CHAPTER 8

SUPPLEMENTARY REGULATIONS

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Section A – Performance Standards to Regulate Potential Hazards and Nuisances

The following minimum standards shall apply to all uses within their permitted Districts.

1. Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
2. Air Pollution. No emission of air pollutants shall be permitted which violates the Clean Air Act Amendments of 1977 as enforced by the Ohio Environmental Protection Agency.
3. Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
4. Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
5. Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
6. Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
7. Odors. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
8. Toxic Materials. No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.

Section A (continued)

9. Chemicals. The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other material shall be permitted subject to the following conditions:

   a) No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.

   b) The storage, utilization, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.

   c) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors of gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above-ground storage shall be in enclosed fireproof vaults.

   d) The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids".

10. Radioactivity. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:

    a) The applicable regulations of the Atomic Energy Commission.

    b) The applicable regulations of any agency of the State of Ohio.

Section B – Regulation of Accessory Uses

1. In each District, unless otherwise specifically prohibited, any use, building, and/or structure customarily incidental and accessory to a Permitted Use, structure, and/or building in such District may be permitted. [eff: 11-6-08]

2. Without limiting the provisions of Subsection 1, above, the following specific uses, structures, and/or buildings shall be deemed accessory:

   a) Living quarters of persons employed on the premises, provided the same do not contain kitchen facilities and/or are not rented or otherwise used as a separate dwelling.

   b) Keeping of not more than two (2) roomers and/or boarders by a resident family.

   c) Private landing fields for aircraft in the A-1 District only, provided:

      1) The private landing field shall be used primarily for non-commercial aircraft and/or aircraft for agricultural purposes, belonging to or used by the property owner or resident of the building or use to which it is accessory; and

2) The use of the property for a private landing field shall meet the appropriate standards and requirements of the Federal Aviation Administration.

d) Temporary buildings for uses incidental to construction work while construction is in progress.

e) Swimming Pools – Outdoor [eff: 11-06-08]

1) Private swimming pools on lots with Single-Family dwellings shall conform with the following regulations:

a) Below Ground Swimming Pools:

1) The swimming pool is intended for and is to be used solely for the enjoyment of the occupants, and their guests, of the dwelling unit on the property on which it is located.

2) The swimming pool shall be located completely in the rear yard and shall not be located closer than ten (10) feet to the principal structure or any property line.

3) The swimming pool or yard shall be surrounded by a four (4) foot wall or fence. Such wall or fence shall be maintained in good condition and properly secured to prevent uncontrolled access.

b) Above Ground Swimming Pools:

1) Above ground pools must comply with subsections (1), a), 1) and (1), a), 2) above. If the sides of the above ground pool are less than four (4) feet high above ground level and/or access is not blocked by locking stairs, the swimming pool or rear yard shall be surrounded by a four (4) foot wall or fence. Such wall or fence shall be maintained in good condition and properly secured to prevent uncontrolled access.

2) Swimming Pools in Multi-Family and/or Condominium Residential Developments – A pool(s) that is located within and is designed to service specifically a multi-family and/or condominium development shall be permitted as an accessory use(s) irrespective of whether or not such pool is owned or operated by a Home-Owners' Association and shall be subject to the same yard requirements as those listed for principal structures in that district. The swimming pool shall be walled or fenced to prevent uncontrolled access to the pool. Such wall or fence shall not be less than six (6) feet in height and access to such pool shall be adequately controlled by gate and lock.

3) Community, Commercial, or Club Pools – Where permitted by these Regulations, community, commercial, or club pools – to be interpreted as being used for the enjoyment of the members and families, and guests of members of the association or club under whose jurisdiction the pool is operated – shall be walled or fenced to prevent uncontrolled access to the pool. Such wall or fence shall not be less than six (6) feet in height and access to such pool shall be adequately controlled by gate and lock. The pool and all accessory structures including decks or areas used by bathers, shall not be closer than fifty (50) feet to any property line.

4) Any outdoor swimming pool which is permanently drained and/or not properly maintained shall be considered a nuisance and must be filled in or properly maintained.

f) Utility or storage building which occupies 120 square feet of area or more. [eff: 10-17-85]

Section B (continued)

g) Notwithstanding other provisions of these Regulations, a dwelling unit which is accessory to a commercial use and which is located within the principal building may be permitted but only upon the approval of the Zoning Inspector. [eff: 11-6-08]

h) Accessory Family Suite: An accessory suite, as an independent living unit, may be permitted, provided it meets all of the following conditions as determined by the Zoning Inspector: [eff: 12-17-09]

1) The accessory suite must be located in the principal dwelling and must be subservient to the principal use of the property as a dwelling;

2) Maximum size of the suite shall not exceed 600 square feet or 25% of the square footage of the principal dwelling whichever is more;

3) Public water and sewer must be provided or the lot must be adequately sized for an on-site system, approved by the Clark County Health Department, to serve both the principal residence and the accessory suite;

4) The property owner must live within the principal structure;

5) The accessory suite shall be occupied only by a member of the family of the owner of the principal dwelling;

6) The structure shall comply with the requirements of the Ohio Residential Building Code;

7) Only one (1) set of utilities shall be permitted for the entire structure; and

8) Free flowing access between the principal dwelling unit and accessory suite shall be required.

3. An accessory building shall be erected detached from the principal building. An accessory building, such as garage, which is attached to the principal building, either directly or connected by an enclosed breezeway, is no longer considered an accessory building and must meet the setback requirements of the principal building. [eff: 11-6-08]

a) A detached accessory building shall only be erected in a rear yard, except that a private detached garage may be erected in a rear or side yard. If a private detached garage is located in a side yard, the side yard requirements of the principal building shall be met. [eff: 11-6-08]

b) Notwithstanding other provisions of the Regulations, a detached accessory building may be constructed in the front yard provided it is at least 300' from the road right-of-way. [eff: 11-6-08]

c) Where the natural grade of a lot at the front line of the principal building is such as to result in a driveway having a grade of twelve (12) percent or greater, a private detached garage may be erected within the front yard, but not within six (6) feet of any street right-of-way, provided that at least one-half (½) of the height of such detached garage shall be below the level of the yard, measured at the street level of the front line of the principal building.

d) No detached accessory building shall occupy more than twenty-five (25) percent of the area of the required side or rear yard. For computing the percentage of occupancy of a side or rear yard, if a detached building is connected to the principal building by a breezeway, the ground area of such a breezeway shall be considered as a part of the accessory building and shall be included in the computation.

