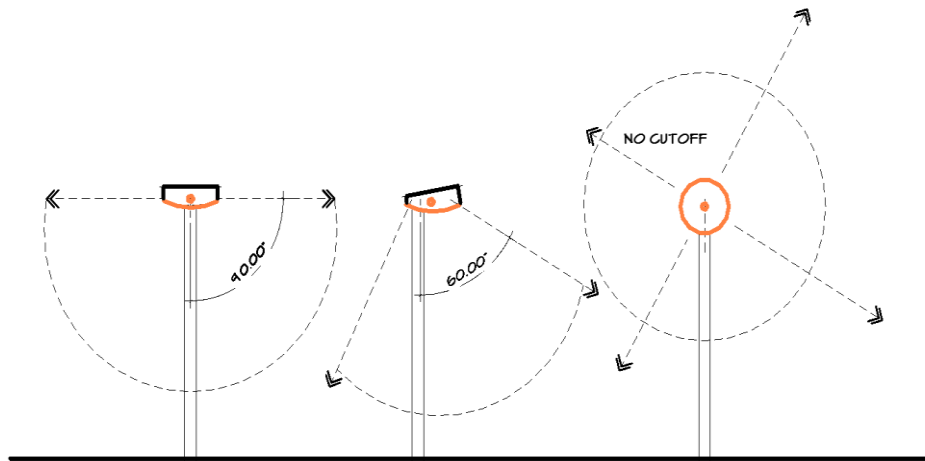
- a) A Home Occupation shall be conducted entirely within a Dwelling Unit and shall be clearly subordinate and secondary to the use of the Dwelling Unit. .
- b) The following regulations apply to all Home Occupations:
 - 1) A Conditional Use Permit is required for approval of a Home Occupation.
 - 2) The appearance of the Dwelling Unit in which a Home Occupation is conducted shall not be altered or the occupation within the dwelling shall not be conducted in a manner which would cause the premises to differ from its surrounding character either by colors, materials, construction, or lighting.
 - 3) The Home Occupation shall not generate traffic greater in volume for the subarea.
 - 4) The Home Occupation shall not involve delivery trucks other than normal parcel delivery services.
 - 5) No equipment or processes shall be used in a Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible, or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises.
 - 6) Up to two (2) other persons who are not residents of the dwelling that work in the Home Occupation.
 - 7) May exceed up to twenty (20) percent of the livable floor area of the Dwelling Unit, but in no case shall it exceed forty (40) percent.
 - 8) One Ground-Mounted Sign is permitted that does not exceed six (6) square feet per sign face and has a maximum height of twelve (12) feet. Ground Signs shall not be more than six (6) feet in height relating to [Section 19.05](#).
 - 9) Home Occupations may be conducted in Accessory Structures, such as garages or sheds, in the A and PR Districts; however, a newly constructed Accessory Structure, if associated with the Home Occupation, will be

considered a Conditional Use and must receive a Conditional Use Permit for construction.

- 10) Home Occupations located in an Accessory Structure must be operated a minimum of 1,000 feet away from a Dwelling Unit on any adjoining Lots.

17.11 LIGHTING

- a) Standards. Exterior lighting shall comply with these standards unless otherwise specified in this code.
- b) Lighting Exemptions.
- 1) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
 - 2) Holiday lighting shall be exempt from the requirements of this section.
 - 3) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
 - 4) Streetlights shall be exempt from the provisions of this section.
- c) Prohibited Lighting. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
- d) Types of Fixtures.
- 1) All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.
 - 2) Full cutoff fixtures qualify with a cutoff angle equal to or less than 90-degrees with no light projecting skyward



- e) Fixture Height.
 - 1) The fixture height in parking lots shall not exceed twenty (20) feet.
 - 2) Lighting located under canopies shall be flush mounted or recessed within the canopy.
 - 3) Fixture height shall be measured from the finished grade to the topmost point of the fixture.
- f) Temperature. The color temperature for all lights shall not exceed 4,000K.
- g) Exterior Lighting Illumination Levels. Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
 - 1) The maximum illumination at a lot line that abuts a lot within an existing residential use or is zoned or designated for residential uses shall be 0.3 foot-candles.
 - 2) The maximum illumination at a lot line that abuts any other use shall be 1.0 foot-candles.
 - 3) The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance regarding the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public Rights-of-Way.
 - i) The illumination across any property shall be designed to not create excessively dark spots that may create safety issues.
 - ii) All non-essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, Signs, displays and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting shall be required for any parking lot abutting an existing one-unit dwelling.
- h) Automobile Oriented Uses, Canopy Lighting, and Parking. Automobile Oriented Use canopy lighting must be recessed within the canopy and use an opaque shield around the sides of the light. Also, see 29.03(B) regarding lights for parking lots.

17.12 PORTABLE STORAGE UNITS

- a) Portable Home Storage Units shall be permitted within any Residential District, provided the following regulations are met. A Zoning Permit shall be obtained for any Portable Home Storage Unit.
 - 1) Portable Home Storage Units shall be prohibited from being located within any Right-of-Way.
 - 2) Portable Home Storage Units shall be kept in the driveway of the property at the furthest accessible point from the street.
 - 3) Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
 - 4) Portable Home Storage Units shall be permitted for thirty (30) consecutive calendar-days within any three hundred sixty-five (365) calendar-day period.
 - 5) The Zoning Inspector may grant a one-time extension of up to 30 consecutive calendar days. Any additional extensions would require action by the Board of Zoning Appeals, which would be processed as a variance from these regulations.
 - 6) Portable Home Storage Units and roll-off containers shall not be utilized for living purposes.

17.13 PRIVATE SWIMMING POOLS

Private swimming pools, as defined in [Article 2](#), shall be allowed as an Accessory Use in any Residential District. A Zoning Permit shall be required for the construction or installation of any Private Swimming Pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed, and maintained in conformance with current building code requirements.

17.14 RECREATIONAL VEHICLES

- a) Recreational Vehicles in the RR District. Residents shall be permitted to park a Recreational Vehicle on a Lot located in the RR District provided the following criteria are met:
 - 1) There shall be a maximum of two (2) Recreational Vehicles per Dwelling Unit permitted on said Lot. For purposes of this Code, a boat stored on a boat trailer is considered as a single Recreational Vehicle. Said Recreational Vehicle shall not exceed thirty (30) feet in length, nine (9) feet in width, and twelve (12) feet in height.
 - 2) Recreational Vehicles shall be parked on a paved or gravel surface located behind or beside the Primary Structure and shall not be parked in the grass.
 - 3) Recreational Vehicles shall be parked no closer than ten (10) feet from any Side or Rear Lot Line.

