

Case #ZA-2019-02; Master List of Proposed Zoning Code Amendments

Text to be deleted identified in ~~strikeout~~.

New text and etc. identified in *red italics*.

Green shaded text: previously adopted, but in error not included in the updated regulations.

Section Proposed Amendment

1. 102.02 ... it shall be enforced by the County Zoning *Inspector* as set forth in Section 902 of these Regulations ... { change Zoning “Administrator” to Zoning “*Inspector*” throughout the Regulations }

2. S. 102.03 update language per ORC.

102.03 Except as otherwise provided in Section 102.03, nothing in these Regulations shall prohibit the use of any land for agricultural purposes, *as defined by the Ohio Revised Code*, or structures incident to the use for agricultural purposes of the land on which such ~~buildings or~~ structures are located, and no Zoning Certificate shall be required for such ~~building or~~ structure.

102.03.01 The provisions of these Regulations shall, in any platted subdivision approved under ORC Section 711.05, 711.09, or 711.10, or in any area consisting of fifteen (15) or more lots approved under ORC Section 711.131 that are contiguous to one another or some of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, apply to and regulate:

102.03.011 Agriculture on lots of one (1) acre or less;

102.03.012 Buildings or structures ~~incident~~ *incidental* to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: setback building lines, height, and size;

102.03.013 Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under ORC Section 4503.06. After thirty-five (35) percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 109 ~~and Section 907.03~~.

102.03.02 Agricultural Use Exemption. A Zoning Certificate shall not be required for the construction or use of a building or structure incident to the use for agricultural purpose of the land on which such building or structure is located if: (A) the parcel is five (5) acres or larger; or (B) for parcels between 1.01 acres and 5 acres, said parcel is not located in a platted subdivision or an area of fifteen (15) or more lots approved under ORC Section 711.131. Excluded from this provision are parcels established by Section 201, Footnote 6a, or would qualify as such.

102.03.021 Application for an Agricultural Use Exemption shall be made to the Zoning *Inspector* on such form as prescribed by the Zoning Inspector. Upon determination by the Zoning *Inspector* that an Agricultural Use Exemption is warranted, a Zoning Certificate shall be issued, without fee, setting forth the Agricultural Use Exemption.

102.03.022 Upon determination by the Zoning *Inspector* that an Agricultural Use Exemption is not warranted, a Zoning Certificate and application fee shall be required for the structure, building, or use.

102.03.03 Keeping of Animals on a non-agricultural exempt parcel: No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless The building or structure housing said animals shall be in the rear yard and 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.

102.03.04 Agricultural use, as defined in the Ohio Revised Code, shall be prohibited on any parcel less than one (1) acre when said parcel is in a platted subdivision approved under ORC Section 711.05, 711.09, or 711.10 or in an area of fifteen (15) or more lots approved under ORC Section 711.131. Excluded from this provision are parcels established by Section 201, Footnote 6a, or would qualify as such.

3. S. 105 update to include ‘AE’, ‘R-CL’, ‘I-2’, MU-1’ & MU-2’

A-1	Agricultural District	OR-2	Office Residential District [eff. 4-4-96]
AE	Agricultural Exclusive District	B-1	Neighborhood Business District
AR-1	Agricultural/Residential District	B-2	Community Business District
AR-2	Agricultural/Residential District	B-3	General Business District
AR-5	Agricultural/Residential District	B-4	Heavy Business District
AR-10	Agricultural/Residential District	I-1	Light Industrial District
AR-25	Agricultural/Residential District	I-2	Heavy Industrial District
R-1	Rural Residence District	MU-1	Mixed-Use Low Intensity
R-2	Low Density Single-Family Residence District	MU-2	Mixed-Use High Intensity
R-2A	Medium Density Single-Family Residence District	PD	Planned Development Districts [eff. 3-25-03]
R-2B	Medium-High Density Single-Family Residence District	R-MHP	Residential Manufactured Home Park Dist.
R-3	Medium Density Single- and Two-Family Residence District	FP	Flood Plain Overlay District
R-4	Multiple-Family Residence District	OS	Open Space Overlay District [eff. 3-29-90]
R-CL	Residential – Crystal Lakes	EEOD	Eastern Edge Overlay Zoning District [eff. 9-4-08]
O-1	Office Business District	S	Specific Use Control District

4. S. 106 Add AE, I-1, I-2, MU-1 and MU-2 Districts

AE – Agricultural Exclusive District

The purpose of the AE District, a zoning district for agricultural land uses (refer to ORC 303.01, definition of agriculture) and those uses that are necessary and integral to agricultural uses, is to protect the general welfare of the agricultural community from the encroachment of non-related development that can impede agricultural land uses and inevitably deplete agricultural lands.

The AE District is intended to:

- 1. minimize the physical land use conflicts between agricultural uses and non-agricultural uses;*
- 2. provide economic stability to the agricultural community, and the community as a whole, by protecting those unincorporated areas where prime farmland soils are located; and*
- 3. preserve open areas from scattered development until such time as when appropriate infrastructure and services can be provided.*

R-CL Residential – Crystal Lakes District

The R-CL District is intended to provide for single-family homes in the Crystal Lakes Subdivision characterized by medium-high density development served with a public sewerage system.

I-1 Light Industrial District

The purpose of the I-1 Light Industrial District is to provide for low intensity industrial developments involving manufacturing, production, warehouse/distribution, wholesaling and related uses whose operations are conducted primarily within a building(s). I-1 District uses are those whose external and physical impacts are restricted to the area of the I-1 District and do

not affect their surrounding districts in a detrimental way. Access to I-1 property should be directly from Primary and Secondary Arterials as classified by the County's Thoroughfare Plan, or from state routes.

I-2 Heavy Industrial District

The purpose of the I-2 Heavy Industrial District is to accommodate a broad range of intensity of industrial developments and related uses that have a greater external and physical impact on the immediate area than those developments listed in the I-1 District. Access to the I-2 District should be directly from Primary and Secondary Arterials as classified by the County's Thoroughfare Plan, or from state routes.

The Mixed-Use Districts (MU-1 and MU-2) are intended to blend together residential, commercial, cultural, institutional and office uses within the same development. The increased density allows for more compact development resulting in increased land use efficiency, more efficient energy consumption and reducing transportation costs. In addition, the mixed-use zoning districts help strengthen neighborhood cohesion with emphasis on pedestrian orientation.

MU-1 Mixed-Use Low Intensity District

The purpose of the MU-1 Mixed-Use Low Intensity District is to accommodate a large-scale activity center that integrates places of residence, shopping and/or work in a walkable pattern. This activity center should emphasize employment as primary uses with residential and commercial as secondary uses.

MU-2 Mixed-Use High Intensity District

The purpose of the MU-2 Mixed-Use High Intensity District is accommodate a mix of commercial, office, residential housing and other compatible uses. Such development is appropriate to support core center activities, but may also support activities serving the broader community and region. A mixed-use high intensity development should reflect a more traditional neighborhood design where different residential types and other community facilities are connected in a walkable pattern.

5. S. 107 Technical Review Committee. There shall be a Technical Review Committee (TRC), led by the Planning Commission Staff, which includes representatives from the following departments/ agencies: Combined Health District, County Engineer, Clark Soil & Water Conservation District and County Utilities.

107.01 The TRC shall meet as necessary to review and provide advice on all applications to the County Planning Commission, CEDA RPC, Rural Zoning Commission and Board of Zoning Appeals regarding the following issues as they relate to the application:

107.01.01 The Clark County Soil & Water Conservation District for soils investigation, including wetlands, of the site.

107.01.02 The County Engineer's Department for traffic analysis, vehicular access point(s) and stormwater management.

107.01.03 Where public sanitary sewer is not available, the Combined Health District or Ohio EPA, as applicable, for an analysis of the soil/site suitability for on-site sewage disposal.

107.01.04 When public water and/or sanitary sewer system(s) are/will be connected, the County Utilities Department for requirements to connect to the public utility.

6. S. 108 Required Conformance

108.01 No land shall be used except for a ~~use permitted~~ *Permitted, Conditioned or Conditionally Permitted Use* in the Zoning District in which it is located, ~~or for a use conditionally permitted and subject to the granting of a Conditional Use.~~ *Any other use may be allowed if said use is determined to be of the same general character as a Permitted, Conditioned or Conditionally Permitted Use in the same zoning district, and not specifically prohibited elsewhere in these Regulations, as determined by the Zoning Inspector or by the Board of Zoning Appeals.*

7. S. 109 Regulation of Non-Conformities { separate use vs. lot vs. building/structure }

109.01. *Non-conformities: buildings, structures, or land uses which were lawfully existing prior to the adoption of these Zoning Regulations and which are prohibited or further restricted as a result of the provisions adopted in these Regulations.*

109.02. *Nothing in these Regulations shall grant a Legal Non-conforming Use status to a non-conforming use that existed unlawfully prior to enactment of these Regulations.*

109.03. *All non-conforming uses are considered by these Regulations to be incompatible with the Permitted Uses of the zoning district in which the non-conforming uses are located.*

109.04. *Nothing contained in these Regulations shall be construed to require any changes to be made in the plans, construction, or designated use of any building, structure, or use on which actual construction was lawfully begun, or for which plans were officially approved by the County prior to the date of adoption of these Regulations.*

109.05. *All non-conforming buildings, structures, or land uses which were lawfully existing prior to the adoption of these Regulations may be maintained and shall be kept in repair, provided no structural alterations shall be made except such as are required by law or authorized by a variance approved by the Board of Zoning Appeals.*

109.06 *Non-conforming Lot of Record: In any District in which single-family dwellings are permitted, a single-family dwelling may be erected on any single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of the Zoning Regulations. In any district, other than a residential District, a building designed for any permitted use in such district may be erected on any lot of official record as of the effective date of this Zoning Regulation. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District. The front, side or rear yard setback requirements of Chapter 2 may only be modified by a variance from the Board of Zoning Appeals.*

109.07 *Nonconforming Use Of Land (aka Parcel)*

109.07.01 *Continuation: Any lawfully existing non-conforming use of land may be continued, so long as it remains otherwise lawful.*

109.07.02 *Discontinuance: In the event that operation of non-conforming use of land is voluntarily discontinued for a period of two (2) years, such non-conforming use shall not thereafter be re-established and any subsequent use of occupancy of such land shall conform to the regulation of the district in which it is located.*

109.07.03 *Non-Conforming Accessory Uses. No non-conforming accessory uses shall continue after the principal use to which it is accessory to has been discontinued.*

109.07.04 *Extension and Enlargement of the Land. No such non-conforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Regulations.*

109.07.041 No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of the Zoning Regulations.

109.07.042 Additional structures not conforming to the requirements of the Zoning Regulations shall not be erected in connection with such nonconforming use of land.