Section B (continued)

4. An accessory building shall not exceed the maximum allowable height as noted in TABLE 8.1 and the distance of such building from other separate buildings on the same lot shall be at least six (6) feet, except that a breezeway, at least six (6) feet in length, may connect an accessory building with a principal building. [eff: 11-6-08]
5. Accessory buildings not covered by other provisions of these Regulations must be located in the rear yard and shall be located at least five (5) feet from a side or rear lot line. [eff: 11-6-08]
6. Location, Numbering, and Size of Residential Accessory Buildings. [eff: 11-6-08]
   a) Unless otherwise permitted by this Zoning Resolution, a lot of less than one (1) acre zoned Residential or used for residential purposes, shall contain no more than two (2) accessory buildings and the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1
   b) When two (2) or more accessory buildings are located on a lot utilized for residential purposes, the sum of their square footage shall not exceed the maximum square footage noted in TABLE 8.1.
   c) Accessory building development standards shall be based upon the following table and requirements:

TABLE 8.1 – Accessory Building Development Standards [eff: 11-6-08]

Lot Size	Maximum Size of Accessory Building(s)	Maximum Height	Set-Back From Side or Rear Property Lines (When located in rear yard)
Under one (1) acre	800 square feet	18 feet	5 feet
Equal to or greater than one (1) acre but less than two (2) acres	1,600 square feet	20 feet	5 feet
Equal to or greater than two (2) acre but less than three (3) acres	2,400 square feet	25 feet	10 feet
Equal to or greater than three (3) acre but less than four (4) acres	3,200 square feet	25 feet	10 feet
Equal to or greater than four (4) acre but less than five (5) acres	4,000 square feet	25 feet	10 feet
Five (5) or more acres (non-agricultural)	4,800 square feet	25 feet	10 feet

7. Accessory buildings shall not infringe on sanitary or water systems. The location of accessory buildings shall comply with all applicable Clark County Board of Health and/or Ohio Environmental Protection Agency regulations. [eff: 11-6-08]
8. Accessory buildings in excess of two hundred (200) square feet shall be subject to compliance with the Clark County Building Code. [eff: 11-6-08]

Section C – Restricted Business or Industrial Accessory Parking Areas

The Board of Zoning Appeals may authorize, as a Conditional Use, the establishment and operation of any off-street parking area in such parts of any A-1, or "R" District that abut at least fifty (50) feet, either directly or across an alley, a "B", O-1, or I-1 District, subject to the following conditions and requirements:

1. The parking lot shall be accessory to and for use only in connection with one (1) or more business or industrial/warehouse/wholesale establishment located in an adjoining "B", O-1, or I-1 District.
2. Each entrance and exit to and from such parking lot shall be located only along a major or secondary thoroughfare, and shall be at least twenty (20) feet distant from any adjacent property located in any "R" District.
3. The parking lot shall be subject to the requirements for off-street parking contained in Chapter 5, and shall comply with all applicable requirements for fencing, screening, and landscaping contained in Section E of this Chapter. The parking lot shall further be subject to any other conditions or requirements with respect to development, maintenance, and operation which the Board of Zoning Appeals deems necessary or desirable for the protection of adjacent property or the public interest.
4. No sign of any kind, other than those designating entrances, exits, and conditions of use, shall be maintained on such parking lot.
5. The parking or storage of motor vehicles, recreational vehicles, or trailers of any type for periods of time exceeding twenty-four (24) hours shall not be permitted.

Section D – Regulations of Permitted Temporary Uses

1. The temporary use of a structure or premises for a purpose or use that does not conform to the requirements prescribed elsewhere in these Regulations for the District in which it is located, provided that such use be of a temporary nature and that the use does not involve the erection of a substantial structure, may be permitted subject to the requirements herein stated, and subject to such conditions as will safeguard the public health, safety, convenience, and general welfare. The Zoning Inspector may inspect any temporary use at any time and may request evidence from the property owner and/or occupant that they are in compliance with the required conditions as stated for each temporary use. A Zoning Certificate is not required for the following temporary uses: [eff: 10-17-85]
   a) Orderly display at an automotive service station building of canned fluids, lubricants, and/or tires not required for immediate servicing of automobiles, and display of other products normally sold at service stations. Such display shall be setback not less than ten (10) feet from the front lot line and not less than five (5) feet from any side or rear lot line.
   b) Promotional activities of retail merchants, located in any Business District, involving the display of goods and merchandise may be conducted outside of enclosed buildings for a time period of not more than fourteen (14) days in any three (3) month period. Goods and merchandise that will be used in the promotional activity and are also for sale within the building may be displayed subject to the following conditions:
      1) No portion of the display shall be on or over publicly owned property, except for sidewalk sales. Public access shall be maintained throughout such sales.
      2) No food or drink shall be dispensed outside the building except in accordance with standards and prior written approval of the Clark County Health Department.

Section D (continued)

c) Garage sales, yard sales, and rummage sales shall be permitted at individual dwellings in the A-1, "R", PUD and R-MHP Districts, not to exceed two (2) times per calendar year for a total time not to exceed seven (7) days per calendar year. No more than two (2) signs (not to exceed 4 sq. ft. each) per sale shall be permitted.

d) Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development, to continue only until the sale or lease of all dwelling units within the development.

e) Contractor's office, trailer, and equipment shed (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.

f) Christmas tree sales in the Industrial district or in any "B" district for a time period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.

g) Open-air carnivals or tent circuses, but only in the Industrial or General Business District, and then only for a time period that does not exceed one (1) week. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.

h) Festivals sponsored by non-profit organizations in any District for a time period of only three (3) days. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.

i) The posting of portable signs and billboards announcing a special event or advertising a product or service for a time period may not exceed ninety (90) days per calendar year. The additional requirements contained in Chapter 6, Section B shall also apply.

2. All of the above described retail, office, and entertainment functions and operations shall be conducted and all merchandise displayed in an orderly and safe manner, free from injurious or offensive effects to the occupants of adjacent premises and to the public in general, and shall be effectively screened from adjoining "R" Districts where required by the Zoning Inspector.

Section E – Required Fencing, Screening, and Landscaping

1. Statement of Intent The intent of this Section is to outline the regulations of fencing, screening, and landscaping which will serve to provide for orderly transition between land uses, to protect and screen private property, to inhibit access to industrial and commercial sites, to give security and privacy to residents, to provide a physical and visual barrier, to reduce wind and modify climate, to define property lines, to identify and emphasize entrances, to create and define outdoor living space, and to generally improve the aesthetic appearance of a site.