- 4) Recreational Vehicles shall not be located forward of the front plane of the main Dwelling, except however, the Recreational Vehicle may be parked on the paved driveway in front of the main Dwelling for a period not to exceed forty-eight (48) hours for loading and unloading. In no case shall said Recreational Vehicle be parked, stored, or displayed for sale in a manner that blocks or obstructs sight lines for any vehicle entering or exiting the Right-of-Way.
- 5) Recreational Vehicles may have temporary occupancy for up to thirty (30) consecutive days.

17.15 SMALL SOLAR FACILITIES

- a) Purpose. The purpose of these regulations is to provide a regulatory framework for the installation and construction of solar energy systems (SES), subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the Township. This section applies to SES to be installed and constructed on any property in any Zoning District for systems generating up to fifty (50) MW per the Ohio Revised Code. Any SES producing more than fifty (50) MW is exempt from the requirements of this section and are subject to the jurisdiction of the Ohio Siting Board.
- b) Integrated or Roof-Mounted Small Solar Facilities. Roof-Mounted Small Solar Facilities are permitted in all Zoning Districts, provided the Roof-Mounted Solar System complies with all other requirements of zoning and building regulations, all applicable local and state fire and building codes, and the following requirements:
 - 1) Pitched roof-mounted arrays shall be parallel to the roof.
 - 2) The distance between the roof and the uppermost portion of the solar panels shall not exceed eighteen (18) inches.
 - 3) Pitched roof-mounted panels on a flat roof shall not project vertically more than five (5) feet from the surface of the roof and shall be screened.
 - 4) Roof-mounted solar panels cannot exceed the maximum height of a Building by any more than five (5) feet.
- c) Ground-Mounted Individual and Small Solar Facilities. Individual-and-Ground-Mounted Small Solar Facilities producing less than 50 MW of electricity shall be prohibited within the Township.
- d) Agricultural Exemption. The regulations herein do not permit the Township to interfere with the construction of Solar Arrays if they fall under the agricultural exemption of Section 519.21 of the Ohio Revised Code.

- e) Submittal Requirements. The following information must be submitted with the Conditional Use application (in addition to the items required in [Section 8.02](#)):
- 1) A Certificate of Zoning Compliance shall be required before any construction commences on a Small Solar Facility.
 - 2) Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a Certificate of Zoning Compliance:
 - i) An engineering report that shows:
 - A) The total size and height of the proposed Small Solar Facility.
 - B) Data specifying the megawatt size and generating capacity in megawatts of the Small Solar Facility.
 - C) A hazardous materials containment and disposal plan.
 - ii) A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads, and other public Rights-of-Way, and neighboring Property Lines.
 - iii) Evidence of compliance with the applicable Zoning District restrictions.
 - iv) A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 - v) Any other information or materials reasonably requested by the Zoning Inspector.

17.16 TELECOMMUNICATION TOWERS

- a) Conditions. Telecommunication Towers shall be subject to the following conditions:
- 1) The maximum height of the Telecommunication Tower shall not exceed one hundred fifty (150) feet.
 - 2) The Telecommunication Tower and any stabilization structures or guide wires shall not be less than twenty-five (25) feet from any Side or Rear Property Line.
 - 3) The Telecommunication Tower shall be located not less than three hundred (300) feet from any existing Residential Dwelling or any Public Roadway.
 - 4) The minimum Lot size for the site of the Telecommunication Tower shall be one (1) acre.
 - 5) Security fencing shall be at least ten (10) feet in height and affixed with an operable lock to prevent uncontrolled access to the Telecommunication Tower site.
 - 6) A Landscaping plan shall be submitted and approved by the Board of Zoning Appeals.

- 7) The Telecommunication Tower shall not be lit except to assure safety or as required by the FAA.
 - 8) The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential Co-Location of other similar facilities on the Telecommunication Tower, the removal of the Tower within one hundred and eighty (180) days after the site's use is discontinued, and the applicant shall provide proof of notice as required in Section 519.11 of the Ohio Revised Code, as may be subsequently amended.
 - 9) The applicant shall demonstrate that the placement and height of the Tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (14 CFR Part 77).
- b) Co-Locating Facilities. If a public telecommunications service provider desires to Co-locate its facility either on an existing Tower or utility Structure, the location of such facility shall be addressed as a Permitted Use.

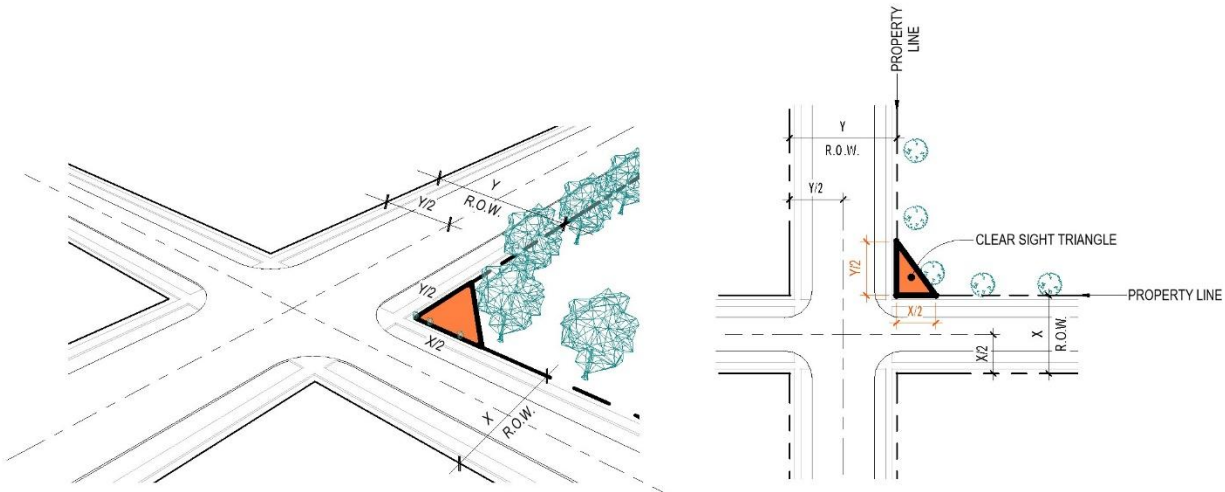
17.17 TEMPORARY STRUCTURES/CONSTRUCTION TRAILERS