109.07.05 Damage or Destruction. Any non-conforming use which is destroyed by natural causes (fire, flood, earthquake, tornado, or the like) to the extent of more than fifty (50) percent of the structure or building. Any subsequent use of the land thereafter shall be in conformance with these Regulations.

109.08 Nonconforming Structures

109.08.01 Continuation. Any structure which is devoted to a use which is permitted in the zoning in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the following restrictions:

109.08.02 Discontinuance: Any non-conforming building or structure left vacant, for a period of two (2) years or more, shall not be resumed. Any subsequent use of the land shall be in conformance with these Regulations.

109.08.03 Non-Conforming Accessory Uses: No non-conforming accessory uses shall continue after the principal use to which it is accessory to has been discontinued

109.08.04 Extension and Enlargement. Any such structure described may be enlarged, maintained, repaired or structurally altered, provided, however, that no such enlargement, maintenance, repair or structural alternation shall either create any additional non-conformity or increase the degree of existing non-conformity of all or any part of such structure. The Board of Zoning Appeals may permit a non-conforming building or structure to be extended, expanded, enlarged, or increased in intensity.

109.08.041 Nothing in this resolution shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

109.08.042 Non-conforming residential buildings in a Business or Industrial District may be maintained, repaired, improved, modernized or enlarged; provided, however, that the increase in the number of dwelling units shall not be permitted.

109.08.05 Moving: No structure devoted in whole or in part to a non-conforming use, shall be moved to any location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which will be located after being moved.

109.08.06 Damage or Destruction. Any Non-conforming building which is destroyed by natural causes (fire, flood, earthquake, tornado, or the like) to the extent of more than fifty (50) percent of its replacement value, shall not be resumed or reconstructed. The remains of any building or structure shall be razed as soon as is possible (not to exceed sixty (60) days from the date of the order of the Zoning Inspector). Any subsequent use of the land thereafter shall be in conformance with these Regulations. Replacement value shall be based upon the replacement cost of the structure prior to the calamity, and shall be determined by an independent appraiser. In the case of any uncertainty as to the replacement value of a particular structure, the determination of the Clark County Building Official shall be final.

109.09 Notwithstanding other provisions of these Regulations, the provisions of Section 109 shall not apply to buildings or structures that have been a conditionally or permitted use as herein provided.

- 8. ~~S. 111.07 Any use in any District which use is not specifically listed or otherwise referenced as being permitted, but which is determined by the Board of Zoning Appeals to be of the same general character as those which are so listed as permitted in such District, but not including any use which is first permitted or is prohibited in the next less restricted District, may be authorized by the Board of Zoning Appeals. { already covered in S. 108.01 }~~
- 9. S. 113.01 There are established in certain areas of Clark County other zoning regulations known as the Wright-Patterson Air Force Base Airport Zoning Regulations and the Clark-Greene County Airport Zoning Regulations. Within the boundaries established for the Wright-Patterson Air Force Base Airport Zoning Regulations and the Clark-Greene County Airport Zoning Regulations, a Zoning Permit or other evidence of compliance with said regulations shall be obtained from the proper airport zoning authorities and presented to the Clark County Zoning Administrator *Inspector* prior to application for a Clark County Zoning Certificate.
- 10. S. 113.02 There are established in certain low-lying areas of Clark County building restrictions for those areas situated within the jurisdictional limits of the Miami Conservancy District. Within this area, known as the Huffman Retarding Basin, no new dwellings may be constructed. Buildings for recreational or agricultural purposes may be constructed if a permit is issued by the Miami Conservancy District Property Office. All applications for building permits in the Huffman Retarding Basin must be approved by the Miami Conservancy District prior to application for a Zoning Certificate from the Clark County Zoning Administrator *Inspector*.
- 11. Chapter 2, *in all Zoning Districts: delete Max. Height “Stories” regulation (review story definition, which shall also be deleted); maximum building height control shall be in “Feet”.*
- 12. Chapter 2, *in all Zoning Districts: alphabetize the listing of uses in each zoning district.*
- 13. ~~S. 201 Agriculture, Farm Markets, Agricultural-Related Processing & Marketing & related buildings & structures.~~ *Agriculture uses, as defined by ORC 303.01, and related buildings and structures for agricultural operation.*
- 14. S. 201 Conditional Uses

CONDITIONALLY PERMITTED USES (Requires BZA Approval): [eff: 6-7-01]	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
		WIDTH (feet)	FRONT (Setback)	SIDE		REAR (Setback)			
				LEAST WIDTH	SUM of BOTH				
<i>Campgrounds</i>	--	<i>150</i>	<i>50</i>	<i>40</i>	<i>80</i>	<i>70</i>	<i>35</i>	<i>-</i>	<i>5, 31</i>
<i>Demolition Disposal Facility</i>									
<i>Private and Public Outdoor Rec Areas</i>									
<i>Public Recreation Areas</i>		150	50	40	80	70	35		5, 11

15. S. 201, Footnote 1 ~~Related buildings and structures may include private garages and manufactured farm homes for help employed on the premises as full-time labor. The minimum yard and height requirements for Single Family Residences shall apply to such related buildings and structures.~~ *Related buildings and structures include, but are not limited to, barns, silos and storage tanks used in conjunction for agricultural operation. Also included is Farm Labor Housing subject to Section 723.*
16. 201, Footnote 2 ~~On no lot or parcel in the A-1 district shall buildings be constructed which cover more than twenty-five (25) percent of the lot or parcel area.~~ *Other than agricultural use exempted buildings and structures, the cumulative lot coverage of all buildings shall not exceed twenty-five (25) percent of the lot area.*
17. S. 201, Footnote 5 ~~In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have written approval from the Combined Health District or from the Ohio EPA, as applicable, prior to issuing a Zoning Certificate.~~
18. S. 201, *Footnote 6a No parcel of land in the A-1 District shall have an area of less than one (1) acre except for a lot split that creates a lot for agricultural purposes that cannot be combined with an adjacent lot due to taxing district boundaries.*
19. S. 201, Footnote 11 ~~Subject to requirements for Private and Public Outdoor Public Recreation Areas specified in Section 741.~~
20. S. 201, Footnote 16 ~~Subject to requirements for Farm Labor Housing and Construction Labor Camps specified in Section 723.~~
21. S. 201, Footnote 31 ~~Subject to requirements for Manufactured Farm Homes specified in Section 723. Subject to requirements for Campgrounds specified in Section 711.~~
22. *S. 202 AE, Agricultural Exclusive District*

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)		REAR (Setback)	(Feet)	(Stories)	
				SIDE					
				LEAST WIDTH	SUM of BOTH				
<i>1. Agriculture uses, as defined by ORC 303.01, and related structures for agricultural operation</i>	<i>40 Acre</i>	<i>150</i>	<i>50</i>	<i>30</i>	<i>60</i>	<i>50</i>	<i>35</i>	<i>2</i>	<i>1, 2, 4</i>
<i>2. Farm dwellings</i>									<i>2, 4, 5</i>
<i>3. Farm markets</i>									<i>3, 4</i>

CONDITIONAL USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)		REAR (Setback)	(Feet)	(Stories)	
				SIDE					
				LEAST WIDTH	SUM of BOTH				
<i>1. Home Occupation</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>7</i>

Footnotes to Section 202

- 1. Agricultural related structures include, but are not limited to, barns, silos and storage tanks used in conjunction for agricultural operation. Also included is Farm Labor Housing subject to Section 723.*
- 2. Other than agricultural use exempted buildings, the cumulative lot coverage of all buildings shall not exceed twenty-five (25) percent of the lot area.*

3. *Roadside sales of sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed two-hundred (200) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent existing or proposed public right-of-way shall be required. No curb cuts along a public road shall be established and, adequate areas for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.*
4. *In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Combined Health District or from the Ohio EPA, as applicable.*
5. *Manufactured Housing subject to requirements specified in Section 733.*
6. *No new lot or lots shall be created in the AE District by a minor or major subdivision.*
7. *Subject to requirements for Home Occupation specified in Section 728.*

23. S. 203, Footnote 4 In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have ~~written~~ approval from the Combined Health District or from the Ohio EPA., as applicable., ~~prior to issuing a zoning certificate.~~

24. S. 203, Footnote 5 ~~Factory-built housing subject to requirements for Factory-Built Housing specified in Section 736.~~ *Manufactured housing subject to requirements specified in Section 733.*

25. *S. 203 Footnote 6a No parcel of land in an AR District shall have an area of less than one (1) acre except for a lot split that creates a lot for agricultural purposes that cannot be combined with an adjacent lot due to taxing district boundaries.*

26. S. 204 & 205 remove 'agriculture use' as a permitted use in all 'R' districts; { agriculture use, agricultural building/structure and agricultural exemption are covered under Section 102.03 }