Section E (continued)

2. Design Standards

a) No fence, wall, or screen may be located in any front yard except as provided below:

1) Hedges not to exceed six (6) feet in height may be located in any front yard, but shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.

2) A fence or wall may be located in any front yard as follows:

a) The height of any fence or wall shall not exceed four (4) feet above the ground at any point, except that in instances where single-family homes front on major or secondary thoroughfares, such ornamental fences or walls shall be not more than six (6) feet in height.

b) Such fence or wall shall be subject to any traffic visibility requirements imposed by the Zoning Inspector. [eff: 4-4-96]

c) Such fence or wall on a corner lot shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.

b) A fence, wall, or screen may be located in any rear or side yard, provided that:

1) The height of the fence, wall, or screen shall not exceed six (6) feet above the ground.

2) A fence or wall not to exceed ten (10) feet in height shall be permitted surrounding tennis courts in any rear yard.

c) A fence, wall, or screen shall be located between land uses according to the following:

1) Whenever a business or industrial use is located on a lot which adjoins a Residential District, an effective buffer or screen consisting of a solid wall or fence, landscaped earth mound, or view-obscuring dense planting, or various combinations thereof, shall be provided at the lot lines adjoining residential uses. Such masonry wall, wooden fence, or earth mound shall not be less than five (5) nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy for the adjacent residential property owner, and shall be maintained in good condition by the Owner. The proposed fencing, screening, and/or landscaping shall be subject to the approval of the Zoning Inspector.

2) Any premise which is used or intended to be used, as permitted by these Regulations, for auto wrecking or for the open storage of auto bodies, or other metal, glass, bottles, rags, cans, sacks, rubber, paper, or other articles commonly known as junk, or for any articles known as secondhand goods, wares, or merchandise, must be enclosed with a masonry wall or tight board or similar fence not less than six (6) feet high, painted a neutral color, and continuously maintained in good and sightly condition. The fence is to be constructed of an opaque material. [eff: 3-29-90]

d) When any open off-street parking or loading area used for any nonresidential purpose containing more than two (2) spaces is not separated from an “R” District by a dedicated street, an effective buffer or screen, consisting of a solid wall, fence, landscaped earth-mound, or view-obscuring dense planting of evergreen shrubs, hedge tree line, mass tree planting, or various combinations thereof, shall be provided at the lot lines adjoining said “R” District. Such wall, fence, or earth mound shall be not less than four (4) nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy of the adjacent residential property owner, and shall be maintained in good condition by the owner. Exception to this height requirement occurs at the immediate exit point from the parking or loading/unloading area.

Section E (continued)

e) All open-off-street parking or loading/unloading areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be maintained in good condition by the owner.

f) All commercial, industrial, multiple-family residential, and office uses that provide trash and/or garbage collection areas shall enclose such areas on at least three sides by a solid wall or fence at least five (5) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the Zoning Inspector, shall be required.

g) A security fence provided for a school, park, business, and/or industry in any District shall be an open fence with a ratio of the open portion to the solid portion of not less than six-to-one (6:1), not more than ten (10) feet in height, and located in a side or rear yard.

h) Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements in this Section.

i) Any and all plants required by these Regulations which become diseased or dead shall be removed and replaced with healthy specimens by and at the expense of the property owner.

j) All fences, screens, and landscaping required by the provisions of this Section shall meet with the approval of the Clark County Zoning Inspector.

3. A fence or wall, not to exceed ten (10) feet in height, may be required to confine dogs and provide security to residents. [eff: 4-4-96]

Section F – Allowable Modifications of Yard Requirements

1. Supplementary Yard Requirements

a) In any "R" District in which the average existing front yard setback on two (2) or more lots located within one hundred (100) feet and in the same block as the lot in question is either less or greater than the minimum front yard requirement specified in the appropriate section of Chapter 2 of these Regulations, the front yard requirements shall be modified as follows:

1) The modified front yard shall not be less than the average setback of the existing front yards of the two (2) lots immediately adjacent to the lot in question, or if a corner lot, then the same as the setback on the immediately adjacent lot; and

2) In no case shall any front yard be modified to require less than ten (10) feet nor more than fifty (50) feet.

b) On all corner lots, all yards which front on streets shall be considered front yards, and as such, shall meet the minimum front yard requirement specified for the District in which such lot is located. Of the remaining yards, one yard shall meet the minimum rear yard setback requirements while the other remaining yard shall meet the minimum side yard setback requirements.

c) On all lots having frontage on two (2) streets which do not intersect, the minimum front yard setback specified for the District in which the lot is located shall apply to each yard with street frontage; such lots need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard.

Section F (continued)

d) In computing the depth of the rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (½) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

e) Each side yard shall be increased in width by two (2) inches in any "R" District for each foot by which the length of the side wall of the building adjacent to the side yard exceeds forty (40) feet.

f) Side yard width may be varied where the side wall of a building is not parallel with one (1) side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall be not less than the otherwise required least width. Such side yard, however, shall not be narrower at any point than one-half (½) the otherwise required least width, or narrower than three (3) feet in any case. This requirement notwithstanding, no new addition to any building shall encroach upon the minimum required side yard.

g) The width of one (1) side yard may be reduced when authorized by the Board of Zoning Appeals in the case of a single-family or two-family dwelling, to a width not less than three (3) feet if the sum of the widths of the two (2) side yards is not less than the required minimum, and if the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than the required minimum sum of the widths of two (2) side yards. Such reduction may be authorized only when the Board of Zoning Appeals finds it to be warranted by the location of existing buildings or conducive to the desirable development of two (2) or more lots.

h) In all districts the minimum lot width requirement may be reduced by one-third if the lot has side lot lines radial to the center of a cul-de-sac as defined herein, but in no case shall the minimum lot width be less than forty (40) feet. [eff: 4-4-96]

i) On a lot adjoining any Zoning District boundary line, which lot is situated in the less restricted Zoning District, any abutting side or rear yard shall have a minimum width and depth equal to the average of the required minimum width or depth for such side or rear yards in the two (2) Districts on either side of such Zoning District boundary line, unless subject to greater restrictions or requirements by other provisions of these Regulations. In case the height of a proposed structure on such lot in the less restricted District is greater than the maximum height permitted in the adjoining more restricted District, the minimum width or depth of the side or rear yard for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted District by one (1) foot for each two (2) feet by which the proposed structure exceed the maximum height permitted in said more restrict District.

j) For 1, 2, or 3 family dwelling units, the minimum side yards ("least width" and "sum of both") may be modified on an existing lot of record which has less than the minimum frontage of the District in which it is located. Said least width may be modified to not less than 10% of the lot width except as permitted by (g) above and the sum of both side yards may be modified to not less than 30% of the lot width. For 1, 2, or 3 family dwelling units located on existing lots having a lot depth which is less than the lot width, then the rear yard setback need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet. [eff: 2-14-85]

Section F (continued)

2. Projections Into Yards

   a) There may be projections into required yard areas as follows:

      1) Architectural features such as canopies, cornices, eaves, other similar features may project a distance of not more than two (2) feet, six (6) inches.