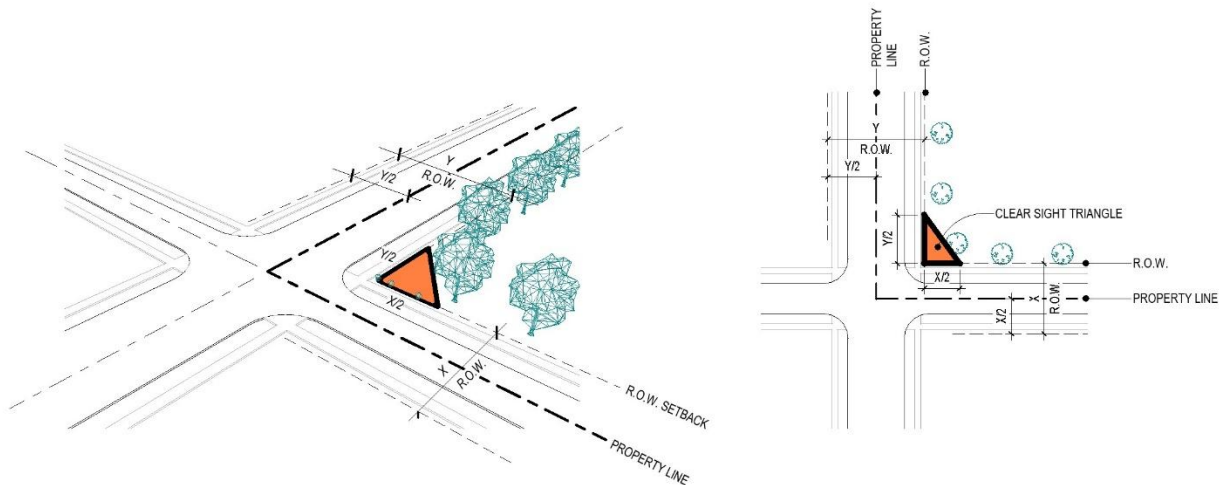
- a) Temporary construction trailers/offices may be permitted in any Zoning District during the construction of Building(s) and site Improvements provided the following regulations are met.
- 1) A Zoning Permit shall be obtained prior to installing and utilizing the temporary construction trailer/office.
 - 2) The temporary trailer/office shall be prohibited from being located in the Right-of-Way and shall be setback a minimum of ten (10) feet from the Right-of-Way line.
 - 3) No more than one (1) Temporary Trailer/Office shall be permitted per construction site.
 - 4) In all Zoning Districts, except for Residential Districts, A Temporary Trailer/Office shall only be permitted for a period of one (1) year days in any calendar year. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Board of Zoning Appeals.
 - 5) The number and time limits for temporary construction trailers/offices do not apply to properties within the PEC.

17.18 VISIBILITY AT INTERSECTIONS.

- a) Sight Triangle. There shall be a sight triangle established at every intersection of two public Rights-of-Way. The Sight Triangle is the triangular area where two (2) streets intersect, bounded by the edge of the street and a line joining the points on the Rights-of-Way from their point of intersection for a distance equal to half the width of each street Right-of-Way. The vision triangle shall be measured along the Right-of-Way within the boundaries of the property.

- b) Visibility Maintained. There shall be no visual obstructions within the defined Sight Triangle. A visual obstruction is any object between the height of no more than three (3) feet measured relative to the elevation to the nearest pavement crown. This is based on a driver eye height of three feet (based on the American Association of State Highway and Transportation Official standards). Overhanging branches or other elevated obstructions shall not be any lower than ten (10) feet measured relative to the elevation of the nearest pavement crown.
- c) Non-Signalized, Arterial and Collector Road Intersection Sight Distances. In order to properly calculate the intersection sight distance for cars turning left and right onto non-signalized Arterial or Collector Roads, look to the equation and table provided in Section 201.3.2 of the ODOT Location & Design Manual, Volume 1 – Roadway Design. These standards for sight distances shall additionally be met during the application procedures found for planned districts as found in [Articles 12, 13, 14, and 16](#).
- d) **Example where Right-of-Way = Lot Line**



e) **Example where Lot Line is the Centerline of the Road:****17.19 Wind Energy Systems**

- a) **Purpose.** The purpose of this section is to regulate the placement and construction of Individual Wind Energy Systems, as defined in [Article 2](#), to protect the health and safety of Township residents without interfering with the expansion of clean, sustainable, and renewable energy sources.
- b) **Applicability.** The following regulations shall apply as a Conditional Use to Individual Wind Energy Conversion Systems when proposed to be located within a Zoning District, unless otherwise exempted by state or federal law.
- c) **Conditions.** The Board of Zoning Appeals shall issue a Conditional Use Permit when a proposed Individual Wind Energy System complies with all of the conditions listed below:
 - 1) In no case shall any tower within an Individual Wind Energy System be located closer than two (2) times the tower height to any residential Structure, Public Street/Right-of-Way, third party transmission lines, or adjacent Property Lines. New residential Structures shall not be permitted within this Setback area.
 - 2) No individual wind tower shall be taller than eighty (80) feet.
 - 3) Individual Wind Energy Systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL) or an equivalent third party.
 - 4) Once a Conditional Use permit is granted per the requirements of this Section, a licensed Ohio professional engineer shall certify, as part of the Zoning Permit

- application, that the foundation and tower design of the Individual Wind Energy System, including substation, transformer, underground cabling, or parts thereof and the access road, is within the accepted professional standards, given local soil and climate conditions.
- 5) All Individual Wind Energy System shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for overspeed protection. The applicant shall provide sufficient information to assure the Board of Zoning Appeals that this requirement will be met.
 - 6) All electrical components of the Individual Wind Energy System shall conform to applicable local, state, and national codes, and relevant national and international standards (ANSI).
 - 7) Towers and blades shall be a non-contrasting gray or similar color or a galvanized steel finish unless these color requirements conflict with any FAA regulation. In such cases, the tower shall comply with those color requirements.
 - 8) All towers within an Individual Wind Energy System are unclimbable by design or protected by anticlimbing devices.
 - 9) No signage shall be permitted within any portion of a Individual Wind Energy System except for a Sign, not to exceed six (6) square feet;
 - 10) One point of access from a public road to the Individual Wind Energy System shall be provided. The Board of Zoning Appeals may require review by the Township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
 - 11) The applicant shall be responsible for obtaining all required approvals/permits for transporting on a public road the towers, blades, substation parts, and or equipment for construction, operation, or maintenance of the Individual Wind Energy System.
 - 12) The applicant shall demonstrate that the noise levels associated with the Individual Wind Energy System will not be disruptive to any adjacent residential areas. Noise shall comply with any nuisance requirements as adopted by separate resolution.
 - 13) No lighting shall be permitted, except as required by Federal regulations.
 - 14) The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set for in this Section. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the Individual Wind Energy System, the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the Individual Wind Energy System, the Owner or operator receives a written complaint related to the above-mentioned interference, the Owner shall take reasonable steps to respond to the complaint or shall be in

violation of said Conditional Use permit, which shall be punishable per [Article 4 – Enforcement and Penalties](#).

