CHAPTER 7

REGULATIONS FOR CONDITIONED AND CONDITIONAL USES

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Section A - Procedure

1. The purpose of a Conditional or Conditioned Use is to allow a proper integration into the County of uses which may only be suitable or controlled in specific locations within certain Zoning District(s) or only if such uses are designed or laid out in a particular manner on the site. [eff: 3-29-90]

2. Applications for Conditional Uses shall be presented to the Zoning Inspector and acted upon by the Board of Zoning Appeals.

3. Approval by the Board of Zoning Appeals shall be required for all uses listed as Conditionally Permitted, prior to the issuance of a Zoning Certificate.

4. In considering an application for a Conditional Use, the Board of Zoning Appeals must make an affirmative finding that the proposed Conditional Use is to be located in a District wherein such use may be Conditionally Permitted, and that all conditions for approval of Conditional Uses have been met. In doing so, the Board of Zoning Appeals may request proof that the applicable requirements for the Conditional Use have been met.

5. The Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.

   (a) An application for a Conditional Use shall be made to the Zoning Inspector and submitted on such forms as designated and/or approved by the Board of County Commissioners. No application shall be considered unless the same is fully completed and accompanied by all required information on said application, as specified in this Chapter.

   (b) The application, and any plans, specifications, and papers pertaining to the application, shall be transmitted by the Zoning Inspector to the Board of Zoning Appeals, who shall cause a public hearing to be held.

   (c) Notice of the application for a Conditional Use and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one (1) notice of said meeting shall be published in a newspaper of general circulation prior to the scheduled hearing. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney.

6. The Board of Zoning Appeals shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the Zoning District.

Section A (continued)

7. The Board of Zoning Appeals may revoke approval of a Conditional Use for failure to comply with the conditions of that approval. The Board shall notify the holder of that approval by certified mail of its intent to revoke same and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he/she so requests. In lieu of said certified mail service, service may be made personally by the Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person or be represented by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and may examine witnesses appearing for or against him/her. If no hearing is requested the Board may revoke approval without a hearing. The authority to revoke approval is in addition to any other means of zoning enforcement provided by law.

Section B - Contents of Application

1. Each application for a Conditional Use shall contain the following information:

   (a) The name, address, and telephone number of the applicant;

   (b) A brief narrative description of the existing use of the property;

   (c) A description by metes and bounds of the property in question;

   (d) A statement indicating the zoning of the property;

   (e) A brief, narrative description of the proposed Conditional Use of the property;

   (f) A site plan, drawn at an appropriate scale, showing the following:

      (1) Base map of the property, indicating all existing and proposed structures, lot lines, general topography, drainageways, bodies of water, and relationship to adjoining properties;

      (2) Locations of the nearest public rights-of-way and locations of all access points to the site, existing or proposed;

      (3) Locations of any easements, existing or proposed;

      (4) Locations of existing utilities and an indication of intent to provide any utility connections that may be required;

      (5) Locations of any existing or proposed sidewalks, parking areas, and driveways showing intent to comply with all parking requirements specified by these Regulations;

      (6) Proposed treatment of existing topography, drainageways, and tree cover;

      (7) Building plans, including floor plans and exterior elevations; and

      (8) Proposed landscaping and lighting plans, if applicable;

Section B (continued)

(g) A list of all landowners whose property falls within two hundred (200) feet of any point along the boundary of the property in question; and

(h) Such other information as may be required by the Zoning Inspector or the Board of Zoning Appeals.

(i) An application for a Conditional Use to extract resources and/or minerals shall contain the additional information as specified in Section 129 of this Chapter.

(j) The Zoning Inspector may waive the required submission of Subsections b, c, and f above if he/she feels that their inclusion in any individual application is unnecessary.

Section C - Required Conditions for Approval

1. The following Sections contain additional required conditions to be met by an applicant for a Conditional Use. In addition to meeting the subsequent required conditions for Conditional Uses, all applicants for Conditional Uses shall be required to fully comply with any and all other applicable provisions of these Regulations, including specifically the requirements of Chapter 8, Sections A and E.

Section 100 - Regulations for Adult Entertainment Establishments

1. Zoning District Where Conditionally Permitted:

   (a) B-4 Heavy Business District

   (b) I-1 Industrial District [eff: 3-29-90]

2. The establishment shall be a minimum distance of:

   (a) One thousand (1,000) feet from any "R" District or from any lot upon which a residential dwelling is located.

   (b) One thousand (1,000) feet from any school, library, or teaching facility, whether public, private, governmental, or commercial, if such school, library, or teaching facility is attended by persons under eighteen (18) years of age.

   (c) One thousand (1,000) feet from any park or other recreation facility attended by persons under eighteen (18) years of age.

   (d) One thousand (1,000) feet from any other adult entertainment establishment.

   (e) Two thousand (2,000) feet from any two (2) of the following establishments:

      (1) Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;

      (2) Establishments for the sale of beer or intoxicating liquor for consumption on the premises;

(3) Pawn shops;

(4) Pool or billiard halls;

(5) Videogame or pinball arcades, or any other amusement game arcade; or

(6) Dance halls or discotheques.

(f) One thousand (1,000) feet from any church, synagogue, or other permanently established place of worship or religious services which is attended by persons under eighteen (18) years of age.

3. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.

4. All building openings, entries, windows, etc. shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

5. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters that can be seen or discerned by the public from public or semi-public areas.

6. Off-street parking shall be provided in accordance with the requirements of Chapter 5, and in an amount equal to that required for a similar Permitted Use, as determined by the Board of Zoning Appeals.

7. Subsection 2 above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of fifty-one (51) percent of the property owners and residents within the above described radii, giving their consent to the establishment of the adult entertainment establishment, and if the Board of Zoning Appeals determines:

   (a) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the intent of this Section will be observed;

   (b) That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area;

   (c) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area; and

   (d) That all applicable requirements of this Section will be observed.

Section 101 - Regulations for Agricultural-Related Processing and Marketing

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) A-1 Agricultural District

Section 101 (continued)

2. Minimum Lot Size: One (1) acre.
3. Minimum Frontage: One hundred fifty (150) feet.
4. Minimum Yard Requirements:

   (a) Front Yard: Fifty (50) feet. [eff: 3-29-90]

   (b) Side Yard: Thirty (30) feet.

   (c) Rear Yard: Fifty (50) feet.
5. Structures used for agricultural-related processing and/or related storage shall be a minimum distance of:

   (a) One hundred fifty (150) feet from any dwelling.

   (b) One hundred (100) feet from any "R" District.
6. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.
7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.
8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
9. No outdoor disassembly or repair of farm machinery shall be permitted.
10. All equipment used in the processing operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property in an "R" District or any adjoining dwelling in an A-1 District.