      2) Outside stairs and landings without cover may project a distance not more than six (6) feet in front or rear yards but in no case shall any such outside stair or landing extend above the entrance.

      3) Fire escapes may project not more than four (4) feet, six (6) inches.

      4) Patios and open porches may be located in side and rear yards provided they are not closer than six (6) feet to any adjacent property line. In case of the corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard. [eff: 12-17-09]

      5) Front porches may project into a front yard a distance not to exceed eight (8) feet, provided it is open on three (3) sides, except for railings or banisters.

      6) Bay windows, balconies, and chimneys may project into a yard for a distance not to exceed three (3) feet, provided, however, that the aggregated width of such projection does not exceed one-third (1/3) of the length of the wall upon which it is located.

   b) Subject to the limitations in Subsection 2 a) above, the above named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one-fifty (1/5) of the required least width or such side yard, but not exceeding three (3) feet in any case.

Section G – Parking and Storage of Recreational Vehicles, Utility Trailers, Boats, Disabled Vehicles, School Buses, and Semitrailers

1. Recreational vehicles, utility trailers, and boats, not including mobile homes as herein defined, may be parked or stored only in an A-1, any "R" District, or PUD District subject to the following:

   a) Such camping and recreation equipment may be parked or stored entirely within an enclosed building, or if not within an enclosed building, shall be parked or stored in the side or rear yard not less than three (3) feet from any lot line. In the case of a corner lot, the street side yard shall be considered a front yard and no camping or other recreation equipment shall be parked or stored thereupon. In no case shall any camping or other recreation equipment be parked or stored on any public road.

   b) Notwithstanding the provisions of Subsection a) above, camping and recreation equipment may be parked or stored in the front yard subject to all of the following:

      1) The Zoning Inspector finds that compliance with Subsection a) above is not possible.

      2) Such equipment shall be parked or stored at least three (3) feet from adjoining property and at least five (5) feet from the street right-of-way, provided however in no case shall the visibility of vehicular traffic upon a public street or alley or visibility of vehicles entering or leaving properties in the area be hindered so as to create a hazardous condition as determined by the Zoning Inspector or other official.

      3) Such equipment is parked or stored on concrete, asphalt, gravel, or similar surface. [eff: 2-28-85]

c) Notwithstanding the provisions of this Subsection, camping and other recreation equipment may be parked at any point on a lot for loading and unloading purposes for a period of time not to exceed forty-eight (48) hours.

d) No such camping or recreation equipment shall have fixed connections to electricity, gas, water, or sanitary sewer facilities, nor shall such equipment be used as a dwelling in any case.

2. No real property owner or occupant shall cause or permit a motor vehicle to be parked or stored in any district in the open for 7 days or longer when either of the following applies:

   a) The motor vehicle is apparently disabled as defined in Chapter 10. [eff: 3-29-90]

   b) The motor vehicle does not bear a valid current license plate. [eff: 3-29-90]

   c) This section shall not apply to:

      1) Any vehicle stored in an enclosed building.

      2) Licensed junk yards or scrap metal processing facilities per Ohio Revised Code, Section 4737.05 to Section 4737.12.

      3) Collector's vehicles which bear a current validation sticker and a "Collector's Vehicle" license plate as described in Section 4503.45 of the Ohio Revised Code.

      4) Historical vehicles which bear a current validation sticker and a "Historic Vehicle-Ohio" license plate as described in Section 4503.181 of the Ohio Revised Code.

      5) Road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour, or less, threshing machinery, hay bailing machinery, corn sheller, hammermill and agricultural tractors and machinery used in the production of horticultural, agricultural, and vegetable products.

   d) Procedure:

      Notification by certified mail that the real property owner or occupant shall have thirty (30) days after receipt of the letter to either:

      1) Remove the vehicle(s) from the premises,

      2) Store or park said vehicle(s) in an enclosed building; or

      3) Meet the standards for a non-disabled vehicle.

3. School Buses may be parked or stored in the A-1, O-1, and I-1 Districts or in any "B" District. If parked or stored in any "R" District, school buses may be parked or stored entirely within an enclosed building, or if not within an enclosed building, shall be parked or stored in the side or rear yard not less than three (3) feet from any lot line. In the case of a corner lot in an "R" District, the street side yard shall be considered a front yard and no school bus shall be parked or stored thereupon. [eff: 3-29-90]

4. Semitrailers and other commercial vehicles may be parked or stored in the I-1 District or in any B-3 or B-4 District. Whenever the adjoining lot is in the A-1, or any "R" District, the semitrailers or other commercial vehicles shall be parked or stored a distance of thirty (30) feet from such lot line. [eff: 3-29-90]

Section H – Miscellaneous

1. Frontage Required: All lots created after the adoption of these Regulations shall have frontage on a public dedicated and accepted thoroughfare other than a controlled or limited access thoroughfare.

   a) The minimum frontage for each lot, parcel, or tract shall be as noted in Chapter 2. [eff: 4-4-96]

   b) Notwithstanding other sections of these Regulations, lots, parcels, or tracts created after the adoption of these regulations shall have the minimum frontage (in accordance with 1. above) as follows: [eff: 4-4-96]

LOT SIZE:	MINIMUM FRONTAGE:
5 to 10 Acres	250 feet
More than 10 Acres	350 feet

2. Unsafe Buildings: Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

3. Exceptions to Height Limitations: The building height limitations set forth in these Regulations shall not apply to structures such as church spires, domes, flag poles, windmills, chimneys, cooling towers, smokestacks, tanks, water towers, transmission and receiving towers, private radio and television antennas, observation towers, fire towers, barns, silos, or necessary mechanical appurtenances which may be erected to any safe and lawful height; or to parapet walls extending not more than four (4) feet above the limiting height of the building or structure; or to places of public assembly in churches, schools, or other permitted public and quasi-public buildings, provided that the places of public assembly are located on the first floor of such buildings and provided that, for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the District, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the District. In no instance shall such structures occupy more than twenty-five (25) percent of the area of the lot, nor extend higher than the distance between the structure and any lot line of the lot upon which the structure is located. The Board of Zoning Appeals may permit the extension upward of a building existing at the time of enactment of these Regulations by the construction of additional stories above the height limit herein prescribed if the original plans approved by the Inspector of Buildings provided for such additional stories and such buildings were actually designed and constructed to carry such additional stories.