- 15) The Owner or operator of the Individual Wind Energy System shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the Individual Wind Energy System is no longer being operated or utilized (unless due to documented maintenance or electrical grid issues and written notice has been provided to the township), the Individual Wind Energy System shall be removed within 180–days after the Use has been discontinued. In addition to removing all towers within the system, the Owner/operator shall restore the site to its original condition prior to the location of such system on said property. Any foundation associated with a Individual Wind Energy System shall be removed from the site to a depth which is at least forty–eight (48) inches below restored ground level and the site restored to its original state including the planting of any grasses or cover crops. All transmission equipment, Buildings and fences shall also be removed.

ARTICLE 18
Parking**18.01 Purpose.****18.02 Provision for Parking
Required.****18.03 General Requirements.****18.04 Joint Use.****18.05 Public Parking Facilities.****18.06 Schedule of Required Off-
Street Spaces.****18.07 Electric Vehicles.**

18.01 PURPOSE

The purpose of these requirements is to encourage the orderly development of parking and loading areas within the Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

18.02 PROVISION FOR PARKING REQUIRED

Unless otherwise indicated in this Resolution, in all zoning districts, off- street parking shall be addressed in accordance with the provisions of this Article.

18.03 GENERAL REQUIREMENTS

- a) Surfacing and Drainage. All off-street parking areas for commercial or industrial projects within the PB, PUD, and/or PEC Districts shall be properly graded, marked, and surfaced to provide a hard, durable, and dustless surface. All parking areas shall be graded and drained to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.
- b) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting. Other provisions in [Section 17.11](#) also apply.
- c) Location of Parking Spaces. A five foot (5') clear zone shall be maintained between the roadway Right-of-Way and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

- d) Parking of Inoperable or Disabled Equipment or Vehicles.
 - 1) The exterior parking or storage of inoperable, unlicensed, or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Sections 4737.05 through 4737.12 of the Ohio Revised Code, shall be prohibited.
 - 2) The Township reserves the right to remove junk cars from private property consistent with the standards and procedures cited in ORC Section 4513.65.
- e) Parking of Recreational Equipment. The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:
 - 1) Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
 - 2) Recreational equipment shall not be used for permanent.
 - 3) occupancy.
 - 4) Recreational equipment may be used for temporary occupancy for a period of time not exceeding three (3) months.

18.04 JOINT USE

Two (2) or more uses may jointly provide and use parking spaces, provided that together they meet the parking space requirements of Section 18.06.

18.05 PUBLIC PARKING FACILITIES

- a) Property abutting within five hundred (500) feet of a public parking facility shall not be required to provide or maintain a specific number of off-street parking spaces. All other properties shall conform to [Section 18.06 – Schedule of Required Off-Street Spaces](#), below.
- b) Public parking facilities, including launch points into the Scioto River, maintained by the Township or other political subdivision, shall not be required to provide a specific number of parking spaces. However, the Rural Zoning Commission and Board of Township Trustees can recommend a desired number of parking spaces based on expected traffic.

18.06 SCHEDULE OF REQUIRED OFF-STREET SPACES

Parking spaces shall be provided according to the following schedule of uses that do not apply to [Section 18.05 – Public Parking Facilities](#), above. If a use consists of more than one component use (e.g., a school with a stadium) the required minimum number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule.

- a) Residential. One (1) parking space for every residential dwelling unit on a property.
- b) Commercial. One parking space for every one hundred (100) gross floor area with the following exceptions:
 - 1) Campground: One (1) per each campsite and one per employee for the largest shift
 - 2) Hotels and Motels: One (1) per sleeping room.
 - 3) Office (general/medical/dental): Four (4) spaces per 1,000 square feet of gross building area.
- c) Institutional. One (1) parking space for every five hundred (500) gross floor area with the following exceptions:
 - 1) Assisted living, nursing homes, and hospitals: One (1) for each employee on the largest shift and one (1) for every four (4) beds
 - 2) Places of assembly: One (1) for every six (6) seats in the main area of assembly.
 - 3) Schools: One (1) for every ten (10) students.
 - 4) Daycares: Two (2) spaces per classroom but in no case less than 6 spaces.
- d) Industrial. One-half (0.5) space per 1,000 square feet of gross building area.

18.07 Electric Vehicles

It is not required under this Resolution to provide automobile parking spaces with vehicle charging stations. However, the total number of required automobile off-street parking spaces required by this code shall be reduced by one (1) automobile off-street parking space for every one (1) parking space with a vehicle charging station provided.

ARTICLE 19
Signs

19.01 Purpose.	19.12 Entrance Wall Signs.
19.02 Zoning Permit.	19.13 Drive-Thru Signs.
19.03 Regulations for All Signs.	19.14 Total Maximum Square
19.04 Canopy Signs.	Footage of All Signs.
19.05 Ground-Mounted Signs.	19.15 Temporary Signs.
19.06 Projecting Signs.	19.16 Changeable Copy and
19.07 Wall Signs.	Electronic Message
19.08 Window Signs.	Displays.
19.09 Pylon Signs.	19.17 Murals.
19.10 Way-Finding Signs.	19.18 Billboards.

19.01 PURPOSE

The purpose of the following Sign regulations is to:

- Provide effective and attractive identification for businesses, services, and uses; and
- Provide a reasonable system of regulations for signs as a part of the Township's Zoning Resolution and consistent with state and federal laws.
- Promote reasonable sign standards to limit the aesthetic impact of signs on properties within the Township to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety.
- Attract and direct the public to available activities, goods, and services.
- Enhance the economic value of the community through attractive and effective signage.
- Provide for vehicular and pedestrian safety by prohibiting or restricting distracting signs.

19.02 ZONING PERMIT

Unless otherwise exempted below, a Zoning Permit shall be obtained prior to erecting any Sign in any Zoning District. The following types of Signs are exempt from obtaining a Zoning Permit:

- a) Signs not exceeding two (2) square feet in area that are customarily associated with a Residential Use and are not of a commercial nature, including the address and/or the name of the occupants.
- b) Signs erected by a government entity for a recognized public purpose and duly authorized by any law, statute, or code. Such Signs include legal notices and traffic control devices, provided such Signs carry no supplementary advertising.

- c) Signs that are on the inside of a Structure or Building that are designed or located to not be typically seen from outside the window.
- d) Temporary Signs clearly in the nature of decorations customarily associated with a national, local, or religious holiday. Such Signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- e) All Signs and graphics shall be carefully coordinated with the Building and architecture.