Section 102 - Regulations for Airports

1. Zoning District Where Conditionally Permitted:

   (a) A-1 Agricultural District
2. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
3. The proposed facility shall meet the appropriate standards and requirements of the Federal Aviation Administration.
4. The airport, in accordance with the standards and requirements of the Federal Aviation Administration, will not require the heights of structures on adjacent land to be less than the height limit specifically prescribed for the District in which such land is situated.

5. All runways and service aprons shall have a dustless surface.

6. No area used by any aircraft under its own power shall be located within a distance of two hundred (200) feet from any property line; one thousand (1,000) feet from any public or private institution; or one thousand (1,000) feet from any "R", "B", or O-1 District on the approach and departure ends of the runway. Buildings, hangars, or other structures shall be at least two hundred (200) feet from any property line and no parking of vehicles shall be allowed within one hundred (100) feet of any property line.

7. The Board of Zoning Appeals may require that the facility be surrounded by a substantial fence not less than six (6) feet in height, with suitable gates, effectively controlling access to such area.

8. Appropriate accessory uses may be permitted, such as restaurants, snack bars, auto rental agencies, airline business offices, and service facilities.

9. Adequate off-street parking and loading spaces shall be provided.

Section 103 - Regulations for Animal Hospitals, Veterinary Clinics, and Kennels

1. Zoning Districts Where Conditionally Permitted:

   (a) A-1 Agricultural District

   (b) B-1 Neighborhood Business District [eff: 3-29-90]

   (c) B-2 Community Business District [eff: 4-4-96]

2. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-3 General Business District

   (b) B-4 Heavy Business District

   (c) I-1 Industrial District

2. Principal Permitted Uses:

   (a) The care of ill and/or injured household animals.

   (b) The overnight boarding of ill and/or injured household animals.

   (c) The overnight boarding of healthy household animals.

   (d) The sale of goods used in the care of household animals.

3. The care or overnight boarding of large animals such as horses or cattle is prohibited in any Zoning District except the A-1 District.

4. All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure.

Section 103 (continued)

5. A solid wood fence or masonry wall six (6) feet high shall be constructed where an animal hospital, veterinary clinic, or kennel is located adjacent to an "R" District. The applicant shall also meet the requirements of Chapter 8, Section E.

6. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or any adjacent public street.

Section 104 - Regulations for Automotive Repair Garages

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-2 Community Business District

   (b) B-3 General Business District

   (c) B-4 Heavy Business District

   (d) I-1 Industrial District

2. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed thirty (30) feet in width at the curbline, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in a Residential District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.

3. All repair garage buildings shall have a minimum front yard depth of fifty (50) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line. [eff: 3-29-90]

4. The entire lot area, exclusive of the area covered by the garage structure or planting areas, shall be paved. [eff: 3-29-90]

5. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

6. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers, or other motor vehicles shall not be permitted in the front yard. [eff: 3-29-90]

7. Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building. [eff: 3-29-90]

8. A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the garage or storage area is located adjacent to a Residential District or lot containing a dwelling. [eff: 3-29-90]

Section 105 - Regulations for Bars and Taverns

1. Zoning Districts Where Conditionally Permitted:

   (a) B-2 Community Business District

   (b) B-3 General Business District

   (c) B-4 Heavy Business District [eff: 3-29-90]

   (d) I-1 Industrial District [eff: 3-29-90]

2. No bar or tavern shall be located closer than one hundred fifty (150) feet from a church, school, or similar institution.

3. An assessment shall be made of the probable effects of the proposed facility's parking provisions and evening operations on the surrounding area.

Section 106 - Regulations for Building Materials Sales Yards

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-3 General Business District

   (b) B-4 Heavy Business District

   (c) I-1 Industrial District

2. Immediate access to a major thoroughfare shall be required.

3. All storage that is not totally enclosed within a building shall be enclosed with a six (6) foot fence and gate that provides both security and a visual barrier. Where this outdoor storage is located adjacent to an "R" District, there shall be planted along the outside face of the required fencing mature evergreens at thirty (30) foot intervals.

Section 107 - Regulations for Car Washes

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-2 Community Business District

   (b) B-3 General Business District

   (c) B-4 Heavy Business District

   (d) I-1 Industrial District

2. All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.

3. Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the front yard, a side yard facing a street, or in any yard adjoining an "R" District. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.

Section 107 (continued)

4. A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.

5. A solid fence, wall, or hedge six (6) feet high shall be required when a car wash is adjacent to an "R" District.

6. The following hard-surfaced, dust-free, off-street parking shall be provided:

   (a) Six (6) waiting spaces and two (2) storage spaces for each car washing device or stall; or ten (10) off-street waiting spaces for an assembly line type washing establishment where vehicles await entrance to the washing process;

   (b) Two (2) employee parking spaces for every three (3) employees; and

   (c) Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.

Section 108 - Regulations for Cemeteries

1. Zoning Districts Where Conditionally Permitted:

   (a) A-1 Agricultural District

   (b) R-1 Rural Residence District

2. Minimum Site Size: Three (3) acres.

3. Immediate access to a major thoroughfare shall be required.

Section 109 - Regulations for Churches and Similar Places of Worship

1. Zoning Districts Where Conditionally Permitted: [eff: 6-13-02]

   (a) All Districts

2. All structures, including accessory buildings, shall be set back at least fifty (50) feet from the front lot line.

3. Immediate access to a public thoroughfare shall be provided by at least two (2) entrance/ exits.

4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.

Section 110 - Regulations for Commercial Recreation Establishments

1. Zoning Districts Where Conditionally Permitted:

   (a) B-1 Neighborhood Business District

   Zoning Districts Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-2 Community Business District

   (b) B-3 General Business District

   (c) B-4 Heavy Business District

   (d) I-1 Industrial District

2. All activities associated with a commercial recreation establishment shall be conducted within a completely enclosed building, with the exception of off-street parking and loading/ unloading.

3. A solid fence, wall, or hedge six (6) feet high shall be constructed where a commercial recreation establishment is located adjacent to an "R" District. The applicant shall also meet the requirements of Chapter 8, Section E.

4. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or any adjacent public street.

5. No commercial recreation establishment shall have the effect of causing any increase in noise, litter, or vehicular or pedestrian traffic on any adjacent residential properties or uses of land.

Section 111 - Regulations for Community Facilities

1. Zoning Districts Where Conditionally Permitted: [eff: 3-29-90]

   (a) R-4 Multiple-Family Residence District

2. Community facilities shall be of a cultural, educational, recreational, administrative, or service type, and shall not include repair garages, storage yards, repair yards, or warehouses.