4. Structure Separation: Shall be in accordance with the Building Code or other applicable regulations. [eff: 3-29-90]

5. Sanitary Sewer Requirements and Pollution Control: All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Clark County Health Department. Prior to the issuance of any Zoning Certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector. [eff: 3-29-90]

   a) When a use is being connected to a public water and/or sewer system, proof that said utility is available and of sufficient size to accommodate the use is required by the appropriate authority and will be connected to approved utility prior to final inspection; or [eff: 3-29-90]

b) Where neither public water nor sewerage systems are accessible, the minimum lot area requirement shall be increased to one (1) acre and the minimum lot frontage requirement shall be increased to one hundred-fifty (150) feet, except in Zoning Districts where the lot area and/or frontage requirements are greater, in which case the more restrictive requirements shall govern. [eff: 3-29-90]

6. Water Impoundments: All water impoundments such as ponds, lakes, or wetlands shall be constructed and developed in compliance with the following standards: [eff: 4-12-2012]

a) The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes, wetlands, or other water detention/retention structures. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

b) No applicable structure shall hereafter be located, constructed, repaired, extended, enlarged, converted or altered without full compliance with the terms of these regulations. Said construction, alterations or modifications require a zoning permit.

c) "DETENTION POND" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are designed to complement large scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. No Zoning Permit Required.

d) "RETENTION POND" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. No Zoning Permit Required.

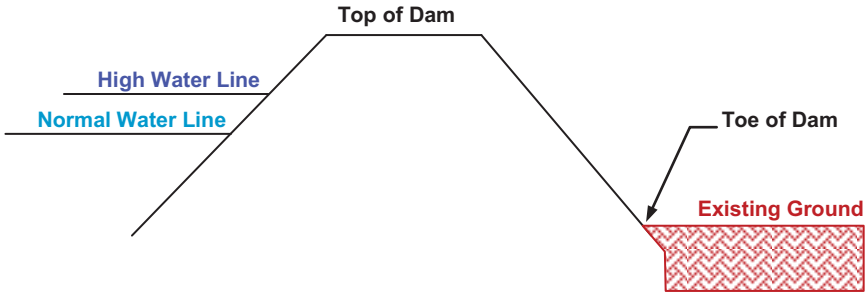
e) "AGRICULTURAL PONDS" shall mean a natural or artificially formed structure which serve as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities including aquaculture, hatcheries, hydroponics or irrigation and animal related maintenance and/or production activities. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses nor in any commercial recreational activities such as, but not limited to, fishing or swimming. Zoning Permit subject to agricultural exemption in accordance with ORC 303.21.

Section H (continued)

f) "RECREATIONAL PONDS" shall mean a new artificially formed structure over 500 square feet which is intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year round use. Such ponds are to be designed for year round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. ponds must be reviewed by the Clark Soil and Water Conservation District, and designed ponds must meet or exceed the standards and specifications of the Natural Resource Conservation Service (See attached NRCS Spec. 378 or http://efotg.sc.egov.usda.gov/references/public/OH/Oh378_Standard_Pond.pdf). Zoning Permit is Required.

g) Ponds shall not be located closer than 25 feet from any lot lines and where applicable, they shall not be located closer than 75 feet from a road right-of-way or easement located on any parcel. In addition, they shall meet current Clark County Combined Health District on-site utilities horizontal isolation distances for private water systems and sewage disposal systems. Ponds shall not present a contamination hazard to groundwater or local drinking water sources. A site approval, from the Clark County Combined Health District, is required prior to approval of plans for pond construction. They shall not restrict or block existing or future surface and/or sub-surface drainage systems. No pond shall be located on a parcel less than 5 acres in size.

h) Setbacks shall be measured from the high water line or toe of dam, whichever is closer.



i) Large ponds of a sufficient size, determined by the Ohio Dam Safety Law, may be subject to review approval and annual inspection by the Ohio Department of Natural Resources, Division of Water.

j) The property owner and/or applicant will be required to submit to the Zoning Inspector a copy of the proposed construction plan which has been approved by the authorized agency and other necessary documentation for the purpose of obtaining a zoning permit.

7. Keeping of Animals: no animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line. This Subsection shall apply only to those parcels where the total landholdings of the using party is five (5) acres or less, and shall not be construed to apply to individual pens, pastures, or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.

   a) Fencing shall be provided per Section E of this Chapter or other approved methods as imposed by the Zoning Inspector. [eff: 4-4-96]

Section H (continued)

8. Emergency Housing: The Zoning Inspector may, in times of emergency, permit the placement of not more than one (1) mobile home on a lot for use as temporary housing by any family or resident whose dwelling has been rendered uninhabitable by flooding, fire, wind, or other catastrophe. Such mobile home may remain on the lot for a period not to exceed one (1) year and may be occupied only as long as reconstruction of the original dwelling or construction of a new, permanent dwelling is underway.

9. Solar Equipment: Use of solar energy equipment as defined in this Subsection is encouraged in Clark County. The placement of the solar energy equipment on roofs of principal buildings is also encouraged. Zoning permits for roof mounted and ground mounted solar energy equipment are subject to the following regulations: [eff: 12-17-09]

   a) Any solar panel attached or located on the roof or wall of a building that lies flat on that surface is exempt from obtaining a Zoning Certificate.

   b) Solar Panels located on the roof of any structure may not extend above the highest point of the existing pitched roof.

   c) Solar Panels located on a flat roof shall not exceed 15 feet in height.

   d) Solar Panels detached from the principle residential structure shall not exceed 15 feet in height.

   e) Solar Panels detached from the principle residential structure shall be located in the rear yard and shall not occupy more than thirty percent (30%) of the required area of the rear yard.

   f) Solar Panels shall meet all regulations of the FAA when located within the Wright-Patterson or Springfield-Beckley Airport Zoning Overlay.

   g) No solar panel shall be located in the front yard.

   h) If the solar energy equipment is unable to be located on the roof of the principle structure as is preferred, placement of ground mounted solar energy equipment in the required rear yard may be permitted only if the equipment is located a minimum of one half the required setback for the principal structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater. The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.

10. Extension of Use on Border of District: The extension of a use or building into a more restricted Zoning District immediately adjacent thereto may be permitted by the Board of Zoning Appeals, upon proper application, under such conditions as will safeguard development in the more restricted District.