19.03 REGULATIONS FOR ALL SIGNS

The following regulations apply to all Signs within the Township:

- a) Signs shall not be painted directly on the surface of a Fence.
- b) No roof Signs or roof mounted Signs shall be permitted. No part of any Sign shall extend higher than the eave of any building, except when placed on the parapet of a building.
- c) The following permanent signs shall be prohibited: portable displays or mobile display (except sandwich board signs), gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, rotating signs, signs with flashing messages or bare bulbs, signs on backlit awnings, flashing signs, video signs, signs with moving text or pictures, bench signs, and Wallscales.
- d) Each Building and Unit, if applicable, shall have an address number that is clearly visible from the public Right-of-Way. Such Signs shall not require a Zoning Permit.
- e) Original Art Mural and Vintage Art Murals as defined in [Article 2 - Definitions](#), shall only be permitted in accordance with [Section 19.17](#) these regulations.

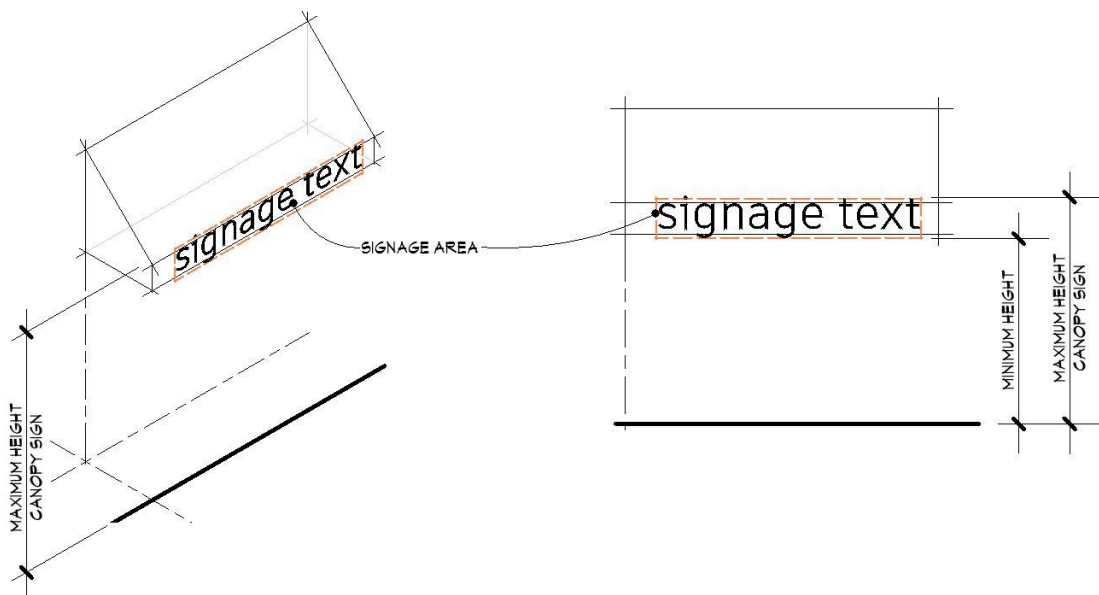
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19.04 CANOPY SIGNS

- a) All Canopy Signs shall comply with the following requirements:

	PEC	PCR, PB, and PUD
Maximum Number of Signs Per Business	1	Per Approved Development Plan
Maximum Square Footage	2 sf/lf of canopy	Per Approved Development Plan
Maximum Height (Feet)	15	Per Approved Development Plan
Minimum Height (Feet)	9	Per Approved Development Plan

- b) Measurement of Canopy Sign Area and Height:

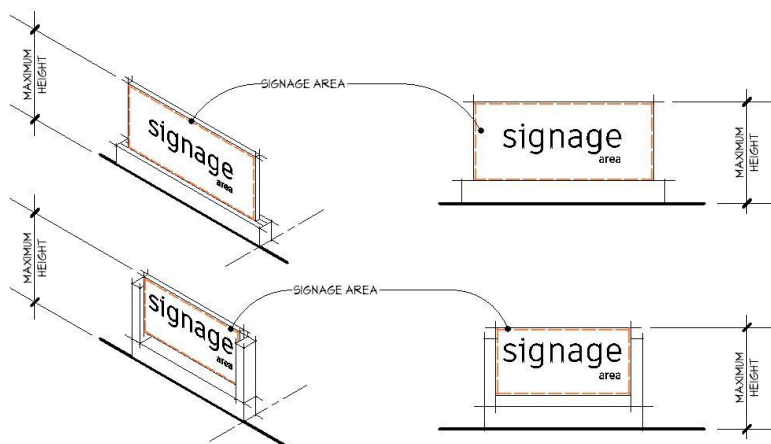


19.05 GROUND-MOUNTED SIGNS

- a) All Ground-Mounted Signs shall comply with the following requirements:

	RR	PEC	PCR, PB, and PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	1	Per Approved Development Plan
Maximum Square Footage	12	40	Per Approved Development Plan
Maximum Height (Feet)	6	8	Per Approved Development Plan
Minimum Distance from ROW (Feet)	10	20	Per Approved Development Plan

- b) The maximum square footage in the above table is per Sign Face. Each Sign Face shall count towards the maximum size of the Sign and total maximum square footage of all Signs. There shall be a maximum of two (2) Sign Faces per Sign.
- c) All Ground-Mounted Signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of Landscaping around all sides of the Ground-Mounted Sign. Signs shall be affixed directly to a base having a width at least equal to that of the sign.
- d) Ground-Mounted Signs shall not be permitted along rear access roads.
- e) Measurement of Ground-Mounted Signs Area and Height:

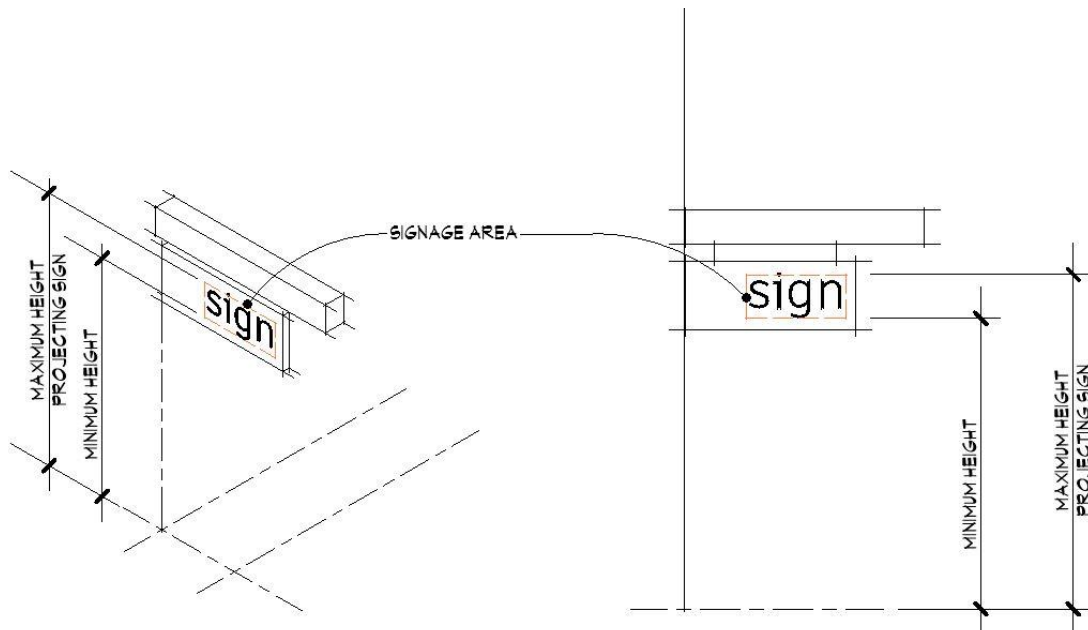


19.06 PROJECTING SIGNS

- a) When permitted, such signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached. Each Sign Face shall count to the maximum size of the sign and total maximum square footage of all Signs. There shall be a maximum of two (2) Sign faces per Sign. Projecting signs are permitted as follows:

	RR	PEC	PCR, PB, PUD
Number of Signs Per Business	1	1	Per Approved Development Plan
Maximum Square Footage	12	24	Per Approved Development Plan
Maximum Height (Feet)	Height of Eave	Height of Eave	Per Approved Development Plan
Minimum Height (Feet)	9	9	Per Approved Development Plan
Maximum Projection from Edge of Building (Feet)	8	8	Per Approved Development Plan

- b) Measurement of Projecting Sign Area and Height:



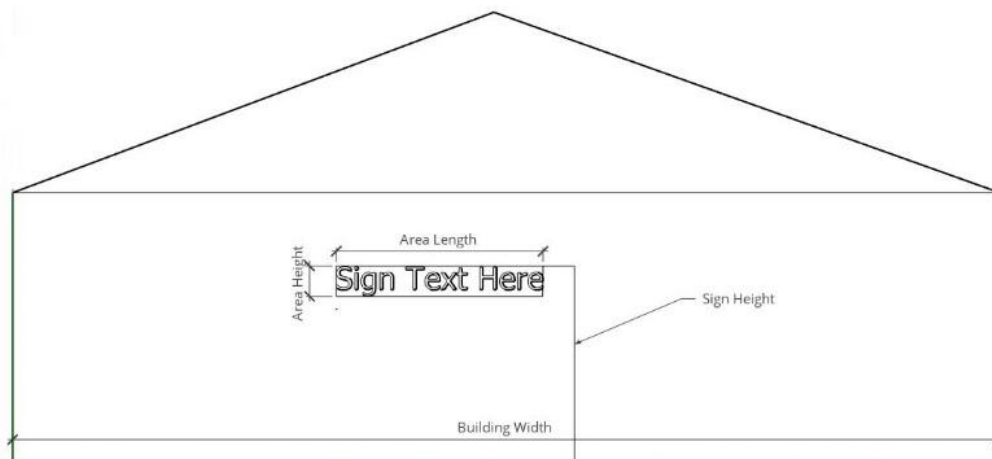
19.07 WALL SIGNS.

- a) All Wall Signs shall comply with the following requirements:

	RR	RR when associated with a Conditional Use	PEC	PCR, PB, PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	1	1	Per Approved Development Plan
Maximum Square Footage	2	12	2 sq. ft. per 1 lineal foot of building width	Per Approved Development Plan
Maximum Height (Feet)	8	15	Height of Eave*	Per Approved Development Plan

*Fractional numbers are rounded down to the lower whole number.

- b) Measurement of Wall Signs Area and Height:



19.08 WINDOW SIGNS

- a) All Window Signs shall comply with the following requirements:

	RR	PEC	PCR, PB, PUD
Maximum Number of Signs Permitted	1 per lot	1 per window	Per Approved Development Plan
Maximum Square Footage	10 percent of window area	25 percent of window area	Per Approved Development Plan
Maximum Height (Feet)	15	15	Per Approved Development Plan

19.09 PYLON SIGNS

- a) All Pylon Signs, which are only permitted in the PEC, PB, and PUD Districts shall comply with the following requirements:

	PEC	PCR, PB, PUD
Maximum Number of Signs Permitted Per Public Road Frontage	1	Per Approved Development Plan
Maximum Square Footage	125	Per Approved Development Plan
Maximum Height (Feet)	35	Per Approved Development Plan
Minimum Distance from ROW (Feet)	20	Per Approved Development Plan

19.10 WAY-FINDING SIGNS

There may be two way finding signs per access driveway connecting to a public or private street. Way finding signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the Right-of-Way and on the property of the user(s) of which they are identifying the entry or exit.

19.11 ENTRANCE WALL SIGN

One sign may be placed on an entrance wall or on each parallel entrance wall as permitted in [Article 12 – Planned Conservation Residential Overlay District \(PCR\)](#). Each sign shall not extend above the height of the wall and shall not exceed fifteen (15) square feet in size. Lighting for said sign(s) shall be restricted to external illumination that complies with [Section 17.11](#). Internal illumination of said Sign is prohibited.

19.12 DRIVE-THRU SIGNS

Signs accessory and adjacent to Drive-Thru food and beverage establishments, car washes, and other similar uses are subject to the following standards:

- a) One large drive-thru board shall be permitted per drive thru lane. Said Sign shall not exceed fifty (50) square feet, must be located a minimum of one (1) foot from and a maximum of five (5) feet from the edge of pavement of the Drive-Thru lane to which it serves and shall not exceed eight (8) feet in height.
- b) One medium drive thru board shall be permitted per drive thru lane. Said Sign shall not exceed fifteen (15) square feet in area, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the Drive-Thru lane to which is serves and shall not exceed eight (8) feet in height.
- c) One small Drive-Thru Sign board shall be permitted per Drive-Thru lane shall be permitted. Said Sign shall not exceed two and half (2.5) square feet area, must be located on the Drive-Thru speaker and shall not exceed five (5) feet in height.
- d) Drive-Thru board signs shall be permitted to have changeable copy electronic display messages provided the graphics and/or words on the sign change no more than once per car service. Video, flashing images or effects, or moving content shall be prohibited.