27. S. 204, Footnote 1 In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have ~~written~~ approval from the Combined Health District or from the Ohio EPA, as applicable., ~~prior to issuing a Zoning Certificate.~~

28. S. 205

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS		MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		Footnotes (Restrictions)
			LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)			REAR (Setback)	(Feet)	(Stories)	
	WIDTH (feet)	FRONT (Setback)		SIDE							
				LEAST WIDTH	SUM of BOTH						
1. Single-Family Dwellings	Y	¥ <i>N</i>	7,500 SF	60	25	6	16	25	35	2	1, 1a, 2

29. S. 205, Footnote 2 In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have ~~written~~ approval from the Combined Health District or approval from the Ohio EPA, as applicable., ~~prior to issuing a Zoning Certificate.~~

30. S. 206, Footnote 2 In any case where a lot is not provided with public water or disposal of sanitary wastes by means of public sewers, the proposed water supply system and/or disposal of wastes shall have ~~written~~ approval from the legally authorized agency charged with issuing water and sewage permits for this type of use.
31. *S. 206, Footnote 3 Communal Facilities shall refer to those facilities which are shared among residents within the R-MHP including, but not limited to, activity room/hall, laundry room, swimming pool, outdoor recreation field.*
32. S. 208, Footnote 1 In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have ~~written~~ approval from the Combined Health District or from the Ohio E.P.A., as applicable, ~~prior to issuing a Zoning Certificate.~~
33. S. 209, Footnote 2 In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have ~~written~~ approval from the Combined Health District or approval from the Ohio EPA, as applicable, ~~prior to issuing a zoning certificate.~~
34. Section 210 ~~Table 2.4~~
 - ~~a) The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.~~
 - ~~b) The front yard setback shall be measured from the right of way established on the Official Thoroughfare Plan for Clark County.~~
 - ~~c) Off street parking and loading/unloading requirements specified in Chapter 5.~~
 - ~~d) Sign requirements specified in Chapter 6.~~
 - ~~e) Any other use which is the same general character as the above Principal, Conditioned, or Conditional Permitted Uses as determined by the Zoning Administrator and/or by the Board of Zoning Appeals. [rev. 12-13-2013]~~
 - ~~f) The lot area is exclusive of any area within the road right of way either existing or proposed on the Clark County Thoroughfare Plan.~~

Footnotes to S. 210, 211, 212 & 213

2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have ~~written~~ approval from the Combined Health District or from the Ohio EPA, ~~as applicable, prior to issuing a Zoning Certificate.~~
9. Subject to requirements for ~~Automotive Service~~ *Motor Vehicle Fuel Only Stations* specified in Section *725*.
11. Subject to requirements for Commercial Recreation *Outdoor* Establishments specified in Section *716*.
19. Subject to requirements for ~~Private and Public Outdoor Recreation Areas~~ *Commercial Recreation* specified in Section *715*.

35. S. 210 under Conditional Uses: ~~Indoor Private & Commercial Recreational Establishments~~
Commercial Recreation – Indoor; - Outdoor

36. S. 211: under Permitted & Conditioned Uses:
~~Indoor Private & Commercial Recreation Establishments~~ *Commercial Recreation – Indoor*
 Motor repair of small equipment excluding farm machinery *and vehicles*

Under Conditional Uses:

Commercial Recreation – Outdoor

37. S. 212: under Permitted & Conditioned Uses:
~~Private and Public Outdoor Recreation Areas~~ *Commercial Recreation – Indoor or Outdoor*

38. S. 213
 Add *Truck Stop* as a Conditional Use.

39. **S. 214** I-1, *Light Industrial District*
 Remove the “use cross over” from B-4 to I-1; “*” uses also permitted in B-4

PRINCIPAL PERMITTED AND CONDITIONED USES: See TABLE 2.5 for Height & Setbacks	MINIMUM LOT SIZE	MINIMUM FRONTAGE	Footnotes (Restrictions)
1. * <i>Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
2. * <i>Carting, Express or Hauling Establishment</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
3. <i>Commercial Recreation – Indoor & Outdoor</i>	1 Acre	150 feet	1, 2, 3, 5, 16
4. * <i>Contractor's Equipment Storage or Storage & Rental of Contractor's Equipment</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
5. <i>Light Industrial & Manufacturing Establishments</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
6. <i>Manufacturing Retail Outlets</i>	1 Acre	150 feet	1, 2, 3, 4, 5, 12, 13
7. * <i>Self-Storage Facility</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
8. * <i>Motor Vehicle, Boat & Camper Indoor Only Storage</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13, 15
9. * <i>Recycling Center & Transfer Station</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
10. * <i>Research Facility</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
11. * <i>Stone or Monument Works</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
12. <i>Warehouses</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13
13. <i>Wholesale Establishments</i>	1 Acre	150 feet	1, 2, 3, 5, 12, 13

CONDITIONALLY PERMITTED USES (Requires BZA Approval): See TABLE 2.5 for Height & Setbacks			
1. * <i>Adult Entertainment</i>			1, 2, 3, 5, 11
1. <i>Junkyards and Automobile Wrecking Yards</i>	5 Acre	250 feet	1, 2, 4
2. <i>Penal & Correctional Facilities</i>	5 Acre	250 feet	1, 2, 5
3. <i>Resource and Mineral Extraction</i>	5 Acre	250 feet	1, 2, 6
4. <i>Sanitary Landfills</i>	5 Acre	250 feet	1, 2, 7

Table 2.5

<i>Minimum requirements unless more restrictive elsewhere in these Regulations, i.e. the most restrictive requirement takes precedence [eff: 12-17-09]</i>	
<u>MINIMUM FRONT YARD SETBACK</u> 50'	<u>MAXIMUM BUILDING HEIGHT</u> 50'
<i>MINIMUM BUILDING SIDE AND REAR SETBACKS</i>	
<i>When abutting any District except "O", "B" Districts</i> Minimum Side Setback = 40' Minimum Rear Setback = 100'	<i>When abutting any "O", "B", Districts</i> Minimum Side Setback = 10' Minimum Rear Setback = 40'

40. **S. 215** *I-2, Heavy Industrial District*

PRINCIPAL PERMITTED AND CONDITIONED USES: <i>See Table 2.6 for Height & Setbacks</i>	MINIMUM LOT SIZE	MINIMUM FRONTAGE	Footnotes (Restrictions)
<i>1. * Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>2. Carting, Express or Hauling Establishment</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>3. Commercial Recreation, Indoor & Outdoor</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 16</i>
<i>4. Contractor's Equipment Storage Yard or Storage & Rental of Contractor's Equipment</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>5. Demolition Disposal Facility</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 10, 12, 14</i>
<i>6. Heavy Industrial and Manufacturing Establishments</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>7. Mini-Warehouse or Self-Storage Facility</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>8. Motor Vehicle, Boat and Camper Storage (Indoor or Outdoor)</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 13, 15</i>
<i>9. Recycling Center and Transfer Station</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>10. Research Facility</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>11. Stone or Monument Works</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>12. Trucking and Motor Freight Station or Terminal</i>	<i>5 Acre</i>	<i>250 feet</i>	<i>1, 2, 3, 12, 14</i>
<i>13. Warehouses</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 13, 14</i>
<i>14. Wholesale Establishments</i>	<i>1 Acre</i>	<i>150 feet</i>	<i>1, 2, 3, 12, 13, 14</i>
CONDITIONALLY PERMITTED USES (Requires BZA Approval) <i>See Table 2.6 for Height & Setbacks</i>			
<i>1. Adult Entertainment Establishments</i>	<i>--</i>	<i>--</i>	<i>1, 2, 3, 5, 11</i>
<i>2. Junkyards and Motor Vehicle Wrecking Yards</i>	<i>5 Acre</i>	<i>250 feet</i>	<i>1, 2, 3, 6, 14</i>
<i>3. Penal and Correctional Facilities</i>	<i>5 Acre</i>	<i>250 feet</i>	<i>1, 2, 3, 8</i>
<i>4. Resource and Mineral Extraction</i>	<i>5 Acre</i>	<i>250 feet</i>	<i>1, 2, 3, 7</i>
<i>5. Sanitary Landfills</i>	<i>5 Acre</i>	<i>250 feet</i>	<i>1, 2, 3, 9</i>
<i>6. Truck Stop</i>	<i>5 Acre</i>	<i>250 feet</i>	<i>1, 2, 3, 17</i>

Table 2.6

<i>Minimum requirements unless more restrictive elsewhere in these Regulations, i.e. the most restrictive requirement takes precedence</i>	
<u>MINIMUM FRONT YARD SETBACK</u> 50'	<u>MAXIMUM BUILDING HEIGHT</u> 50'
<i>MINIMUM BUILDING SIDE AND REAR SETBACKS</i>	
<i>When abutting any District except "O", "B" or "I" Districts</i> Minimum Side Setback = 40' Minimum Rear Setback = 100'	<i>When abutting any "O", "B", or "I" Districts</i> Minimum Side Setback = 10' Minimum Rear Setback = 40'

41. **Footnotes to Sections 214 & 215**

- In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Combined Health District or approval from the Ohio EPA, as applicable.*