11. Single Dwelling Per Lot: Only one (1) single-family dwelling shall be permitted on a parcel of land in the A-1, R-1, R-1A, R-2, R-2A, or R-2B Zoning District. This shall also apply to any PUD or R-MHP Zoning District in whole or in part which is designated for single-family type occupancy. [eff: 10-17-85]

12. Traffic Visibility: Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede the vision of an operator of a motor vehicle on a public right-of-way. [eff: 10-17-85]

13. Public Facilities: These uses shall be permitted in any zoning district provided they comply with the least restrictive setback of said zoning district for a principal permitted use. Public facilities include fire houses, garages, town halls, fairgrounds, exhibition halls, and similar buildings and uses of a local, state, or federal government entity. [eff: 9-17-98]

Section I – Treatment, Storage, and Disposal of Hazardous Substances

PURPOSE – The purpose of this section of the Clark County Zoning Resolution is to regulate potential problem areas in dealing with hazardous substances that are not covered by Federal and State laws.

It is not the intent of this Resolution to override, displace, or negate any Federal or State laws that are or will be in effect concerning hazardous substances.

1. Rule by Reference: The Clark County Zoning Resolution shall comply with all regulations adopted by the Administrator of the United States Environmental Protection Agency under the "Resource Conservation and Recovery Act", 42 U.S.C. Sec 6901 et. seq., and the Director of Environmental Protection under Ohio Revised Code Section 3734.12. These regulations and all subsequent amendments are hereby incorporated by reference and made a part of this rule as if fully stated herein.

2. Definition: For the purposes of this section, the following words and phrases shall have the following meaning ascribed to them respectively:

   a) "Hazardous Substances" means any of the following:

      1) Any Hazardous Waste

      2) Any Radioactive Material

      3) PCBs (polychlorinated biphenyls)

   b) "Hazardous Wastes" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the EPA, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

      1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness: OR

      2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

      Hazardous wastes include any substance identified as a hazardous waste by the U.S. EPA, Ohio EPA, or is listed in the Code of Federal Regulations (CFR), Title 40, Part 261, Subpart A 261.3 and all other subparts that define, describe and identify hazardous waste. All subsequent amendments to the CFR, Title 40, Part 261 which define, describe and identify hazardous wastes will automatically become a part of this section as of the effective dates of each amendment, subject to the provisions of this section.

   c) "PCB" and "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances, or mixture which contains chlorinated biphenyl molecules.

   d) "PCB Article" means any manufactured article other than a PCB Container that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB Article" includes capacitors, transformers, electric motors, pumps, pipes, and any other manufactured item (1) which is formed to a specific shape or design during manufacturing, (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.

e) "PCB Equipment" means any manufactured item, other than a PCB Container or a PCB Article Container, which contains PCB Article or other PCB Equipment, and includes microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.

f) "PCB Container" means any package, can, bottle, barrel, drum, tank or other device exclusive of a "PCB Article" or "PCB Equipment" that contains PCB or PCBs Article and whose surface(s) has been in direct contact with PCBs.

g) "Chemical Substance" except as provided in subparagraph (3) of this paragraph, means any organic, or inorganic substance of a particular molecular identify, including:

   1) Any combination of such substances occurring in whole or part as a result of a chemical reaction or occurring in nature, and

   2) Any element or uncombined radical.

   3) Such term does not include:

      a) Any mixture,

      b) Any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide.

      c) Tobacco or any tobacco product.

      d) Any source material, special nuclear material, or by-product material (as such terms are defined in the Atomic Energy Act of 1954, as amended, and regulations issued under such Act, and Energy Reorganization Act of 1974 and any regulations issued under such Act.

      e) Any article the sale of which is subject to the tax imposed by Section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by Section 4182 of Section 4221 or any provisions of such Code), and

      f) Any food, food additive, drug, cosmetic, or device (as such terms are defined in Section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food additive, drug, cosmetic, or device.

h) "Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

i) "By-product" means a chemical substance produced without separate commercial intent during the manufacturing or processing of another chemical substance(s) or mixture(s).

j) "Use" – putting into service to attain an end other than disposal.

k) "Store for Disposal" means to store, confine or contain for or incidental to discarding, destroying, decontaminating, degrading, reprocessing or recycling of substances whose useful life has been terminated or completed, or which have otherwise been taken out of service.

l) "Person" means any natural or legally created artificial person including any individual corporation, partnership, or association. "Person" includes any individual, partnership, association, or corporation engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarded, as those terms are used in the Interstate Commerce Act, as amended.

m) "Radioactive Material" means any material or combination of materials, which spontaneously emits ionizing radiation. Materials, in which the estimated specific activity is not greater than 0.002 microcuries per gram, and in which the radio-activity is essentially uniformly distributed, and not considered to be radioactive materials.

n) "Curie" means an expression of the quantity of radiation in terms of the number of atoms which disintegrate per second; a curie is that quantity of radioactive materials which decays such that 37 billion atoms disintegrate per second.

o) "Microcurie" means one millionth of a curie.

p) "Waste Oil" – used products primarily derived from petroleum, which includes, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids and dielectric fluids.

q) "Hazardous substance Disposal Site" means any chemical waste landfill or incinerator used to dispose of hazardous substances.

r) "Chemical Waste Landfill" means a landfill at which protection against risk of injury to health or the environment from migration of hazardous substances to land, water, or the atmosphere is provided from hazardous substances deposited therein by locating, engineering, and operating the landfill in accordance with federal and state law.

3. Treatment, Storage, and Disposal of Hazardous Wastes

a) No person shall knowingly, knowingly cause by contract, or negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, into or atop of any aquifer, any hazardous waste as described in the Code of Federal Regulations or is listed as a hazardous waste by the U.S. EP or the Ohio EPA.

b) No person shall store for treatment or disposal any hazardous waste as identified in Section I, Part 2, Subpart B of these Regulations unless the person meets the requirements as set forth in Section 3734.02 Part F of the Ohio Revised Code.

c) No person shall store for treatment or disposal any hazardous waste within Clark County at any of the following locations:

1) Within any flood plain, atop any aquifer, or within any drainage basin of any aquifer, stream, lake, or pond.

4. Disposal and Storage of PCB or PCBs

a) No person shall knowingly, knowingly cause by contract, or negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, or into or atop of any aquifer, any PCB or PCBs either in liquid, crystalline or solid resin form, with Clark County.