19.13 TOTAL MAXIMUM SQUARE FOOTAGE OF ALL SIGNS

	Total Maximum Square Footage for All Signs
RR	150 for Internal Lots 250 for Corner or Double Frontage Lots
PCR, PB, PEC, and PUD	Per Approved Development Plan

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19.14 SIGN LIGHTING

Sign lighting shall be consistent, understated, and properly disguised. Unless noted in this code, one of the following methods of lighting may be employed:

- a) A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the Sign, and is otherwise prevented from beaming directly onto adjacent properties or Rights-of-Way.
- b) A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
 - 1) The color temperature of the sign lighting shall not exceed 4,000K.
 - 2) The level of illumination emitted or reflected from a Sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any Right-of-Way or parking lot from which the sign can be viewed.
 - 3) Light fixtures shall be screened from view by site grading or landscaping.

19.15 TEMPORARY SIGNS

The following Temporary Sign regulations apply to all uses within all subareas:

- a) Temporary Signs shall be prohibited within the Right-of-Way.
- b) In all Residential Zoning Districts, three (3) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. In all other Zoning Districts, up to six (6) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height.
- c) In all Zoning Districts, one (1) temporary banner is permitted per parcel per street frontage without a permit. Each temporary banner shall not exceed eight (8) feet in height and thirty-two (32) square feet in area and shall not be displayed for more than fourteen (14) days within any one hundred eighty (180) day period.
- d) In the PEC, PB, and PUD Districts, two (2) Large Temporary Signs shall also be permitted per parcel provided a Sign Zoning Permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
 - 1) Exceed eight (8) feet in height
 - 2) Exceed thirty-two (32) square feet in area (per Sign face)
 - 3) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per

calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. On parcels that are greater than five (5) acres, such signs may be displayed for up to one hundred eighty (180) days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional one hundred eighty (180) days. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. In no case, shall such signs be erected for more than three hundred sixty-five (365) days.

- e) Small and Large Temporary Signs and Temporary Banners shall not count toward the total maximum square footage of signs permitted on a Lot.
- f) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

19.16 CHANGEABLE COPY AND ELECTRONIC MESSAGE DISPLAYS

These Changeable Copy and Electronic Message Display standards are applicable to all signs, except Drive-Thru boards since the purpose of those boards are to service those utilizing the drive thru lane where cars are typically stopped to view said sign. All other changeable copy and electronic messaging displays shall:

- a) Be limited to fifty (50) percent of the overall sign area.
- b) Be static, shall not move, scroll, or flash, and shall not exceed nighttime (one hour after sunset).
- c) Maximum luminance (cd/m²) of forty (40).
- d) Be turned off at the latter of 11:30 p.m. or one hour after the close of business and shall remain off until 6:30 a.m. the following morning.

19.17 MURALS

- a) Original Art Mural Requirements. Original Art Murals that meet all the following requirements shall be issued a Mural Permit by the Zoning Inspector:
 - i) Original Art Murals are permitted only in the PB, PEC, and PUD districts.
 - ii) The mural shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the

applicant agrees to maintain the mural in accordance with this regulation.

- iii) The applicant, if different from the property owner, must obtain an affidavit from the building's owner giving permission for the applicant to adhere the mural to the building.
- iv) There shall be no more than one Original Art Mural per parcel or per building, whichever is more restrictive.
- v) Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings.
- vi) No part of the Mural shall exceed the height of the structure to which it is tiled or painted.
- vii) The materials or paint utilized to create the mural shall be weatherproofed or resistant to wear.
- viii) The Mural shall be properly maintained through repair and paint, or any necessary treatment to prevent decay. Defective or insufficient weather protection for exterior treatments and façades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in Section 4.10.03 of this code.
- ix) Murals on properties within any planned district must be part of the originally approved development plan or an amendment to said plan must be approved by [Section 3.06\(k\)](#) prior to the Rural Zoning Commission issuing a Zoning Permit.
- x) Murals that would result in a property becoming out of compliance with any other Township Resolutions shall be prohibited.

- b) Vintage Art Mural Requirements. All Murals created prior to the date of adoption of this code shall be considered existing non-conforming and may be maintained in accordance with [Article 5](#) of this code.

19.18 Billboards

- a) Billboards. Billboard shall be permitted in the PB and PUD Districts and shall be subject to the following conditions:
 - 1) Billboards shall be allowed only on properties having direct frontage on state or federal highways designated as on the primary system. Not more than one (1) billboard shall be allowed on any single property existing as of the effective date of this amendment. The erection of all billboards shall comply with all federal and state requirements.
 - 2) Any billboard shall maintain a maximum height of forty-five (45) feet. The maximum display area for any billboard shall not exceed 300 square feet per side.

- 3) Said billboard structures must be set back from the established right-of-way of any roadway not less than one hundred (100) feet
- 4) At a property at any intersection, any billboard structure shall not be located less than two hundred (200) feet from the established right-of-way line of each highway or thoroughfare, or in such other manner as to interfere with, or obstruct clear vision of such intersection in any direction for a distance of 250 feet.
- 5) No such billboard structure shall be permitted to face the front or side lotline of any lot or parcel of land that abuts a district that permits residential uses and is within three hundred (300) feet of such lot line.
- 6) No billboard shall be erected within 1,500 feet from any other billboard.

ARTICLE 20
Extraction of Natural Resources

20.01 General Requirements**20.02 Applicant – Financial Ability****20.03 Application, Contents,
Procedure****20.04 Public Hearing****20.05 Rehabilitation****20.06 Additional Requirement**

20.01 GENERAL REQUIREMENTS

Any owner, lessee, or other person, firm, or corporation having an interest in mineral lands in any AG District may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that he or she shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

- a) Distance from Property Lines. No quarrying operation shall be carried on or any stockpile placed closer than 100 feet to any property line unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property.
- b) Distance from Public Right-of-Way. In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation or any stockpile from such operation shall take place closer than one hundred (100) horizontal feet to the nearest line of such right-of-way.
- c) Fencing. Fencing shall be erected and maintained at a height of six (6) feet around the entire site or portions thereof where in the opinion of the Board of Appeals such fencing is necessary for the protection of public safety and shall be of a type specified by the Board.
- d) Equipment. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
- e) Processing. The crushing, washing, and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations or the district in which the operation is located.