2. *All areas not containing a building or structure, or which are not paved, shall be landscaped. Landscape screening, consisting of shrubbery, trees, and/or fencing, shall be provided along all side and rear lot lines which abut lots in all districts except "B" or "I" Districts. All such vegetation and fencing shall be properly maintained in a neat and tidy manner.*
3. *All trash collection areas shall be screened on both sides and rear with shrubbery or fencing with one-hundred (100) percent opacity. All such shrubbery and fencing shall be properly maintained in a neat and tidy manner.*
4. *Manufacturing retail outlets must be clearly an accessory use to the Principal Permitted Industrial or manufacturing use and shall not occupy greater than twenty-five (25) percent of the total floor area of the industrial or manufacturing establishment. Access to a major thoroughfare shall be required.*
5. *All uses, activities, and transactions (with the exception of off-street parking, loading/unloading areas) shall be conducted entirely within an enclosed building(s).*
6. *Subject to requirements for Junkyards and Automobile Wrecking Yards specified in Section 732.*
7. *Subject to requirements for Resource and Mineral Extraction specified in Section 743.*
8. *Subject to requirements for Penal and Correctional Facilities specified in Section 739.*
9. *Subject to requirements for Sanitary Landfills specified in Section 744.*
10. *Subject to requirements for Demolition Disposal Facility specified in Section 720.*
11. *Subject to requirements for Adult Entertainment Establishments specified in Section 704.*
12. *All uses must comply with the following:*
 - a) *When conducted wholly within a completely enclosed building, said building must not be located within one hundred (100) feet of any R-District, PD District, or existing residential structure; or*
 - b) *When conducted within an area enclosed on all sides with a solid wall or solid fence not less than six (6) feet high, said use shall not be within two hundred (200) feet of any R-District, PD District, or existing residential structure.*
13. *Allowed uses shall not employ power driven tools except if employing such tools within a completely enclosed building and said building must be located at least one hundred (100) feet from any R-District or existing residential structure.*
14. *Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried wastes.*
15. *Outside storage of motor vehicles, boats, and recreational vehicles shall be kept in an organized manner and completely enclosed area with a solid wall or fence eight (8) feet in height. This use shall not be considered to include junkyards, or disabled or inoperable vehicle storage as defined in Chapter 10.*
16. *Subject to requirements for Commercial Recreation – Indoor; - Outdoor specified in Section 715.*
17. *Subject to requirements for Truck Stops specified in Section 746.*

42. S. 216 MU-1 and MU-2, Mixed Use Districts

216.01 The key to an effective mixed-use development is its focus on design to: a) maximize the use of land, especially in a core center when applicable; b) provide and improve connectivity to nearby uses via. Paths and streets; c) promote adaptive re-use of existing buildings where feasible; d) locate new building(s) near the street with parking behind the building(s); e) provide and improve public features such as bike facilities, green spaces and sidewalks; f) limit access points into the development and minimize vehicular movement within the development for pedestrian and vehicular safety; and g) consolidate parking for all uses thereby promoting walkability.

216.02 Allowed Uses in the MU-1 District: are those Permitted Uses, Conditioned Uses and Conditional Uses under “B-1, B-2, B-3”, “O” or any “R” District that are primarily conducted within an enclosed building, but excluding those uses listed in Section 216.03.

216.03 The following uses are prohibited in the MU-1 District: drive-in or drive-thru associated with a permitted use other than banks; building materials sales yards; car washes; drive-in movie theater; outdoor recreation; any use that creates excessive noise, odor, dust or similar environmental nuisance.

216.04 Allowed Uses in the MU-2 District: are those Permitted Uses, Conditioned Uses and Conditional Uses under any “B”, “O”, “R” or “I-1” District, but excluding those uses listed in Section 216.05.

216.05 The following uses are prohibited in the MU-2 District: a drive-in or drive-thru associated with a permitted use other than banks and any use that creates excessive noise, odor, dust or similar environmental nuisance.

216.06 Design Criteria for development in a MU-1 or MU-2 District. A Site Plan shall be provided that illustrates compliance with the following:

216.06.01 Minimum lot size of two (2) acres and minimum frontage of 150 feet on a public right-of-way.

216.06.02 Minimum side and rear yard setbacks for any building or structure: 20 ft.

216.06.03 Building(s) shall be located near the street, their facades to help frame the street providing a pedestrian-oriented environment, with off-street parking to the side or rear of the building(s).

216.06.04 A fifteen (15) foot wide perimeter screening of the lot, except along the public right-of-way, shall be provided.

216.06.05 Fencing, Screening and Landscaping shall be in accordance with said regulations in Section 805.

216.06.06 If connecting to a public utility for water and/or sanitary sewer service, approval to connect to said utility(ies) is required from the applicable public utility provider.

216.06.07 When the MU development is not serviced by public water and sanitary sewer services, approval is required from the Combined Health District.

206.06.08 Off-street parking shall be in accordance with said regulations in Chapter 5.

216.06.09 Signage shall be limited to wall signs and monument signs, excluding electronic message display signs, in accordance with said regulations in Chapter 6.

~~S. 402.05 Requirements for Areas less than Two (2) Acres. A PD-R plan for an area containing less than two (2) acres shall in addition to or in lieu of the requirements elsewhere above, meet the following requirements:~~

~~402.05.01 The density and design of the PD-R shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.~~

~~402.05.02 Multi-family structures located adjacent to existing single-family dwellings shall be sited, landscaped and screened by natural features and plant materials to harmoniously integrate the planned development with the surrounding neighborhood.~~

~~402.05.03 The development shall not overburden existing streets and utilities.~~

~~402.05.04 The development shall not adversely affect views, lights and air, property values and privacy of neighboring properties any more than would a conventional development~~

43. 408 Residential Manufactured Home Park Development Requirements and Procedures

~~408.01.02 Any existing manufactured home not located within a manufactured home park or within an A-1 District shall be a Non-conforming Use. Such manufactured home is privileged to remain at its present location, but may not be moved to a location other than an A-1 District except by meeting the requirements for manufactured home parks stated herein.~~

~~408.01.03 It shall be unlawful to occupy or sleep in any manufactured home unless it meets the requirements of this Section.~~

{ renumber remaining Sections of 408.01. }

44. 501.03.03 ~~In the Agricultural Districts and in the R-1, R-2, R-2A and R-2B Districts, no access drive shall be located nearer than five (5) feet to the side or rear lot line unless utilized for cross access between uses, or nearer than ten (10) feet to any public road right of way (or proposed right of way) line.~~ *All access drives shall be a minimum of five (5) feet from the side or rear lot line unless utilized for cross access between uses, or nearer than ten (10) feet to any existing public road right-of-way or proposed right-of-way line.*

45. 501.04 Parking Lots and Location. { rewritten as follows }

Except in Agricultural Districts and on lots containing 1, 2, or 3 family dwellings, no parking lot or parking area shall be located nearer than five (5) feet to the side or rear lot line, or nearer than ten (10) feet to any public road right-of-way (or proposed right-of-way) line (see other requirements noted on figure 5-A, including Table 5.1, and Figure 5-B).

501.04.01 "Exit" or "Enter" signs, and the like, shall not interfere with visibility of motorist or pedestrians entering or leaving the property, and shall not be in the public right-of-way.

501.04.02 Notwithstanding other provisions of these Regulations, each parking space shall be provided with sufficient back-up area to permit egress in one maneuver consisting of one backward movement and one forward movement. All parking spaces required herein shall be located on the same parcel ~~or tract with~~ and within 400 feet of the building or use served, except as provided for below:

46. ~~501.11 Modification of Off-Street Parking Requirements~~ { this is a variance process }

501.11 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, "I", or "MU" District, subject to the following requirements:

501.11.01 The parking lot shall be accessory to and for use only in connection with one (1) or more allowed use(s) located in the adjoining "B", O-1, "I", or "MU" District.

501.11.02 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 from any adjacent property located in any "R" District.

501.11.03 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 805. 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.

501.11.04 No sign of any kind, other than those designating entrances, exits, and conditions of use, shall be maintained on such parking lot.

501.11.05 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.

47. S. 502, #2; Assembly Halls, Theaters, Auditoriums, and Sports Arenas with fixed seats ~~except for Schools.~~

48. S. 502, #22; add *auditorium/gymnasiums; 1 space for every 8 seats based on submitted plans.*

49. S. 602.03 On-Premise Signs, Defined: ~~Free standing, building mounted, or ground signs identifying or advertising commercial or industrial uses on the premises~~ *ground mounted, or monument signs identifying a multi-family residential development, a subdivision development, or a commercial or industrial use on the lot where the sign is located.*

50. 602.03.04 ~~Free standing on-premise signs shall not exceed thirty-five (35) feet in height or the height of the principal building in the respective zoning district, whichever is the greater height.~~ *A Free Standing sign shall not exceed twenty (20) feet in height.*

51. S. 602.03.083 re: Electronic Message Display Signs (EMDS)

Each side of the message area shall not exceed a maximum eight (8) feet in width and a maximum of ~~two (2) feet~~ *four (4) feet* in height. EMDS signs are to be a monument-type sign. The base of the monument-type sign shall extend a minimum of one (1) foot beyond the actual EMDS component. See below examples.



{ Items in Ch 7 have been renumbered to list uses alphabetically }

52. S. 701.05.01 An application for a Conditional Use shall be made to the Zoning Administrator *Inspector* and submitted on such forms as designated and/or approved by the County Commissioners *by the Zoning Inspector*. 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 7.
53. S. 701.05.03 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 *lot* 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.
54. S. 702 Contents of Application.
- 702.01.03 A description by metes and bounds *Address and parcel number* of the property in question;
- 702.01.04 A statement indicating the *Current* zoning of the property;
- ~~702.01.07 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~~
- 702.01.08 An application for a Conditional Use to extract resources and/or minerals shall contain the additional information as specified in Section 742.
- 702.01.09 The Zoning Administrator *Inspector* may waive the required submission of 702.01.02, ~~702.01.03~~ and 702.01.06 if he/she *the Zoning Inspector* feels that their inclusion in any individual application is unnecessary.
55. S. 703 Required Conditions for Approval.
- The following sections contain additional required conditions to be met by an Applicant for a *Conditioned Use* or a Conditional Use. In addition to meeting the subsequent required conditions for Conditional Uses, all Applicants for *Conditioned Uses and* Conditional Uses shall be required to fully comply with any and all other applicable provisions of these Regulations, including specifically the requirements of Sections 801 and 805.
56. S. 704 Adult Entertainment Establishments.
- 704.01 Zoning Districts Where Conditionally Permitted:
B-4, I-1 [eff. 3-29-90], *I-2* Districts.
57. S. 705 Agricultural-Related Processing and Marketing.
- 705.01 Zoning District Where Permitted as ~~Conditional~~ *Conditioned* Use:
A-1, *AE* District
- 705.05.02 One hundred (100) feet from any *“AR”, “R”, “R-MHP”, “R-CL” or “PD-R”* District.
58. S. 706 Airports.
- 706.06 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 *“AR”, “R”, “R-MHP”, “R-CL”, “PD-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.