3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.

4. An assessment shall be made of the probable reuse of the facility for non- public purposes in the future, with special consideration given to how facility design might limit preferred reuse alternatives.

5. Swimming pools, where applicable, shall conform to the enclosure requirements contained in Chapter 8, Section H.

6. In determining approval or denial, the Board of Zoning Appeals shall consider the appropriateness of facility size relative to use, access, screening, and buffers; and the effect of noise, light, and dust on adjoining property.

Section 112 - Regulations for Day-Care Centers

1. Zoning District Where Conditionally Permitted:

   (a) A-1 Agricultural District

   (b) R-4 Multiple-Family Residence District

   (c) B-1 Neighborhood Business District [eff: 4-4-96]

   (d) B-2 Community Business District [eff: 4-4-96]

   (e) B-3 General Business District [eff: 4-4-96]

   (f) B-4 Heavy Business District [eff: 4-4-96]

   (g) I-1 Industrial District [eff: 4-4-96]

2. A drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles.

3. A maximum of one hundred (100) children shall be permitted in all areas not provided with public water. [eff: 3-29-90]

4. There shall be provided a minimum outdoor play area of sixty (60) square feet per child enrolled in the facility. [eff: 3-29-90]

5. All outdoor play areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition and constructed so as to preclude penetration by any person. [eff: 3-29-90]

6. In all R-Districts, operating hours shall be limited to 6:00 a.m. to 9:00 p.m. [eff: 3-29-90]

7. The maximum percentage of site coverage by all principal and accessory buildings and outdoor play areas shall be seventy-five (75) percent. [eff: 3-29-90]

Section 113 - Regulations for Drive-In Motion Picture Theatres

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-3 General Business District

   (b) B-4 Heavy Business District

   (c) I-1 Industrial District

2. Minimum Site Size: Three (3) acres.

3. No side yard shall be required, except that an area fifty (50) feet in width shall be required between any viewing bay, motion picture screen, or concession area and the lot line of any lot within an "R" District

4. Immediate access to a major thoroughfare shall be required, and points of ingress and egress shall be provided only from such thoroughfare.

5. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicles shall be permitted to wait or stand within a dedicated right-of-way.

6. The area shall be arranged so as to prevent the motion picture screen from being viewed from residential areas or adjacent major or secondary thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed onto the premises of the drive-in theatre site.

Section 114 - Regulations for Drive-In Restaurants, Fast Food Restaurants, Carry-Out Restaurants, and/or Drive-Through Retail Establishments

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-2 Community Business District

   (b) B-3 General Business District

   (c) B-4 Heavy Business District

   (d) I-1 Industrial District

2. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of thirty (30) feet between them, and shall not exceed thirty (30) feet in width at the curbline, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in an "R" District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.

3. A solid wood fence or masonry wall six (6) feet high shall be constructed where the delivery window is located adjacent to an "R" District. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb. A raised curb six (6) inches high and six (6) inches wide shall be constructed along all street frontages, except within driveway openings, and shall form a landscaped island having a minimum width of five (5) feet including the width of the curbs.

4. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

Section 115 - Regulations for Farm and Construction Labor Camps

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) A-1 Agricultural District

2. Farm and construction labor camps shall only provide living accommodations for transient labor for the purpose of performing temporary agricultural or construction operations. Such labor camps shall consist of trailers or mobile homes, and shall be permitted for a period not exceeding one (1) year.

3. No mobile home or trailer within a farm or construction labor camp shall be located closer than twenty-five (25) feet to another mobile home or trailer within the labor camp, and shall not be located closer than one hundred (100) feet to any lot line.

4. Farm and construction labor camps shall comply with all applicable local and state health regulations.

Section 116 - Regulations for Funeral Homes and Mortuaries

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-1 Neighborhood Business District

   (b) B-2 Community Business District

   (c) B-3 General Business District

   (d) B-4 Heavy Business District

   (e) I-1 Industrial District

2. Immediate access to a major thoroughfare shall be required.

3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

4. All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use.

5. The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.

Section 117 - Regulations for Group Care Homes

1. Zoning Districts Where Conditionally Permitted:

   (a) A-1 Agricultural District [eff: 3-29-90]

   (b) R-1 Rural Residence District

   (c) R-1A Suburban Residence District

(d) R-2 Low Density Single-Family Residence District

(e) R-2A Medium Density Single-Family Residence District

(f) R-2B Medium-High Density Single-Family Residence District

(g) R-3 Medium Density Single- and Two-Family Residence District

(h) R-4 Multiple-Family Residence District

2. The minimum lot size shall be as specified in Chapter 2. [eff: 3-29-90]

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

4. Required Submittal:

   (a) Information explaining the need for the facility, the clientele to be served, and the financial resources that will be used to operate the facility.

   (b) Identification of community facilities and social services that will be used by the clientele of the group care home, including an indication from the Administrator of such facilities and services that the clientele of the group care home can be accommodated.

   (c) Prior to the issuance of a conditional or permanent Zoning Certificate, the applicant shall provide evidence that a valid license has been issued or is obtainable. When a license is not required of the applicant by a governmental agency, a written affidavit shall be presented as a part of the application by the governmental agency to which that applicant has accountability, stating that a license is not required. [eff: 3-29-90]

   (d) A copy of the operational and occupancy standards that will be used in establishing the facility.

   (e) A detailed plan of services and programs to be offered the clientele of the facility, including the nature of care to be provided and the types of services to be offered, and the individuals and/or agencies who will be responsible for administering such care and services.

5. Unless modified by this Section, the facility shall comply with all other applicable codes and ordinances prior to the issuance of a Zoning Certificate.

6. Criteria for Evaluation:

   (a) Is in fact the facility licensed by and/or does the facility have legal accountability to an established social service agency of local government, and can sufficient controls be exercised to insure continued compliance with the provisions of this Section?

   (b) Will the proposed facility be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity, and will such use not change the essential character of the neighborhood?

Section 118 - Regulations for Home Occupations [eff: 3-29-90]

1. Zoning Districts Where Conditionally Permitted:

   (a) A-1 Agricultural District

   (b) R-1 Rural Residence District

   (c) R-1A Suburban Residence District

   (d) R-2 Low Density Single-Family Residence District

   (e) R-2A Medium Density Single-Family Residence District

   (f) R-2B Medium-high Density Single-Family Residence District

   (g) R-3 Medium Density Single- and Two-Family Residence District

   (h) R-4 Multiple-Family Residence District

2. A home occupation shall be conditionally permitted if it complies with the following requirements, and any additional requirements as the Board of Zoning Appeals mandates:

   (a) The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;

   (b) No off premise signs to be provided;

   (c) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.