Section I (continued)

b) No person shall store or cause any other person or persons by contract or otherwise to store for disposal any PCB or PCBs regardless of form, in one or more PCB Containers, within Clark County at any of the following locations:

1) Within any flood plain, atop any aquifer, or within any drainage basin of any aquifer, stream, lake, or pond;

2) Any other location not permitted in Title 40, Part 761 of the U.S. EPA Toxic substance Control Act.

c) 1) The term "PCB" and "PCBs" as used in Section I, 4 refers to any chemical substance, combination of substances, or mixture that contains 50 parts per million (on a dry weight basis) or greater of PCBs, as defined in Section I, 2 (c) fractured at any point in the process.

2) Substances that are regulated by Section I, 4 include, but are not limited to, dielectric fluids, contaminated solvents, waste oils, heat transfer fluids, hydraulic fluids, paints, sludges, slurries, dredge spoils, soils, materials contaminated as a result of spills, and other chemical substances, including impurities and by-products, provided, such chemical substances, or combination of substances of mixtures, regardless of form, contain PCP or PCBs.

d) Storage or use of PCB or PCBs in PCB Articles, or PCB Equipment is not in violation of this Section. Disposal of PCB Articles or PCB Equipment containing any measurable amount of PCB or PCBs therein as regulated in Title 40 of the U.S. EPA Toxic Substance Control Act, is not a violation of this Section.

5. Use of PCB or PCBs

a) No person shall use any PCB or PCBs other than its use in the manufacturing or processing of other substances of mixtures, or its use in PCB Articles, PCB Equipment, or its use incidental to placing into service or continuing service of PCB Articles or PCB Equipment, unless said permitted uses are restricted or prohibited by federal or state law.

6. Transportation and Shipment of Radioactive Material

No person shall ship or transport into, within, through or out of the County any radioactive material contrary to the applicable federal regulations of the United States Department of Transportation and the United State Nuclear Regulator Commission in effect at date of shipment or transport.

7. Application of Other Regulatory Provisions

a) Regardless and notwithstanding the provisions of Section I, 4 of this Chapter, any and all applicable provisions, resolutions and regulations requiring permits for the storage of any hazardous materials are still in full force and effect unless otherwise specifically repealed.

8. Exemptions

a) The provisions of this Chapter shall not apply to the storage of disposal of hazardous waste, and PCB or PCBs in any hazardous substance disposal facility specifically approved by either the United States Environmental Protection Agency or the Ohio Hazardous Waste Facility Approval Board and which comport to federal and state law.

b) The provisions of Section I, 4 and Section I, 5 of this Chapter shall not apply to the use of waste samples of PCB or PCBs, samples of other substances or material containing PCB or PCBs, poor PCB or PCBs reference samples for or in conducting analytical tests to determine the composition of characteristics of the sample.

c) The provisions of Section I, 3 of this Chapter shall not apply to the discharge of waste water or waste water derivatives authorized under a valid National Pollution Discharge Elimination System permit, or otherwise authorized to be discharged into a publicly-owned water treatment works.

d) The provisions of Section I, 4 (d) shall not apply to the temporary storage of PCB or PCBs taken out of service, provided:

1) The temporary storage does not exceed 60 days for the date that the PCB or PCBs are taken out of service.

2) The PCB or PCBs being temporarily stored were previously placed into use and taken out of service within Clark County;

3) The PCB or PCBs being temporarily stored remain in the possession, custody, control or ownership of the person who used the PCB or PCBs;

4) The previous use of the PCBs being temporarily stored was in conformance with Section I, 5 of this Chapter;

5) The PCB or PCBs being temporarily stored are separately containerized according to the date removed from service; and

6) The date that the PCB or PCBs are taken out of service and an indication that the containerized substance or mixture is PCB or PCBs is clearly and indelibly marked on each respective storage container utilized whether a “PCB Container”, or other container, or receptacle. The date so marked shall be prima facie evidence of the date the PCB or PCBs were taken out of service.

e) Notwithstanding the provisions of Section I, 8 (d) above, the provisions of Section I, 4 (d) of this Chapter shall not apply to the temporary storage or temporary accumulation of PCB or PCBs taken out of service and being temporarily stored or temporarily accumulated, prior to the effective date of this resolution, which storage or accumulation is prior to the movement of the PCB or PCBs off site for disposal at another location outside Clark County.

9. Inspections

a) The law enforcement officer, building, housing, or zoning inspector shall have the authority to inspect all structures and premises, as often as may be necessary for the purpose of ascertaining or causing to be corrected, any condition which may be a violation of this Section, or otherwise enforcing any provisions of this Section.

10. Right of Entry

Whenever necessary for the purpose of enforcing the provisions of this Section, or whenever any law enforcement officer, or any building, housing, or zoning inspector has a reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this Section, said officials may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officials by law; provided that if said structure or premises be occupied, he shall

first present proper credentials and request entry. If such entry is refused, the official seeking entry shall have recourse to every remedy provided by law to secure entry.

Section J – Small Wind Farm Projects

1. Purpose – The purpose of this section is to accommodate small wind farm projects that are designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts for on-site home, farm, commercial or industrial use, in appropriate locations, while minimizing any adverse visual, safety, and environmental impacts of the system. In addition, this section provides a permitting process for small wind project to ensure compliance with the provisions of the requirements and standards established herein. "Economically Significant Wind Farms" as defined in ORC 4906.13 are not subject to these regulations.
   a) Small wind projects are a conditioned use pursuant to this section in all zoning districts.
   b) No small wind project shall be erected, constructed, installed or modified without first receiving appropriate permits pursuant to Section J.
   c) No small wind project shall be erected, constructed, installed or modified without first receiving a building permit in accordance with the State of Ohio Building Code.
2. General standards – Small wind projects that are designed for, or capable of operation at an aggregate capacity of less than five (5) megawatts shall be evaluated for compliance to the following standards:
   a) Fall Zone – A small wind project shall have a fall zone at least 110% of the total height from:
      1) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
      2) Any future road right-of-way pursuant to the Clark County Thoroughfare Plan.
      3) Any overhead utility lines.
      4) All property line, unless the affected land owner provides written permission through a recorded easement allowing the wind energy system's fall zone to overlap with the abutting property.
      5) Any travel ways to include but not limited to driveways, parking lots, government designated nature trails, public multi-use trails, or sidewalks.
      6) Any principal structure on the parcel where the small wind project is being requested or any neighboring parcel.
   b) The fall zone shall be measured to the center of the tower's base.
      1) Guy wires used to support the tower are exempt from the small wind project fall zone requirements but must be located entirely within the parcel where the small wind project is to be located unless permission through a recorded easement is presented at the time of application submittal.
   c) A structure mounted wind energy system shall not exceed fifty (50) kilowatts and shall project no more than fifteen (15) feet above the highest point of the roof of the structure.
   d) Tower:
      1) Wind turbines may only be attached to freestanding or guy wired monopole or lattice towers.
      2) The tower height shall not exceed 200 feet.