59. S. 707 Animal Clinic or Hospital, ~~Veterinary Clinics~~, and Kennels.

707.06 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 “AR”, “R” “R-MHP”, “R-CL”, or “PD-R” District. The Applicant shall also meet the requirements of Section 805. { fencing }

~~Automotive Repair Garages~~ moved S. 735 Motor Vehicle Fuel, Service, and/or Repair.

60. S. 708 Bars and Taverns.

61. S. 709 Bed and Breakfast Facilities.

709.01 Zoning Districts Where Permitted as Conditioned Use:
A-1, R-1, ~~R-1A~~, R-2, R-2A, R-2B, AR Districts

62. S. 710 Building Materials Sales Yards.

63. S. 711 Campgrounds.

711.01 Zoning District Where Permitted as a Conditional Use: A-1

711.02 A Site 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 campground activity.

711.03 The Board of Zoning Appeals may establish such requirements as they deem necessary to regulate the duration of stay by individuals at the campground in order to preclude such extended periods of stay that might be construed as the establishment of permanent residency at the campground

64. S. 712 Car Washes.

65. S. 713 Cemeteries.

66. S. 714 Churches and Similar Places of Worship.

67. S. 715 ~~Commercial Recreation~~ *Commercial Recreation – Indoor; - Outdoor.*

715.01 Zoning District Where Conditionally Permitted:

Commercial Recreation – Indoor: B-1 District.

Commercial Recreation – Outdoor: B-2 District.

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

Commercial Recreation – Indoor: B-2, B-3, B-4, I-1, I-2, MU-1, MU-2 Districts.

Commercial Recreation – Outdoor: B-3, B-4, I-1, I-2, MU-1, MU-2 Districts

715.03 Requirements for Commercial Recreation – Indoor

715.03.01 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.

715.03.02 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 Section 805.

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

715.03.04 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.

715.04 Requirements for Commercial Recreation – Outdoor

715.04.01 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.

715.04.02 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, restroom and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary recreation activity.

715.04.03 A landscaping plan shall be submitted meeting the requirements of Section 805.03.

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

715.04.05 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 Section 802.02.03 shall be met.

715.04.06 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.

68. S. 716 Community Facilities.

69. S. 717 Condominium Residences.

70. S. 718 Day-Care Centers.

718.04 An outdoor recreation area shall be provided as required by the appropriate state agency. A copy of the state agency’s approval must be submitted. ~~There shall be provided a minimum outdoor play area of sixty (60) square feet per child enrolled in the facility. [eff: 3-29-90]~~

718.05 All outdoor recreation 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.

71. S. 719 Day-Care Homes.

719.02 An outdoor recreation area shall be provided as required by the appropriate state agency. A copy of state agency’s approval must be submitted. ~~There shall be provided a minimum outdoor play area of sixty (60) square feet per child enrolled in the facility.~~

719.03 All outdoor play *recreation* 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 the front yard.

72. S. 720 Demolition Disposal Facility.

720.01 Zoning District Where Conditionally Permitted:
A-1, I-1, *I-2* Districts

73. S. 721 Drive-In Motion Picture Theatres.

74. S. 722 Drive-In Restaurants, Fast Food Restaurants, Carry-Out Restaurants, and/or Drive-Through Retail Establishments.

75. S. 723 ~~Farm and Construction Labor Camps~~ *Farm Labor Housing*.

723.02 Said housing shall consist of a manufactured home and comply with all applicable health and building regulations.

723.03 A maximum of two (2) manufactured homes for said housing shall be allowed per parcel. Each manufactured home shall be located no closer than twenty-five (25) feet to another manufactured home and no closer than one hundred (100) feet to any lot line.

723.04 Each manufactured home shall be skirted, entirely enclosing the bottom section, within sixty (60) days after it is placed on the parcel.

723.05 A manufactured home shall be removed from the parcel within sixty (60) days when the dwelling is no longer used for Farm Labor Housing as defined in Chapter 10.

76. S. 724 Feed Lot, Grain Elevators and Slaughterhouse.

77. S. 725 Funeral Homes and Mortuaries.

78. S. 726 Garden Centers, Greenhouses and Landscaping Businesses.

79. S. 727 Group Care Homes.

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

80. S. 728 Home Occupations, *Minor and Major*.

~~722.01 Zoning Districts Where Conditionally Permitted:
A-1, R-1, R-1A, R-2, R-2A, R-2B, R-3, R-4 Districts.~~

~~722.02 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:~~

~~722.02.01 The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;~~

~~722.02.02 No off premise signs to be provided;~~

~~722.02.03 No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.~~

~~722.02.04 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.~~

~~722.02.05 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.~~

~~722.02.06 No additional parking demand shall be created.~~

~~722.02.07 No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer or independent contractor.~~

*728.01 Zoning Districts Where Conditioned or Conditionally Permitted:
A-1, AE, AR, R, MU Districts.*

728.02 Minor Home Occupations shall include, but are not limited to: accountants, financial advisors, planners, architects, surveyors, artists, attorneys, authors, clergy, computer services, engineers, interior designers, musicians, photographers, teachers, and real estate services. Services shall not involve more than three receivers of services at any time. Retail sales are not allowed with minor home occupations. An Internet Based Business is not considered a Minor Home Occupation.

728.02.01 Examples of prohibited minor home occupations include, but are not limited to: auto body repair or maintenance, auto or small engine repair or maintenance, kennels, restaurants, landscaping and lawn services, tree services, tattoo and body piercing, and welding and machining.

728.03 A Minor Home Occupation Use to a permitted use shall only require a Zoning Certificate if the following requirements are met:

728.03.01 The external appearance of the dwelling in which the use is conducted shall not be altered to accommodate said use, and there shall be no substantial indication of the use on the premises.

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

728.03.03 Only one (1) sign may be permitted, no larger than two (2) square feet, and shall be mounted flush to a wall of the dwelling. No off-premise sign for the use is permitted.

728.03.04 There shall be no outside storage of any kind related to the use.

728.03.05 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.

728.03.06 The use shall not create the need for additional parking.

728.03.07 No more than one (1) non-resident of the premises may be employed, be an independent contractor or volunteer for the use.

728.03.08 No more than one (1) light duty commercial vehicle may be parked or stored on the property used in conjunction with the use.

728.04 Major Home Occupations shall include, but are not limited to: dentists, physicians or other licensed medical practitioners, tree services, landscaping and lawn services, construction services, beauty salon or barbershop. Retail sales are not allowed with major home occupations. An Internet Based Business is not considered a Major Home Occupation.

728.04.01 Examples of prohibited major home occupations include, but are not limited to: auto body repair or maintenance, auto or small engine repair or maintenance, kennels, restaurant, tattoo and body piercing, and welding and machining.

728.05 Major Home Occupation to a permitted use shall require a Conditional Use and meet the following requirements:

728.05.01 The external appearance of the dwelling in which the use is conducted shall not be altered to accommodate said use, and there shall be no substantial indication of the use on the premises.

728.05.02 No more than twenty-five (25) percent of the gross floor area of the dwelling or accessory structure shall be devoted to the use.

728.05.03 Only one (1) sign may be permitted, no larger than two (2) square feet, and shall be mounted flush to a wall of the dwelling or accessory structure. No off-premise sign for the use is permitted.

728.05.04 There shall be no outside storage of any kind related to the use and no display of products may be visible from the street.

728.05.05 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.

728.05.06 The use shall not create the need for additional parking.

728.05.07 No more than two (2) non-residents of the premises shall be employed, be an independent contractor or volunteer for the use..

728.05.08 No more than one (1) light duty commercial vehicle may be parked or stored on the property used in conjunction with the use.

81. S. 729 Hospitals and Auxiliary Facilities.

82. S. 730 Institutions of Higher Learning.

83. S. 731 Junkyards and Automobile Wrecking Yards.

731.03 The site lot shall be a minimum distance of:

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

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

84. S. 732 Manufactured Home in Districts Other Than Residential Manufactured Home Park District (R-MHP).

85. S. 733 Motels and Hotels.

86. S.734 ~~Automotive Service~~ *Motor Vehicle Fuel Only Stations.*

734.04 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.~~ *A twenty (20) foot buffer/no-build area is required around the perimeter of the property.*

734.08 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 *"AR", R", "R-MHP", "R-CL", "PD-R"* District, or a lot containing a dwelling.

87. S. 735 ~~Automotive Repair Garage~~ *Motor Vehicle Fuel, Service, and/or Repair.*
 735.06 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 “AR”, “R” “R-MHP”, “R-CL” or “PD-R” District or any lot containing a dwelling.
88. S. 737 Nursing Homes, Convalescent Homes and Assisted Living Facilities.
89. S. 738 Office-Residential Uses.
90. S. 739 Penal and Correctional Institutions.
91. S. 740 Primary and Secondary Schools.
92. S. 741 Public Recreation Areas.
1. *Zoning District Where Conditionally Permitted:
A-1 District.*

 - Zoning District Where Permitted as Conditioned Use:
B-3, B-4, I-1, I-2 Districts.*
 2. *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.*
 3. *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, restroom and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary recreation activity.*
 4. *A landscaping plan shall be submitted meeting the requirements of Section 805.03.*
 5. *Parking areas shall be a minimum distance of fifty (50) feet from residential uses.*
 6. *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 Section 802.02.03 shall be met.*
 7. *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.*
 8. *The Board of Zoning Appeals may establish such requirements as the Board deems 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.*
 9. *Lot frontage, size and building setbacks and height: [eff. 11-6-08]*
Minimum Lot Frontage – 150 feet.
Minimum Lot Area – One (1) acre or the site shall be appropriate for the proposed use, as determined by the Board of Zoning Appeals.