   (d) There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises: no display of products may be visible from the street, no more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.

   (e) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

   (f) No additional parking demand shall be created.

   (g) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer, or independent con- tractor.

Section 119 - Regulations for Hospitals and Auxiliary Facilities

1. Zoning Districts Where Conditionally Permitted: [eff: 3-29-90]

   (a) A-1 Agricultural District

   Zoning Districts Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-3 General Business District

(b) B-4 Heavy Business District

(c) I-1 Industrial District

2. Immediate access to a major thoroughfare shall be required.
3. Maximum Lot Coverage: Twenty-five (25) percent.
4. Setback Required for Off-Street Parking: Fifty (50) feet.
5. A six (6) foot solid wall or fence or compact hedge shall be required when located closer than one hundred fifty (150) feet to an existing or platted residential development.
6. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

Section 120 - Regulations for Institutions of Higher Learning

1. Zoning Districts Where Conditionally Permitted:

   (a) A-1 Agricultural District

   (b) R-1 Rural Residence District [eff: 4-4-96]

   (c) R-1A Suburban Residence District [eff: 4-4-96]

2. Minimum Site Size: Ten (10) acres.
3. Immediate access to a major thoroughfare shall be required.
4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
5. All parking areas and/or areas where vehicles may pick up or discharge passengers shall be screened from view from any adjacent existing residential development.

Section 121 - Regulations for Junkyards and Automobile Wrecking Yards

1. Zoning District Where Conditionally Permitted:

   (a) I-1 Industrial District

2. Immediate access to a major thoroughfare shall be required.
3. The site shall be a minimum distance of:

   (a) Two thousand (2,000) feet from any residence.

   (b) One thousand (1,000) feet from any "R" District.

4. The site shall be entirely surrounded by a solid wood or masonry fence or wall not less than six (6) feet high.

Section 122 - Regulations for Manufactured Farm Homes (Mobile Homes) [eff: 3-29-90]

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) A-1 Agricultural District

2. For the purposes of this Section, manufactured homes shall be considered agricultural related uses and as such shall be permitted only as a use incidental to agriculture and shall not constitute a principal dwelling.

3. No manufactured home shall be used for any purpose other than as a single- family dwelling, and fifty (50) percent or more of the combined income of the occupants of a manufactured home permitted in the A-1 District shall be derived from employment on the farm upon which such manufactured home is located.

4. Each manufactured home shall be skirted, entirely enclosing the bottom section, within sixty (60) days after it is placed on the site; skirting shall be of material suitable for exterior exposure and contact with the ground.

5. Each manufactured home shall be permanently attached to concrete using ground anchors installed to the full depth called for by the manufacturer's direction and shall extend below the established frost line into undisturbed soil.

6. No manufactured home shall be located closer than twenty-five (25) feet to another structure, and shall not be located closer than one hundred (100) feet to any lot line. Minimum lot area requirements shall be subject to the standards promulgated by the Clark County Health Department.

7. The maximum number of manufactured farm homes per recorded lot or parcel is two (2).

Section 123 - Regulations for Motels and Hotels

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-3 General Business District

   (b) B-4 Heavy Business District

   (c) I-1 Industrial District

2. Immediate access to a major thoroughfare shall be required.

3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

Section 124 - Regulations for Nursing Homes, Convalescent Homes, & Rest Homes

1. Zoning Districts Where Conditionally Permitted:

   (a) A-1 Agricultural District [eff: 3-29-90]

   (b) R-1 Rural Residence District

Section 124 (continued)

(c) R-1A Suburban Residence District

(d) R-2 Low Density Single-Family Residence District

(e) R-2A Medium Density Single-Family Residence District

(f) B-1 Neighborhood Business District [eff: 4-4-96]

(g) B-2 Community Business District [eff: 4-4-96]

(h) B-3 General Business District [eff: 4-4-96]

(i) B-4 Heavy Business District [eff: 4-4-96]

(j) I-1 Industrial District [eff: 4-4-96]

2. Immediate access to a major thoroughfare shall be required.
3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
4. Where this use is adjacent to an existing or platted residential development, there shall be a twenty (20) foot buffer strip of mature evergreens to be planted along the outside face of the required fencing at thirty (30) foot intervals.
5. In every case, the use is to be provided with an adequate water supply for a fire suppression system. [eff: 4-4-96]

Section 125 - Regulations for Penal and Correctional Institutions

1. Zoning District Where Conditionally Permitted:

   (a) I-1 Industrial District [eff: 6-7-01]

2. Minimum Site Size: Ten (10) acres.
3. The site shall be a minimum distance of:

   (a) Two thousand (2,000) feet from any residence, school, church, institution for human care, or similar institution.

   (b) One thousand (1,000) feet from any District not an A-1 District.

4. Immediate access to a major thoroughfare shall be required.

Section 126 - Regulations for Primary and Secondary Schools

1. Zoning Districts Where Conditionally Permitted:

(a) A-1 Agricultural District

(b) R-1 Rural Residence District [eff: 3-29-90]

(c) R-1A Suburban Residence District [eff: 3-29-90]

(d) R-2 Low Density Single-Family Residence District [eff: 3-29-90]

(e) R-2A Medium Density Single-Family Residence District [eff: 3-29-90]

2. There shall be a minimum yard requirement of one hundred fifty (150) feet in any yard from which unrestricted exit or entry to the principal structure on the lot is made.

3. All parking areas and/or areas where vehicles may pick-up or discharge passengers shall be screened from view from any adjacent existing or platted residential area. No on-street pick up or discharge of passengers shall be permitted.

4. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent thoroughfare(s).

5. An assessment shall be made of the probable reuse of the facility for non- public purposes in the future, with special consideration given to how facility design might limit preferred reuse alternatives.

Section 127 - Regulations for Private and Public Outdoor Recreation Areas

1. Zoning Districts Where Conditionally Permitted: [eff: 4-4-96]

   (a) A-1 Agricultural District

   (b) B-3 General Business District

   Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-4 Heavy Business District

   (b) I-1 Industrial District

2. Minimum Site Size: The site size shall be appropriate for the proposed use, as determined by the Board of Zoning Appeals.

3. Minimum Yard Requirements:

   (a) Front Yard: Fifty (50) feet.

   (b) Side Yard: Forty (40) feet.

   (c) Rear Yard: Fifty (50) feet.

4. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.

5. A Development Plan shall be submitted with the application, showing proposed incidental uses and their relationship to the site. Such incidental uses may include but shall not be limited to concession areas, food service and consumption areas, commissaries, laundry and drying facilities, management offices, toilet facilities, and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary recreation activity.