20.02 APPLICANT – FINANCIAL ABILITY

In accepting such plan for review, the Board of Zoning Appeals must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

20.03 APPLICATION – CONTENTS, PROCEDURE

An application for such an extraction operation shall set forth the following information:

- a) Name of the owner(s) of land from which removal is to be made;
- b) Name of the applicant making request for such permit;
- c) Name of the person or corporation conducting the actual extraction operation;
- d) Location, description, and size of the area from which removal is to be made;
- e) Location of processing plant used, if applicable;
- f) Type of resources or minerals to be removed;
- g) Proposed method of removal and whether or not blasting or other use of explosives will be required;
- h) Description of equipment to be used; and
- i) Method of rehabilitation and reclamation of the extraction area.

20.04 PUBLIC HEARING

Upon receipt of such application, the Board of Appeals shall set the matter for a public hearing in accordance with the provisions of [Section 6.05\(b\)](#).

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20.05 REHABILITATION

To guarantee the restoration, rehabilitation, and reclamation of a mined-out area, every applicant granted a mining permit as herein provided shall furnish a performance bond running to the township in an amount of not less than \$1,000 and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

- a) Surface Rehabilitation. All excavation shall be made either to a water-producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, noninflammable, and noncombustible solids, to secure:
 - 1) That the excavated area shall not collect and permit to remain therein stagnant water.
 - 2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- b) Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.
- c) Banks of Excavations Not Backfilled. The banks of all excavations not backfilled shall be sloped to the waterline at a foot vertical, and shall not be less than three feet horizontal to one foot vertical; said bank shall be seeded.

20.06 ADDITIONAL REQUIREMENTS

In addition to the foregoing, the Board may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest. Prior to issuance of the permit, the Board shall determine the said conditions and the amount of the performance bond.

ARTICLE 21
Adult Entertainment Facilities

21.01 Rationale and Findings.**21.03 Criteria.****21.02 Definitions.****21.04 Severability.**

21.01 RATIONALE AND FINDINGS

- a) **Purpose.** In enacting this Code, pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Township Board of Trustees makes the following statement of intents and findings:
- 1) That Adult Entertainment Businesses require special supervision from the public safety agencies of the Township in order to protect and preserve the health, safety, and general welfare of the patrons and employees of the business as well as the citizens of the Township.
 - 2) That Adult Entertainment Businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
 - 3) That the concern over sexually transmitted diseases is a legitimate health concern of the Township which demands reasonable regulation of Adult Entertainment Businesses by the Township in the specified manner, and expanded authority for reasonable regulation of Adult Entertainment Businesses by local governments, in order to protect the health and well-being of the citizens.
 - 4) That minimal regulations enacted by the Township are a legitimate and reasonable means of accountability to ensure that operators of Adult Entertainment Businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
 - 5) There is convincing documented evidence that Adult Entertainment Businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increase crime – particularly in the overnight hours, and downgrade property values.
 - 6) The Township Board of Trustees desires to minimize and control these adverse effects by regulating Adult Entertainment in the specified manner. And by minimizing and controlling these adverse effects, the Township Board of Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.
 - 7) It is determined that the current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people and that expanded regulation of Adult Entertainment Businesses is necessary.

- 8) It is not the intent of the Township Board of Trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of Adult Entertainment Businesses.
 - 9) It is not the intent of the Township Board of Trustees to condone or legitimize the distribution of obscene material, and the Township Board of Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.
- b) It is the intent of the Township Board of Trustees in enacting this Code to regulate Adult Entertainment Businesses in the specified manner in order to promote the health, safety, and general welfare of the citizens of the Township and establish reasonable regulations to prevent the deleterious secondary effects of Adult Entertainment Businesses within the Township. The provisions of this Code have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including Sexually Oriented Materials. Similarly, it is not the intent of the Township Board of Trustees in enacting this Code to restrict or deny, or authorize the restriction or denial of, access by adults to Sexually Oriented Materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of Adult Entertainment and Sexually Oriented Materials to their intended market. Neither is it the intent nor the effect of the Township Board of Trustees in enacting this Code to condone or legitimize the distribution or exhibition of obscene material.
- c) Findings and Rationale. Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 440 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and*

County of Denver (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; *729, Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the Township Board of Trustees' independent review of the same), the Township Board of Trustees finds:

- 1) Adult Entertainment Businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
- 2) Certain employees of Adult Entertainment Businesses, as defined in this Ordinance as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.

- 3) Sexual acts, including masturbation and oral and anal sex, occur at Adult Entertainment Businesses, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The “couch dances” or “lap dances” that frequently occur in Adult Entertainment Businesses featuring live nude or seminude dancers constitute or may constitute the offense of “engaging in prostitution” under Section 2907.25 of the Ohio Revised Code.
- 4) Offering and providing private or semi-private booths or cubicles encourages such activities, which create unhealthy conditions.
- 5) Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those Adult Entertainment Businesses.
- 6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal an ureoplasmal infections, trichomoniasis, and chancroid.
- 7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.
- 8) A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.
- 9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
- 10) The number of cases of early (less than one year) syphilis in the Unites States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.
- 11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- 12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
- 13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- 14) Sanitary conditions in some Adult Entertainment Businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the

owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

- 15) The findings noted in divisions 21.01(c)(1) to (14) of this section raise substantial governmental concerns.
- 16) Adult Entertainment Businesses have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.
- 17) The enactment of this Ordinance will promote the health, safety, and general welfare of the citizens of the Township.

21.02 DEFINITIONS

The words in this Article shall have the meanings therein respectively ascribed to them by Article 2 of this Code unless a different meaning is clearly indicated by the context.

21.03 CRITERIA

- a) Adult Entertainment Businesses shall be considered a Conditional Use in the PEC District, subject to the following conditions:
 - 1) No Adult Entertainment Business shall be established within 500 feet of any Residential District or any single or multi-family use.
 - 2) No Adult Entertainment Business shall be established within a radius of 500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
 - 3) No Adult Entertainment Business shall be established within a radius of 500 feet of a nursery, preschool or daycare facility.
 - 4) No Adult Entertainment Business shall be established within a radius of 500 feet of any park or recreational facility attended by persons under eighteen (18) years of age.
 - 5) No Adult Entertainment Business shall be established within a radius of 500 feet of any church, synagogue, or worship facility.
 - 6) No Adult Entertainment Business shall be established within a radius of 500 feet of any other Adult Entertainment Business.
 - 7) Lighting on the exterior of the building shall be arranged to illuminate the entire off-street parking area with sufficient intensity to provide illumination of not less than one (1.0) foot candles as measured at the floor level.
- b) The distances as cited in this section above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the building in which the proposed Adult Entertainment Business is to be located, to the nearest point of the property line, or District from which the proposed Adult Entertainment Business is to be separated.

21.04 SEVERABILITY

This ordinance and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.