<i>Minimum Front Yard Setback – 50 feet.</i>	<i>Minimum Side Yard Setback – 40 feet.</i>
<i>Minimum Rear Yard Setback – 70 feet.</i>	<i>Maximum Building Height – 35 feet.</i>
93. S. 742 Radio, Television, and Telecommunication Transmission / Receiving Towers.

94. S. 743 Resource and Mineral Extraction.

~~S. 743.05 The Applicant shall secure a permit from the Ohio Department of Natural Resources, Division of Reclamation, prior to the Zoning Administrator (Inspector) issuing a Zoning Certificate for the actual extraction of a resource or mineral as granted hereunder by the Board of Zoning Appeals.~~

The Applicant shall provide the Zoning Inspector with a copy of the approved permit from the Ohio Department of Natural Resources.

~~S. 743.09.02 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. { revised per ORC 303.14, D }~~

The Board of Zoning Appeals may revoke an authorized variance or conditional zoning certificate for the extraction of minerals if any condition of the variance or conditional zoning certificate is violated. The BZA shall notify the holder of the variance or certificate either by certified mail or, if the BZA has record of an internet identifier of record associated with the holder, by ordinary mail and by that internet identifier of record of its intent to revoke the variance or certificate, and of the holder's right to a hearing before the BZA within thirty (30) days of the mailing of the notice if the holder so requests. If the holder requests a hearing, the BZA shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the BZA may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

95. S. 744 Sanitary Landfills.

96. S. 745 Self Storage Facility.

*745.01 Zoning Districts Where Conditioned Permitted:
B-4, I-1, I-2 Districts.*

745.02 Setbacks of open storage (including open parking storage of boats, RVs etc.) shall follow the setback requirements of the underlying district

745.03 Parking surface shall comply with Chapter 5 Off-Street Parking

97. S. 746 Truck Stops

S. 746.01 Zoning Districts Where Permitted as Conditioned Use: I-1, I-2 Districts.

S. 746.02 Zoning District Where Conditionally Permitted: B-4 District.

S. 746.03 Size: Minimum 5 acres

S. 746.04 Access: Immediate access to a major thoroughfare shall be required. (arterial or collector)

S. 746.05 Site Plan: Required site plan showing adequate separation of areas intended primarily for trucks from areas for cars, buses, RVs, motorcycle parking, etc.

S. 746.06 Location: The site shall be a minimum distance of:

S. 746.06.01 Two thousand (2,000) feet from any dwelling unit.

S. 746.06.02 One thousand (1,000) feet from any "R" District.

S. 746.07 Parking: Such truck plaza or truck stop shall have the required parking area(s) to serve all of its uses.

S. 746.8 Screening: Required screening may be composed of existing vegetation, planted vegetation, a fence, a wall, a landscaped earthen berm, or any combination of the screening measures.

98. S. 747 Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings.

99. S. 802 Regulation of Accessory *Buildings, Structures and* Uses

~~S. 802.02.01—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.~~

~~S. 802.02.02—Keeping of not more than two (2) roomers and/or boarders by a resident family.
{ renumber remaining of Section 802.02 }~~

100. *S. 802.02.03 Outdoor Swimming Pools:* located on lots with single-family dwellings and intended for and 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, or located within and intended to specifically serve a multi-family and/or condominium development whether or not such pool is owned or operated by a Home-Owners Association, or where permitted by these Regulations a Community, Commercial or Club swimming pool to be used for the enjoyment of the members and their guests.

802.02.031 Location:

- A. Private swimming pools 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.
- B. Swimming pools in a multi-family or condominium development shall be subject to the same yard requirements as those listed for principal structures in the respective zoning district.
- C. For Community, Commercial or Club Swimming Pools, the pool and all related accessory structures, including decks, shall not be closer than fifty (50) feet to any property line.

802.02.032 The swimming pool or applicable yard area 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.

- A. For an above ground swimming pool, such wall or fence is not required only if the sides of the swimming pool are greater than four (4) feet high above the adjacent ground level and pool access is blocked by a locking stairs or gate.

802.02.033 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.

101. ~~S. 802.02.04 Utility or storage building~~ *An accessory building or structure* which occupies one hundred-twenty (120) square feet of area or more. [eff: 10-17-85]

102. S. 802.02.05 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 Administrator *Inspector*. [eff: 11-6-08] [rev. 12-13-2013]

103. *S. 802.02.06 An Accessory Family Suite or Accessory Dwelling Unit may be permitted if it meets the following requirements:*

802.02.061 One (1) Accessory Family Suite may be located within the principal dwelling, and direct access between the accessory family suite and the principal dwelling shall be required. A breezeway is not acceptable.

802.02.062 One (1) Accessory Dwelling Unit may be located within a legal conforming or legal non-conforming accessory structure. Only one Accessory Dwelling Unit may be allowed on a lot, and it must have its own address.

802.02.063 The maximum size shall not exceed six hundred (600) square feet.

802.02.064 Public water and sanitary sewer services must be provided, or the lot must be adequately sized for an on-site system, approved by the Combined Health District, to serve both the principal dwelling and the secondary living unit.

802.02.065 The property owner shall live within the principal dwelling.

104. ~~802.03 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.~~

802.03 Residential accessory buildings shall be detached from the principle residential building, are preferred to be located in the rear yard and shall follow the development standards of Table 8.1.

802.03.01 A residential accessory building may be located in the side yard but shall follow the side yard requirements of the underlying zoning district.

802.03.02 Notwithstanding other provisions of these Regulations, a ~~detached~~ *residential* accessory building may be ~~constructed~~ *located* in the front yard provided it is at least three hundred (300) feet from the road right-of-way.

802.03.05 Residential accessory buildings shall be constructed only in conjunction with, or after the construction of, the principal residential building on the parcel. However, in the A-1, AE, AR and R-1 zoning districts with a parcel size equal to or greater than two (2) acres, a residential accessory building may be constructed prior to the primary building subject to the following requirements:

802.03.051 The building is clearly intended for private, personal or agricultural use. Public use, commercial use or home occupation use of the building is prohibited.

802.03.052 The building is not greater than 1,500 square feet.

802.03.053 The building complies with all applicable regulations including, but not limited to, land use and building code regulations.

105. ~~802.05 Accessory buildings not covered by other provisions of these Regulations must~~ *for non-residential uses shall* be located in the rear yard, ~~and shall be located at least five (5) feet from a side or rear lot line,~~ *and shall follow the same height limits of the underlying zoning district.*

106. 802.06 Location, Numbering and Size of Residential Accessory Buildings.

107. ~~S. 803 Restricted Business or Industrial Access Parking Areas { moved to Section 501.11, Off-Street Parking }~~
Section 803 { reserved }

108. S. 804 Regulations of Permitted Temporary Uses **& Structures**

~~804.01 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 Temporary Use of a structure or parcel may not comply with the requirements of the underlying zoning district. The Temporary Use shall be temporary in nature and does not involve the erection of a structure. 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 stated on the Zoning Certificate for the temporary use. The Temporary Use of a structure or parcel as identified in Section 804.02 is permitted subject to the requirements as listed.

~~804.01.01 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.~~ *The orderly display of products normally sold at Motor Vehicle Fueling Only Stations or Motor Vehicle Fuel, Service and/or Repair 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.

~~804.01.02 Promotional activities of retail merchants, located in any Business District, involving the display of goods and merchandise in open air or under a tent 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:~~

~~804.01.021 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.~~

804.01.02 Promotional activities of a permitted retail establishment, other than identified in Section 804.02.01, involving the display of goods and merchandise in open air or under a tent may be conducted for a time period of not more than fourteen (14) days in any three (3) month period. 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.

804.01.021 No food or drink shall be dispensed outside the building except in accordance with standards and prior written approval of the Combined Health District.

804.01.03 Garage sales, yard sales, and rummage sales shall be permitted at individual dwellings in the A-1, AE, AR, R, R-MHP, PD *and MU* 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 four (4) sq. ft. each) per sale shall be permitted. [rev: 12-13-2013]

804.01.07 Open-air carnivals or tent circuses, but only in the *B-3, B-4, I-1 or I-2 Districts* ~~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.

804.02 ~~All of the above described retail, office, and entertainment functions and operations~~ *All of the Temporary Uses described in Section 804.01* 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. [rev: 12-13-2013]

109. S. 805 Required Fencing, Screening and Landscaping

805.01.01 No Zoning Certificate shall be required for a fence, screening or landscaping project, but shall be in accordance with Section 805.02 Design Standards.