6. A landscape plan, including quantities, sizes, and varieties of landscaping, shall be submitted with the application.

7. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.

8. Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in a Residential District. The enclosure requirements for swimming pools contained in Chapter 8, Section H shall also apply.

9. In determining approval or disapproval, the Board of Zoning Appeals shall consider such potential nuisances as noise, lighting, and dust, and their effect on adjacent properties.

10. The Board of Zoning Appeals may establish such requirements as they deem necessary to regulate the duration of stay by individuals or their recreation equipment at private or public campgrounds in order to preclude such extended periods of stay that might be construed as the establishment of permanent residency at the campground.

Section 128 - Regulations for Radio, Television, and Telecommunication Transmission/Receiving Towers

1. Zoning Districts Where Conditionally Permitted:

   (a) A-1 Agricultural District

   (b) R-1 Rural Residence District

   (c) R-1A Suburban Residence District

2. Minimum Site Size: Five (5) acres.

3. In no instance shall a transmission and/or receiving tower extend higher than the distance between such structure and any lot line of the parcel or tract upon which such structure is located; guy wires or other accessories shall not cross or encroach upon any street or other public or private space. [eff: 3-29-90]

Section 129 - Regulations for Resource and Mineral Extraction

1. Zoning Districts Where Conditionally Permitted:

   (a) A-1 Agricultural District

   (b) I-1 Industrial District

2. Applications shall be submitted and hearings shall be conducted in the manner set forth in Section A of this Chapter.

3. The Board of Zoning Appeals may impose any reasonable additional standards as may be necessary to protect the public interest, including changes to the reclamation plans, which do not unduly restrict the operation of the mining/extraction operation. [eff: 6-13-02]

4. The Board of Zoning Appeals may require any modification of the submitted plan including, but not limited to, that which enhances the operations effect on the surrounding area or safety and which do not unduly restrict the operation of the mining/extraction operation. Said changes must be presented on revised plans which must be resubmitted to the board for approval or further modification. [eff: 6-13-02]

5. The applicant shall secure a permit from the Ohio Department of Natural Resources, Division of Reclamation, prior to the Clark County Zoning Inspector issuing a Zoning Certificate for the actual extraction of a resource or mineral as granted hereunder by the Board of Zoning Appeals. [eff: 4-4-96]

6. An application for such operation shall set forth the following information in narrative (text) form: [eff: 6-13-02]

   (a) Name of the owner or owners of land from which removal is to be made;

   (b) Name of the applicant making request for such a permit;

   (c) Name of the person or corporation conducting the actual removal operation;

   (d) Location, description, and size of the area from which the removal is to be made;

   (e) Indicate proposed timetable including phases of the operation;

   (f) Indicate the hours of operation (note - said hours may be modified by the board of zoning appeals);

   (g) Type of resources or materials to be removed including an estimate of the annual production rates for each mineral and describe in detail the type of operation proposed (sand & gravel, stone quarry, blacktop batch plant, etc;

   (h) Proposed method of removal and whether or not blasting or other use of explosives will be required;

   (i) General description of the type and number of equipment to be used in all operations;

   (j) Method of rehabilitation and reclamation of the mine area and the entire site;

   (k) Cost estimate of restoration;

   (l) Demonstrate that the operations will not be detrimental to the vicinity or surrounding properties;

   (m) Indicate how all the equipment used in these operations will be constructed, maintained, and operated in such a manner as to eliminate, so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity;

(n) A statement of whether any surface mining permits or coal mining and reclamation permits are now held by the applicant in this state and, if so, the numbers of the permits and their location;

(o) A statement by the applicant indicating the reason(s) why the proposed site is suitable and sustainable for mineral extraction;

(p) Ensuring that contamination of underground water supplies is prevented during mining and reclamation. Upon completion of reclamation, ensure that any watercourse, lake, or pond located within the site boundaries is free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, waterfowl, or other beneficial species of aquatic life;

(q) Ensuring during mining and reclamation, that the effect of any reduction of the quantity of ground water is minimized;

(r) Ensuring during mining and reclamation, drainage control will be provided so as to prevent the causing of flooding, landslides, and flood hazards to adjoining lands resulting from the mining operation and that any ponds left will be in such condition as to avoid their constituting a hazard to adjoining lands;

(s) Ensuring during mining, the prompt removal, storage, or coverage of any coal, pyritic shale, or other acid producing materials in such a manner that will minimize acid drainage and the accumulation of acid water;

(t) For any applicant whose operation may result in dewatering, submit a report prepared by an qualified engineer which contains text and a drawing showing the projected cone of depression; and

(u) A statement by the applicant certifying that the applicant has communicated with the County Engineer of the county in which the proposed surface will be located regarding any streets and roads under the county engineer's jurisdiction or township's jurisdiction that will be used by vehicles entering and leaving the proposed surface mining operation (NOTE: the local authority may enter into an agreement with the operator of a surface mining operation or of a proposed surface operation for the improvement of roads under the jurisdiction of that local authority that may be affected by the operation or for other improvements).

7. An application for such operation shall set forth the following information in visual (map / drawing / plan) form: [eff: 6-13-02]

(a) Map(s) showing the current property boundaries of the applicant's site as well as all property lines within five hundred (500) feet of the applicant's site. This map(s) shall also provide the following:

(1) Current and proposed drainage including proposed retention/detention areas, if applicable;

(2) Approximate boundary of total extraction area and the perimeter of the water area, if applicable;

(3) Location of existing structures and uses;

(4) All current and proposed road rights-of-way and easements within the site and within five hundred (500) feet.

(b) Location of the processing plant to be used, if any, and any accessory or related operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation;

(c) Location of all proposed buildings and location of all proposed uses;

(d) A grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding areas within five hundred (500) feet of the property boundary line, drawn to contour intervals of five (5) feet or less;

(e) Show the approximate location of buildings and uses after reclamation has been completed; and

(f) If the eventual use includes the subdividing of lots after the reclamation process, delineate approximate lot lines of said future lots.

8. Development standards: [eff: 6-13-02] *(Applicant must indicate how the plans meet these requirements)*

(a) No mining, gravel or sand extraction, or stockpile shall be permitted nearer than one hundred (100) feet to the boundary of the property being utilized for such use, or such greater distance as specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, but in any such event, adequate lateral support shall be provided for said abutting property.

Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line.

(b) In order to ensure adequate lateral support, all sand and gravel excavations shall be located at least one hundred (100) feet, or backfilled to at least one hundred fifty (150) feet, and all quarrying or blasting shall be located at least three hundred (300) feet from the right-of-way line of any existing or platted street, road, highway, or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, highway, or railway provided an approval is obtained from the appropriate highway/ railway authority.