Section J (continued)

3) The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

e) Sound Level:

1) Operation of small wind projects shall not exceed 55 decibels, except during short-term events such as severe wind storms and utility outages. This information shall be obtained from the manufacturer of the turbine, and all readings, if necessary, shall be taken from the nearest neighboring property line.

2) Audible noise due to small wind project operations shall not exceed fifty (50) decibels for any period, when measured at any off-site residence, school, hospital, church or public library existing on the date of approval of the wind energy facility.

f) Shadow Flicker:

1) Small wind projects shall be sited in a manner that does not result in significant shadow flicker impacts. The applicant has the burden of proving that this does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

g) Signs:

1) All signs, both temporary and permanent, are prohibited on small wind projects, except as follows:

a. Manufacturer's or installer's identification on the wind turbine.

b. Appropriate warning signs and placards.

h) Code Compliance:

1) Small wind projects shall comply with all applicable sections of the State of Ohio Building Code.

i) Aviation:

1) Small wind projects shall be built to comply with all applicable Federal Aviation Administration regulations. If proposed small wind farm project is located within a designated Wright-Patterson or Springfield-Beckley airport zoning Overlay, evidence of compliance or non-applicability shall be submitted with the application.

j) Visual Impacts: It is inherent that wind energy systems may pose some visual impacts due to the total height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to wind resources.

1) The applicant shall demonstrate through project site planning and proposed mitigation that a small wind project's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.

2) The color of small wind project shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.

3) Small wind projects shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the Federal Aviation Administration determination to establish the required markings and/or lights for the small wind project.

k) Utility Connection:

1) Small wind projects proposed to be connected to the power grid through net metering shall adhere to Ohio Revised Code Section 4928.67.

l) Access:

1) All electrical and control equipment shall be labeled and secured to prevent unauthorized access.

2) The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of ten (10) feet above the ground.

m) Wiring and Electrical Apparatuses:

1) All electrical wires and apparatuses associated with the operation of a small wind project shall be located underground or within an enclosed secure building.

2) The applicant shall provide documentation that the proposed small wind farm project shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

n) Maintenance:

1) All small wind projects shall be maintained in good working order.

2) Any physical modification to the small wind project that alters the mechanical load, mechanical load path, or major electrical components shall require reapplication for conditioned use under this section. Like kind replacements shall not require reapplication.

3) Prior to making any physical modifications (other than like-kind replacement) the owner or operator shall request, in writing, a determination from the County Community Development Department whether the physical modification requires reapplication for conditioned use permit. The County Community Development Department Director shall, in his sole and absolute discretion, make such determination.

o) Multiple Small Wind Projects:

1) Multiple small wind projects are allowed on a single parcel so long as the owner/operator complies with all regulations set forth in Section J.

p) Historic Sites:

1) No small wind projects shall be located within 1,000 feet of any historic site or historic district.

2) Written proof of compliance with this requirement must be provided by the Ohio State Historic Preservation Office and be submitted with the conditioned use application.

q) Controls and Brakes:

1) All small wind projects shall be equipped with a redundant braking system which must include:

a) Aerodynamic over-speed controls which include variable pitch, tip and other similar systems and;

b) Mechanical brakes which must be operated in fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

3. Procedure for Review – In accordance with Section J of the Clark County Zoning Resolution, a small wind project shall be subject to receiving a conditioned use permit prior to installation or modification thereof. The issuance of a conditioned use permit shall abide with the following requirements:

a) Site Plan Review – Prior to issuance of a zoning permit, a site plan shall be submitted for review. The following items shall be the minimum requirements for a completed application. The site plan shall include the following:

1) Property lines and physical dimensions of the property where the small wind project is proposed to be located.

2) Location, dimensions and types of existing major structures on the property.

3) Location of the proposed small wind project, foundations, guy wires and associated equipment.

4) Fall Zone depicted as a radius around the center of the tower.

5) The right-of-way or future right-of-way according to the Clark County Thoroughfare Plan and any public road that is contiguous with the property or within the fall zone.

6) Location, width, and purpose of any easement located on the property.

7) Any overhead utility lines.

8) Wind energy specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed).

9) Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a small wind project if the turbine(s) will be connected to the power grid.

10) Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.

11) Evidence of compliance or non-applicability with Federal Aviation Administration requirements if proposed small wind farm is located in a designated airport zoning overlay.

12) The site plan must be stamped by a surveyor licensed to practice in the state of Ohio.

4. Zoning Compliance – A Certificate of Zoning Compliance must be obtained in accordance with these Regulations.

5. Building Permit – A Building Permit must be obtained in accordance with the State of Ohio Building Code.

6. Decommission

   a) At such time that a small wind project is scheduled to be decommissioned or discontinued, the applicant will notify the Clark County Community Development Department Director by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

   b) Upon decommission or discontinuation of use, the owner shall physically remove the wind energy system within 90 days from the date of decommission or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Clark County Community Development Department Director. "Physically Remove" shall include, but not be limited to:

      1) Removal of the wind turbine and tower and related above grade structure.

      2) Restoration of the location of the small wind project to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

   c) In the event that an applicant fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous two (2) year period. After two (2) years of inoperability, the Zoning Inspector may issue a "Notice of Abandonment" to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Decommission within thirty (30) days from Notice receipt date. The Zoning Inspector shall withdraw the Notice of Decommission and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been decommissioned.

   d) If the owner fails to respond to the Notice of Decommission or if after review by the Clark County Community Development Department Director it is determined that the small wind project has been decommissioned or discontinued, the owner of the small wind project shall remove the wind turbine and tower at the owner's expense within three (3) months of receipt of the Notice of Decommission.

7. Meteorological Towers

   a) The construction of a meteorological tower for the purpose of collecting data to determine the availability factor and/or capacity factor for a small wind project, shall abide with the following requirements:

      1) The construction, installation or modification of a meteorological tower shall require a zoning and a building permit and shall conform to all applicable sections of the State of Ohio Building Code.

      2) Meteorological towers shall be permitted on a temporary basis not to exceed 18 months.

      3) Meteorological towers shall adhere to the small wind project standards as described in Section J.