{ 805.02.01 & 805.02.02 rewritten as follows }

805.02.01 Front Yard: A fence or wall in the front yard shall not exceed four (4) feet in height.

805.02.011 *In instances where a single-family home fronts on major or secondary thoroughfare, such fence or wall shall not exceed six (6) feet in height.*

805.02.012 *Hedges not to exceed six (6) feet in height may be located in any front yard but shall be subject to Chapter 10 Traffic Visibility. [rev: 12-13-2013]*

805.02.013 *A fence or wall in the front yard shall not be installed in the right-of-way and is ~~be~~ subject to Traffic Visibility defined in Chapter 10. [eff: 4-4-96] [rev: 12-13-2013]*

805.02.014 *A fence or wall on a corner lot shall be subject to Traffic Visibility defined in Chapter 10. [rev: 12-13-2013]*

805.02.02 *Side or Rear Yard:* *A fence or wall in the side or rear yard shall not exceed six (6) feet in height.*

805.02.021 *When surrounding a tennis court, a fence or wall in the side or rear yard shall not exceed ten (10) feet in height.*

~~805.03 A fence or wall, not to exceed ten (10) feet in height, may be required to confine dogs and provide security to residents.~~

110. S. 807 Parking and storage of Recreational Vehicles ... and Semi-trailers

807.01.01 ~~Such camping, recreation and utility equipment may~~ *Said vehicles, trailers or boats should* be parked or stored entirely within an enclosed building. If not within an enclosed building, *no more than two (2) such vehicles, trailers or boats shall be parked on any parcel and* 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.

807.01.03 Notwithstanding the provisions of ~~this Subsection~~ *Section 807.01.01*, 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.

807.01.04 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.

807.02 No ~~real~~ property owner or occupant shall cause or permit a motor vehicle *or parts thereof* to be parked or stored in any district in the open for seven (7) days or longer when either of the following applies:

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

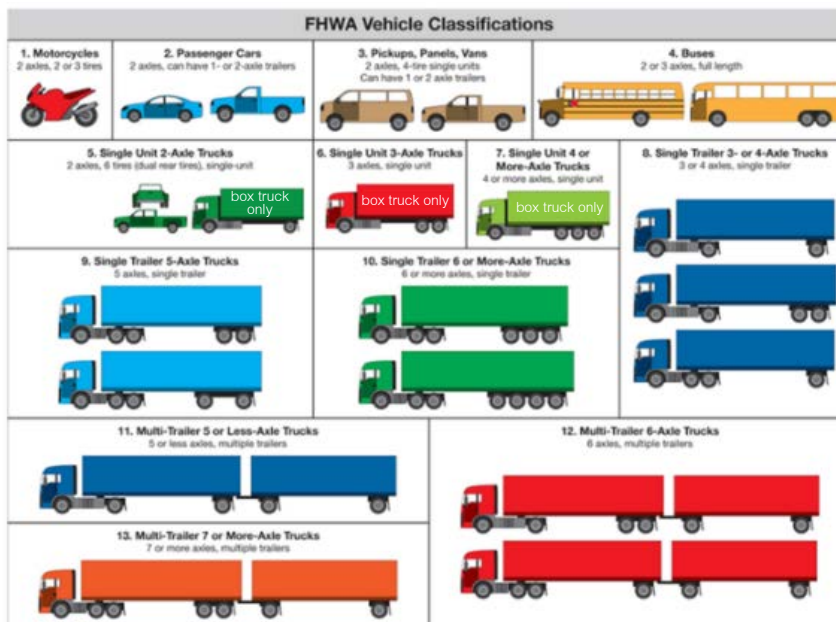
111. S. 807.04 *The parking of Light Duty and Heavy Duty Commercial Vehicles and Farm Vehicles are permitted as follows: (Y = Yes; N = No)*

	<i>Farm</i>	<i>Light Duty (2 axle)</i>	<i>Heavy Duty (3 or more axles)</i>
<i>A-1 & AE Districts</i>	<i>Y</i>	<i>Y (1 & 2)</i>	<i>N</i>
<i>AR Districts</i>	<i>Y *</i>		<i>N</i>
<i>B Districts</i>	<i>Y *</i>		<i>Y (1)</i>
<i>I Districts</i>	<i>Y *</i>		<i>Y (1)</i>
<i>MU Districts</i>	<i>N</i>		<i>Y (1)</i>
<i>O Districts</i>	<i>Y *</i>		<i>N</i>
<i>PD-C, M, O & R</i>	<i>N</i>		<i>N</i>
<i>PD-B & I</i>	<i>N</i>		<i>Y (1)</i>
<i>R Districts</i>	<i>Y *</i>		<i>N</i>

** only if the property is five (5) or more acres.*

(1) Whenever the adjoining parcel is in any A-1, AE, AR, R or PD-R District, the commercial vehicle shall be parked or stored a minimum distance of 50 ft. from said lot line.

(2) Parking of a Light Duty Commercial Vehicle shall be on a gravel or paved surface.



112. S. 808.03 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 *equipment* 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.

808.03.01 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.

808.03.02 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 *Chief Building Official* provided for such additional stories and such buildings were actually designed and constructed to carry such additional stories. [rev: 12-13-2013]

113. **808.04 Building or Structure Separation:** *Except as provided in Section 802.02.03, the separation of buildings or structures* shall be in accordance with the Ohio Building Code or the Residential Code of Ohio. [eff: 3-29-90] [rev: 12-13-2013]

808.05 Sanitary Sewer Requirements and Pollution Control: All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Combined Health District. ~~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] [rev: 12-13-2013]

~~808.05.01 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]~~

~~808.05.02 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]~~

114. ~~S. 808.07 keeping of animals; { moved into Section 102.03 }~~
{ S. 808.07 reserved }

115. S. 808.08.01 **Emergency Housing:** The Zoning Administrator *Inspector* may, in times of emergency, permit *issue a Temporary Zoning Certificate* for the placement of not more than one (1) manufactured home *or a recreational vehicle* 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 manufactured 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.~~ *Such manufactured home may remain on the parcel during construction of the new dwelling. Such manufactured home shall be removed within sixty (60) days after a Certificate of Occupancy for the 'new' dwelling has been issued. Said manufactured home shall have appropriate water and sanitary sewer connection approved by the proper authority.*

S. 808.08.02 **Temporary Housing:** *Purpose: to allow a property owner housing on site while the permanent dwelling is being constructed. Temporary housing shall be a Recreational Vehicle, as herein defined, allowed only in the A-1 District and not in a platted subdivision. A Temporary Zoning Certificate may be issued only after the construction plans have been approved by the Chief Building Official. The recreational vehicle shall be removed within sixty (60) days after a Certificate of Occupancy for the 'new' dwelling has been issued. Said recreational vehicle shall have appropriate water and sanitary sewer connection approved by the proper authority.*

116. S. 808.09 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~~ *Zoning Certificates for* solar energy equipment are subject to the following regulations: [eff: 12-17-09]
- 808.09.01 Any solar panel attached or located on the roof or wall of a building that lies flat on *or projects no more than twenty (20) degrees from* that surface is exempt from obtaining a Zoning Certificate.
- ~~808.09.02 Solar Panels located on the roof of any structure may not extend above the highest point of the existing pitched roof.~~
- ~~808.09.03 Solar Panels located on a flat roof shall not exceed fifteen (15) feet in height.~~
- ~~808.09.04 Solar Panels detached from the principle residential structure shall not exceed fifteen (15) feet in height.~~
- 808.09.02 The maximum height of solar panels on a flat roof, a wall or ground mounted is fifteen (15) feet. For all other roof types, solar panels shall not extend above the peak of the roof.*
- 808.09.03 Solar Panels *not located on the roof or wall of a structure* detached from the principle residential structure shall be located in the *side or* rear yard and shall not occupy more than thirty (30) percent of the required area *where they are located* of the rear yard.
- ~~808.09.04 Solar Panels shall meet all regulations of the FAA. when located within the Wright-Patterson or Springfield-Beckley Airport Zoning Overlay.~~
- 808.09.05 No solar panel shall be located in the front yard.
- ~~808.09.08 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 (1/2) 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.~~
- 808.09.06 Solar energy equipment not located on the roof of a structure shall be a minimum of fifteen (15) feet from any property line.*
117. S. 808.10 Single Dwelling Per Lot: *Except for an Accessory Dwelling Unit*, only one (1) single-family dwelling shall be permitted on a parcel of land in the A-1, *AE, AR*, R-1, R-1A, R-2, R-2A, or R-2B *R-CL* 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]
- ~~118. S. 808.11 & 12 traffic visibility (11) and public facilities (12) { moved to Chapter 10 definitions }~~
119. S. 809.02.01 "Hazardous Substances" defined; consolidate 809.023.011, -012 & -013.
120. S. 810.03.0111 Evidence of compliance or non-applicability with Federal Aviation Administration requirements. ~~if proposed small wind farm is located in a designated Airport Zoning Overlay.~~
121. S. 810.04 Zoning Compliance: A *Zoning Certificate* Certificate of Zoning Compliance must be obtained in accordance with these Regulations.
122. S. 810.06 Decommission: At such time that a small wind project is scheduled to be decommissioned or discontinued, the Applicant *shall provide written notification to the Zoning Inspector*. ~~will notify the Zoning Administrator by certified mail of the proposed date of abandonment or discontinuation of operations.~~