(c) Commencing with the one hundred eightieth (180th) day after operations have ceased at any mine, quarry, or gravel or sand pit, each day the following Subsections (d), (e), and (i) have not been complied with by the applicant/owner will be considered a separate violation of these Regulations, and punishable as provided in Chapter 9, Section H of these Regulations.

(d) All excavations of gravel or sand shall either be made to a water producing depth plus five (5) feet, or graded and/or backfilled with non-noxious and non-flammable solids to assure:

(1) That the excavated area will not collect and retain stagnant water; and

(2) That the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.

(e) The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than three (3) feet horizontal to one (1) foot vertical, and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as prescribed herein.

(f) Whenever the floor of a mine or quarry is more than five (5) feet below the average grade of the highway, road, street, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6) foot mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least twenty-five (25) feet from any street, road, highway, or boundary of the quarry property. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.

(g) All quarrying, blasting, drilling, or mining shall be carried out in a manner and on such scale as to minimize dust, noise, and vibrations and to prevent adversely affecting the surrounding properties.

(h) Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Clark County Engineer.

(i) When any quarrying has been completed, such excavated areas shall either be left as a permanent spring-fed lake if such lake has an average depth of twenty (20) feet or more, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of not less than a six (6) foot mound of earth planted with vegetation approved by the Clark Soil & Water Conservation District.

(j) Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof to screen adjoining properties and/or protect the public safety. The board of zoning appeals is authorized to impose such additional requirements with respect to providing adequate barriers as it may feel necessary to screen adjoining properties and/or protect the public safety.

9. Other requirements: [eff: 6-13-02]

(a) The owner or operator of the mining operation shall submit copies of any documents / reports sent to the Ohio Department of Natural Resources to the Clark County Zoning Inspector within thirty (30) days of submitting same to the state.

(b) A zoning permit for a mining/extraction operation shall be issued for a one (1) year period which is automatically renewed for one (1) year unless the owner / operator violates or ignores the approved plan including the restoration plan.

Section 130 - Regulations for Sanitary Landfills [eff: 6-1-2000]

1. Zoning district where conditionally permitted:

   (a) I-1 Industrial District [eff: 6-7-01]

2. The applicant shall obtain approval from the Board of Directors of the Clark County Solid Waste Management District (CCSWMD) prior to the Clark County Zoning Inspector issuing a zoning certificate authorizing the applicant to commence the construction or operation of the sanitary landfill as granted hereunder by the Board of Zoning Appeals. In order to obtain said CCSWMD Board of Directors approval, the applicant must submit the landfill development proposal to the Solid Waste Facility Siting Review process contained in the current version of the Clark County Solid Waste Management Plan.

3. The applicant must secure both a permit and an operating license from the Director of the Ohio EPA prior to the Clark County Zoning Inspector issuing a zoning certificate authorizing the applicant to commence the construction or operation of the sanitary landfill as granted hereunder by the Board of Zoning Appeals.

4. In addition to the requirements of the CCSWMD Plan, the sanitary landfill site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained.

5. In addition to the requirements of the CCSWMD Plan, the sanitary landfill site shall be minimum distance of:

   (a) One thousand (1,000) feet from any state highway frontage.

   (b) One thousand five hundred (1,500) feet from any residence.

   (c) One thousand (1,000) feet from any "R" district.

6. The sanitary landfill site shall be properly screened for vector control so that refuse does not spill over onto adjacent property.

7. In order to obtain approval by the Board of Zoning Appeals of a proposal to construct and/or operate a sanitary landfill, the applicant must provide a sufficient long-term and post-closure recreational end-use of a sanitary landfill. For purposes of determining whether the long-term and post-closure aspects of a sanitary landfill proposal are sufficient to obtain a Zoning Certificate, the Board of Zoning Appeals shall consider whether the developer has proposed a satisfactory recreational end use of the facility, such as a golf course, bike paths, soccer fields or a similar recreational activity. The Board of Zoning Appeals shall require the owner/operator/developer of a sanitary landfill to provide full and complete independent financial security to secure the construction of any proposed end use development. The failure of a developer to demonstrate a sufficient end use development or to provide adequate financial assurance, as described herein, shall constitute sufficient reason for the board of zoning appeals to disapprove general plans and specifications for the proposed sanitary land fill and deny the conditional use.

8. The Siting Strategy (siting strategy) of the Clark County Solid Waste Management Plan (plan) is incorporated herein by reference and is applicable to any proposal to construct a sanitary landfill subject to this section (Section 130 - Regulations for Sanitary Landfills). The siting strategy as incorporated herein shall survive any determination by a court of competent jurisdiction or the Director of the Ohio Environmental Protection Agency that all or any portion of the plan is unenforceable. The Zoning Inspector shall not issue a certificate authorizing the applicant to construct or operate a sanitary landfill unless the Board of

County Commissioners determines that the proposed sanitary landfill complies with the Clark County Solid Waste Management Plan. In the event that all or any portion of the Clark County Solid Waste Management Plan is enjoined by a court of competent jurisdiction or by the Director of the Ohio Environmental Protection Agency, the Board of County Commissioners shall nevertheless conduct a siting strategy review of a proposal for the construction and operation of a sanitary landfill for purposes of complying with this section (Section 130- Regulations for Sanitary Landfills) and shall make its determination of whether any such proposal complies with the Clark County Solid Waste Management Plan. The Board of Zoning Appeals shall not approve any proposals for the construction of a sanitary landfill, nor shall the Zoning Inspector issue a zoning certificate to an applicant for the construction of a sanitary landfill if the applicant fails or is not able to adequately address a significant adverse impact, as defined in the Clark County Solid Waste Management Plan, or the failure of an applicant to comply with any other provision of the siting strategy or provision of this section (Section 130 - Regulation for Sanitary Landfills).

Section 131 - Regulations for Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings

1. Zoning Districts Where Conditionally Permitted:

   (a) R-2 Low Density Single-Family Residence District

   (b) R-2A Medium Density Single-Family Residence District

   (c) R-2B Medium-High Density Single-Family Residence District

   (d) R-3 Medium Density Single- & Two-Family Residence District

   (e) R-4 Multiple-Family Residence District

2. Any parcel of land which is under single ownership and consists of two (2) or more contiguous lots, each having a minimum area of five thousand (5,000) square feet, may be developed within single-family zero lot line, cluster, and/or other similar dwellings in accordance with the following provisions:

3. Minimum Frontage: Forty (40) feet per lot for detached structures or twenty-five (25) feet for attached or semi-detached structures.

4. Minimum Yard Requirements:

   (a) Front Yard: Twenty-five (25) feet, except that the setback may be reduced to not less than twenty (20) feet if an average twenty-five (25) foot setback is maintained for the total building width.

   (b) Side Yard: The minimum side yard requirements for zero lot line and/or detached cluster dwellings shall be ten (10) percent of the lot width for a one (1) story building and twenty (20) percent of the lot width for a two (2) story or taller building, except that said side yard need not exceed ten (10) feet and shall not be less than five (5) feet. In the case of half stories, each half-story shall be considered a story for the purpose of determining the side yard requirement. In the case of zero lot line dwellings, the side yard requirement for one (1) side of the lot may be reduced to zero (0), provided that the lot abutting said side of the lot is held under the same ownership at the time of the initial construction or

the owners of adjacent properties record an agreement or deed restriction consenting in writing to a zero (0) side yard setback, and further provided that the side of the dwelling adjacent to said zero (0) side yard setback shall have no windows, doors, or other openings unless a two-story dwelling adjoins a single-story dwelling, in which case windows may be installed in the second story wall of the two-story dwelling. Said side of the dwelling shall also be constructed so as to provide a minimum fire resistance rating of two (2) hours. Where adjacent zero lot line dwellings are not constructed against a common lot line, the applicant shall provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall. Notwithstanding other provisions of this Section, the distance between one (1) side wall of any zero lot line dwelling and the side wall of any other dwelling shall be not less than twelve (12) feet. In the case of attached or semi-detached cluster dwellings, there shall be permitted a maximum of eight (8) dwelling units per group of connected dwellings, the common walls of which shall be constructed so as to provide a minimum fire resistance rating of two (2) hours. There shall be no minimum side yard requirement for attached or semi-detached cluster dwellings, except that on corner lots, the minimum side yard of the corner lot shall be twenty (20) feet. When an end unit of attached or semi-detached cluster dwellings does not side on a street, an open space of at least twelve (12) feet in width shall be provided between it and the adjacent group of cluster dwellings, and this open space shall be divided between the two (2) immediately adjacent cluster dwelling lots as to property or lot lines.

(c) Rear Yard: Thirty (30) feet.

5. The maximum percentage of lot coverage by each dwelling unit shall not exceed fifty (50) percent.

6. Off-street parking shall be provided in the amount of two (2) spaces per dwelling unit.

7. In no case shall consideration be given by the Board of Zoning Appeals to a proposed development, which exceeds, either singly or cumulatively with adjacent similar development, the minimum acreage required for a PUD District. Such proposed development shall instead by governed by the provisions for designating and developing a Planned Unit Development, as specified in Chapter 4, Section A.

8. The Board of Zoning Appeals may approve a zero lot line or cluster development upon proper application for a Conditional Use, as specified in Sections A and B of this Chapter, and if evidence is presented which establishes the following:

   (a) That individual lots, buildings, streets, and parking areas shall be designed and situated so as to minimize the alteration of natural site features.

   (b) That diversity and originality in lot layout and individual dwelling design shall be encouraged in order to achieve the best possible relationship between the development and the site.

   (c) That individual lots and dwellings shall be arranged and situated so as to relate to surrounding properties, to improve the views from, and the views of, the dwellings; and to lessen the land area devoted to motor vehicles.

   (d) That individual lots, dwellings, and parking areas shall be situated so as to avoid the adverse effects of shadows, noise, fumes, and traffic upon the residents of the area.

Section 132 - Regulations for Demolition Disposal Facility [eff: 3-29-90]

1. Zoning District Where Conditionally Permitted:

   (a) A-1 Agricultural District

2. The applicant shall submit a plan showing the property lines, the limits of area to be used for dumping of permitted materials, type and location of access to dumping area, description of uses within 500' of property line, and description of operation including (but not limited to) hours of operation, type of materials to be accepted, how the operator will control the materials dumped on-site, etc.

3. The demolition disposal facility shall have adequate access to a hard surfaced public street that is regularly maintained.

4. The demolition disposal facility site shall be a minimum distance of:

   (a) Two hundred (200) feet from a public street

   (b) One thousand (1,000) feet from any "R" District

   (c) One thousand (1,000) feet from any residence

5. Prior to a zoning certificate being issued for a demolition disposal facility, the owner shall have a valid demolition disposal facility permit from the Clark County Board of Health and also any other required license or permit from any other Federal, State, or local agency.

Section 133 - Regulations for Day-Care Homes [eff: 3-29-90]

1. Zoning Districts Where Conditionally Permitted:

   (a) R-1 Rural Residence District

   (b) R-1A Suburban Residence District

   (c) R-2 Low Density Single-Family Residence District

   (d) R-2A Medium Density Single-Family Residence District

   (e) R-2B Medium-high Density Single-Family Residence District

   (f) R-3 Medium Density Single and Two-Family Residence District

   (g) R-4 Multiple-Family Residence District

   Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) A-1 Agricultural District

2. There shall be provided a minimum outdoor play area of sixty (60) square feet per child enrolled in the facility.

3. All outdoor play areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition so as to preclude penetration by any person; said fence shall not be permitted in front yard.

4. Operating hours shall be limited to between 6:00 a.m. to 9:00 p.m.

Section 134 - Regulations for Feed Lot, Grain Elevators, and Slaughterhouse [eff: 3-29-90]

1. Zoning District Where Conditionally Permitted:

   (a) A-1 Agricultural District

2. Minimum Lot Size: Five (5) acres.

3. Minimum Frontage: One-hundred fifty (150) feet.

4. Minimum Yard Requirements:

   (a) Front Yard: Forty (40) feet

   (b) Side Yard: Fifty (50) feet

   (c) Rear Yard: Fifty (50) feet

5. Structures shall be a minimum distance of:

   (a) One-hundred fifty (150) feet from any dwelling

   (b) One-hundred (100) feet from any "R" district

6. The site shall have adequate access onto a hard surface state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.

7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.

8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

9. No outdoor disassembly or repair of farm machinery shall be permitted.

10. All equipment used in the processing operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.

11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property in an "R" District or any adjoining dwelling in an A-1 district.

Section 135 - Regulations for Manufactured Home in Districts Other Than Residential Manufactured Home Park District (R-MHP) [eff: 3-29-90]

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) A-1 Agricultural District

   (b) R-1 Rural Residence District

   (c) R-1A Suburban Residence District

   (d) R-2 Low Density Single-Family Residence District

(e) R-2A Medium Density Single-Family Residence District

(f) R-2B Medium-high Density Single-Family Residence District

(g) R-3 Medium Density Single- and Two-Family Residence District

(h) R-4 Multiple-Family Residence District

2. The structure shall be installed upon and properly attached to a foundation that is in compliance with the one-family, two-family, and three- family Building Regulations of Clark County or approved by the Manufactured Home Commission pursuant to Chapter 4781 of the Revised Code. *[eff: 9-3-2004]*

3. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.

4. The siting of the structure shall comply with all other requirements in effect for the district for which it is proposed.

5. 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.[eff: 4-20-2000]

6. Aesthetic and compatibility requirements:

   (a) Roof Pitch: Pitch requirements entailing a three (3") inch vertical rise or more for each twelve inches of horizontal run. [eff: 4-20-2000]

   (b) Roof Overhang: Minimum overhang of over six inches, except on gable ends, or where approved decks, or certain accessories are attached.

   (c) Roof Material: Wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, asphalt or fiberglass shingle. (no corrugated metal or fiberglass)

   (d) Exterior Siding: One or a combination of materials such as brick, stone, stucco, clapboard or clapboard simulated vinyl or metal, wood shingles, shakes or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the top of the foundation.

Section 136 - Regulations for Automotive Service Stations [eff: 3-29-90]

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-1 Neighborhood Business District

   (b) B-2 Community Business District

   (c) B-3 General Business District

   (d) B-4 Heavy Business District

   (e) I-1 Industrial District

2. The entire lot area, exclusive of the area covered by the structures or planting areas, shall be paved.

3. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed thirty (30) feet in width at the curbline, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer that twenty-five (25) feet to an adjacent property line in a residential district; nor ten (10) feet to an adjacent property line in any other zoning district; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way line of the two (2) streets. Notwithstanding this paragraph, compliance with the requirements of the County Engineer's access standards or requirements are mandatory.

4. All service station buildings shall have a minimum front yard depth of fifty (50) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line.

5. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

6. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental units shall not be permitted in the front yard.

7. Storage of motor vehicles shall not be permitted except when stored entirely within an enclosed structure; this section shall not apply to rental units.

8. A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the service station is located adjacent to a Residential District, or lot containing a dwelling.

Section 137 - Regulations for Bed and Breakfast Facilities

1. Zoning Districts Where Permitted as Conditioned Use: [eff: 4-20-2000]

   (a) A-1 Agricultural District

   (b) R-1 Rural Residence District

   (c) R-1A Suburban Residence District

   (d) R-2 Low Density Single-Family Residence District

   (e) R-2A Medium Density Single-Family Residence District

   (f) R-2B Medium-High Density Single-Family Residence District

2. The site shall have adequate access onto a hard surface state highway, or county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.

3. Information shall be submitted indicating that adequate off-street parking will be provided. All parking areas shall be screened from view from any adjacent existing residential development or from any adjacent dwelling, by a masonry wall or a solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height.

4. No more than one sign no larger than six (6) square feet shall be permitted.

Section 138 - Regulations for Automotive Body Shop

1. Zoning District Where Permitted as Conditioned Use: [eff: 4-4-96]

   (a) B-3 General Business District

   (b) B-4 Heavy Business District

   (c) I-1 Industrial District

2. The entire lot area, exclusive of the areas covered by the shop structure or planting area, shall be paved.

3. The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

4. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of any motor vehicles shall not be permitted in the front yard.

5. Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building.

6. A solid fence, wall or evergreen hedge six (6) feet high shall be constructed or planted where the shop or storage area is located adjacent to any "R" district or any lot containing a dwelling.

Section 139 - Regulations for Garden Centers and Greenhouses [approved 12-13-00; eff: 1-13-01]

1. Zoning district where permitted as Conditionally Permitted Use:

   (a) A-1 Agricultural District

2. Minimum Lot Size: One (1) Acre.

3. Minimum Frontage: One Hundred Fifty (150) Feet.

4. Minimum Yard Requirements:

   (a) Front Yard: Fifty (50) Feet. [Eff: 3-29-90]

   (b) Side Yard: Thirty (30) Feet.

   (c) Rear Yard: Fifty (50) Feet.

5. Structures used for Garden Centers and Greenhouses shall be a minimum distance of:

   (a) One hundred-fifty (150) feet from any dwelling.

   (b) One hundred (100) feet from any "R" district.

6. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.

7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.

Section 139 (continued)

8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

9. No repair facilities shall be permitted.

10. All equipment used in the operation of a Garden Centers and Greenhouses shall be maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.

11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property.

Section 140 - Regulations for Condominium Residences [eff: 4-4-96]

1. The development shall have safe and adequate access to a public street as determined by the County Engineer for county and township roads and the Ohio Department of Transportation for state and federal highways.

2. A traffic impact statement shall be provided at an adequate level of detail to assess the effect of the development on adjacent streets.

3. In every case, the uses shall be provided with water and sewer systems approved by Ohio EPA or County Health Department.

4. Development plans shall be submitted with the application for Zoning Certificate for every condominium property which show the particulars of the site, proposed buildings and other improvements, including the layout of the interior streets, drives, and parking areas, the layout, location, designation, and dimensions of each unit, the layout and details of the water and sewer facilities serving the proposed condominium property, the layout and details of the soil erosion and stormwater runoff control facilities proposed, and the location and dimensions of any existing or proposed easements. The name, registration number, and address of the design professional preparing such plans shall be clearly indicated thereon.

5. Approval shall be based on the development plan as submitted after review and approval by each of the related agencies, such as the County Engineer, Soil Conservation Office and Utilities Department.

Section 141 - Regulations for Office-Residential Uses [eff: 4-4-96]

1. Only family members who reside in the dwelling on the property where the conditioned use is conducted shall be allowed to be employed in the business. Said use may be conducted within the dwelling or within an accessory building on the same lot as the dwelling.

2. Conditioned Uses - professional services, including but not limited to offices of physicians, dentists, lawyers, architects, insurance and real estate agents, and general contractors, surveyors, beauty shops and other similar professions.

3. The Conditioned Use shall be conducted principally during day light hours and shall not create a nuisance from noise, smoke, odor, vibration, electrical disturbances, or parking.

4. No alteration of the principal residential structure shall be made which changes the essential appearance thereof as a dwelling.

5. One sign shall be permitted. Such sign shall be attached flush to the wall of the structure and shall be no larger than four (4) square feet.

6. No more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be devoted to the occupational use.

7. Outdoor storage of product(s), equipment, or commercial vehicles shall be permitted only in the rear yard. All such outdoor storage shall be enclosed with a six (6) foot fence that provides both security and a visual barrier.

8. An assessment shall be made of the probable effects the proposed use will have on the surrounding area including additional traffic and the proposed parking, loading, and unloading facilities.