123. S. 810.06.02 In the event that *the Owner* ~~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.
124. S. 810.07.01 The construction, installation or modification of a meteorological tower shall require a Zoning *Certificate* ~~permit~~ and a building permit and shall conform to all applicable sections of the Ohio Building Code.
125. *S. 811 Site Lighting.*
The purpose of this section is to minimize light pollution, glare and light trespass, to conserve energy resources while permitting for safe and efficient nighttime outdoor lighting, and to limit the degradation of the nighttime visual environment.
- S. 810.01: All exterior light sources, including canopy, perimeter and flood, shall be stationary and shielded or recessed within the building or structure to ensure that all light is directed away from adjacent properties and street right-of-way.*
- S. 810.02: Except for single-family and two-family (duplex) developments, a photometric map showing the exterior light coverage of the development shall be submitted with the Zoning Certificate Application. No light fixture shall exceed thirty (30) foot candles. The maximum light spillage shall not exceed one-tenth (0.1) foot candles when adjacent to any “R” District or existing residential use.*
- S. 810.03: Light Pole Height: The maximum height of exterior lighting shall not exceed twenty (20) feet.*
- S. 810.04: All exterior light lighting shall be maintained in proper operation and, when necessary, repaired to proper operation.*
126. S. 902 change “Zoning Administrator” to “*Zoning Inspector*”.
127. S. 903.03.021 (replace existing; adding Findings Of Facts): *The factors below shall be considered and weighed by the Board of Zoning Appeals in determining whether the strict application of any provision of these Regulations would result in a practical difficulty, which in turn deprives the property owner of an allowed use of the property.*
- 903.03.021.1 The subject property cannot yield a reasonable return and there can be no beneficial use of the property without a variance, the variance would relieve a clearly demonstrable situation where strict application of these Regulations created a practical difficulty that will deprive the property owner of economically viable use of the land, as distinguished from a special privilege or convenience to the owner.*
- 903.03.021.2 The requested variance is not substantial.*
- 903.03.021.3 The essential character of the neighborhood will not be substantially altered or suffer a substantial detriment as a result of the variance.*
- 903.03.021.4 The requested variance will not adversely affect the delivery of governmental services such as police and fire protection, water and sewer services, and solid waste regulation and disposal.*
- 903.03.021.5 The property owner purchased the subject property without knowledge of the zoning restriction(s).*
- 903.03.021.6 The property owner’s predicament feasibly can be obviated through some method other than granting a variance.*

903.03.021.7 *The subject property possesses a condition(s) involving irregular, narrow, shallow or steep lots, or other exceptional physical conditions and because of such exceptional physical conditions, strict application of a provision or provisions of these Regulations would be unreasonable.*

903.03.021.8 *The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the requested variance(s).*

903.03.021.9 *Such other factors as the BZA may determine have a bearing on establishing practical difficulty.*

903.03.021.10 The proposed Variance will not constitute a change, including a variation in use, on the Official Zoning District Map(s). In no case shall the Board of Zoning Appeals approve a Variance for a use which is not a Permitted Use, *Conditioned or Conditional Use* in the Zoning District in which the property, building, or structure is located.

S. 903.03.024 Time Limit: A Variance approved by the Board of Zoning Appeals shall expire at the end of six (6) months from the date on which such variance was approved unless within said six (6) month period an application for Zoning Certificate or major/minor subdivision has been filed.

128. S. 903.06 BZA records shall be kept in the office of the *Zoning Inspector* ~~(not the BZA)~~

129. S. 903.07 { if an Applicant desires to make a court reporter record of a BZA public hearing } add, *A copy of said record shall be provided to the Zoning Inspector.*

130. S. 905.04 RZC records shall be kept in the office of the *Zoning Inspector.* ~~(not the RZC)~~

131. *S. 906.01.06 (Commissioners) Shall appoint eight (8) members to the County Planning Commission in accordance with the Ohio Revised Code Section 713.22.*

132. S. 907.01.01 No Zoning Certificate shall be issued unless the plans for the proposed building, structure or use fully comply with all *applicable* ~~the~~ provisions of these Regulations, or unless a written order is obtained from the Board of Zoning Appeals deciding an Appeal, Conditional Use or Variance as provided by these Regulations. *A use not listed in Chapter 2 may be allowed if said use is of the same general character of a listed use as determined by the Zoning Inspector or the Board of Zoning Appeals.*

133. S. 907.01.02 { rewritten as follows } *Each written Application shall be signed by the owner or authorized agent attesting to the truthfulness and exactness of all information supplied on the Application and all supporting material, and shall indicate the Applicant's name, address, and phone number.*

907.01.021 One (1) copy of a ~~scale~~ drawing(s), to be retained by the Zoning ~~Administrator~~ *Inspector*, showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part; [rev: 12-13-2013]

907.01.022 *A description of the proposed project.* ~~The location of the lot, existing zoning, and land use, including the immediate surrounding area;~~

907.01.023 The location, size, and height of any building or structure to be erected or altered;

907.01.024 *Depending on the proposed project, the Zoning Inspector may require the following information:*

A. The location of the lot, existing zoning and land use, including the immediate surrounding area;

B. The location, size and height of existing buildings or structures on the lot, if any;

C. *The existing or intended use of each building, structure or use of land where no buildings are included;*

D. *The number of families or dwelling units each building is designed to accommodate;*

E. *The number and dimension of off-street parking spaces or loading/unloading berths.*

907.01.025 Such other information as may be necessary to determine conformance with, and provide for the enforcement of, these Regulations.

134. ~~S. 907.01.03 Exemption for agricultural buildings – per state law~~ Moved into Section 102.03 { 907.01.03 reserved }

135. S. 907.02.04 { if an Applicant desires to make a court reporter record of a text amendment or map change }, add *A copy of said record shall be provided to the Zoning Inspector.*

136. ~~S. 907.03 Non-conforming uses, buildings and lots~~ { moved into Section 109 }

137. S. 908.01 Enforcement. These Regulations shall be enforced by the Zoning Administrator *Inspector* as may be designated by the County Commissioners. ~~The Zoning Inspector is hereby authorized to enter upon any property or premises to ascertain whether the provisions of these Regulations are being complied with.~~ The Zoning Administrator *Inspector* is hereby authorized to refuse, deny, and/or void any use, application, material, data, request, or certificate which circumvents, or attempts to circumvent, the intent of these regulations or any approval which was granted based on false, misleading, or misrepresented information. [eff: 4-4-96] [rev: 12-13-2013]

138. Chapter 10 Definitions: { various updates }

Accessory Building or Use, e): The “box” from a truck, *a shipping container* or similar structure, shall not be construed as an accessory building.

Accessory Family Suite: ~~A second living unit either within or attached to~~ *A secondary living unit within* a single-family detached dwelling for use as a complete living facility with provisions within the accessory suite for cooking, eating, sanitation, and sleeping. ~~Such living unit is an accessory use to the main owner-occupied dwelling.~~ *An Accessory Family Suite shall be subordinate to the principal use of the property as a single-family dwelling.* [eff: 12-17-09]

Accessory Dwelling Unit: *A secondary living unit within an accessory structure for use as a complete living facility with provisions within the accessory family unit for cooking, eating and sleeping. Examples of an accessory family unit are complete living facilities within a detached garage or within a pole barn.*

Animal Clinic or Hospital: *A place used by a licensed veterinarian for the purpose of treating animals.*

Breezeway: A roofed structure, with or without enclosing walls, ~~connecting an accessory structure to the principal building.~~ [eff: 4-4-96]

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter of persons or enclosure, ~~animals, of property. This definition shall not be construed to include mobile homes.~~

Board of Zoning Appeals: The Board of Zoning Appeals of Clark County, Ohio. Also referred to as the “Board” *“BZA”*.

Building, height of: The vertical distance measured from the finished grade to the *peak of the roof*. highest point of the coping of a flat roof or to the deck line of a mansard roof.

Building, Principal: ~~The building in which the main or chief use permitted on the zoning lot is conducted.~~
The building housing the main use of the parcel on which it is located. In a Residential District, an Accessory Building shall not be the Principal Building.

Combined Health District: *The Clark County Combined Health District.*

Commercial Recreation: *Any private, public or semi-public facility, equipment or program that satisfies public demand for activities and operates for profit. Commercial Recreation includes, but is not limited to, the following: amphitheaters, amusement game arcades, tennis or racquetball clubs, bowling alleys, billiard halls, country clubs, skating rinks, athletic facility, sports arena, race tracks, motocross and shooting range, golf course, golf driving range, putt putt, amusement park, race track, motor cross. Exception: an indoor motion picture theater shall be considered a business use.*

Commercial Recreational, Indoor: *are defined as recreational activities conducted within an enclosed building.*

Commercial Recreational, Outdoor: *are defined as recreational activities conducted outside of a building.*

Construction Services: *Any of the activities commonly referred to as construction and shall include, without limiting thereby, excavating, interior remodeling, heating, plumbing and roofing.*

Custom Butcher Shop: ~~The incidental keeping and processing of farm animals for retail trade. [eff: 3-29-90]~~
A facility where live animals are slaughtered and prepared for distribution to meat markets or retail sales establishments such as grocery stores.

Child Day-Care: Care provided for any part of the twenty-four (24) hour day for *children or adults* infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage or adoption, in a place or residence other than *their* the child's own home. Places of worship during religious services are not included. [eff: 3-29-90]

Child Day-Care Centers: Any place in which child day care is provided with or without compensation, ~~for thirteen (13) or more children at one time, or~~ *at* any place that is not the permanent residence of the licensee or administrator in which child day care is provided *in accordance with state regulations.* ~~for more than six (6) children.~~ [eff: 3-29-90]

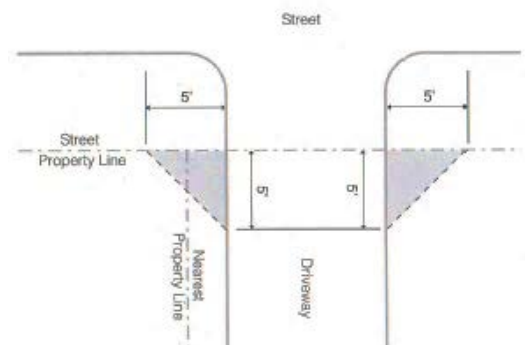
Child Day-Care Home: Any place in which child day care is provided in the permanent residence of the administrator *in accordance with state regulations.* ~~for seven (7) to twelve (12) children or four (4) to twelve (12) children, if four (4) or more are under two (2) years of age.~~ [eff: 3-29-90]

Density: A unit of measurement; The number of dwelling units permitted per net acre of land *to be developed.*

Gross Density: The number of dwelling units per acre of the total land to be developed, including public ways *rights-of-way* and open space.

Net Density: The number of dwelling units per acre of land ~~when the acreage involved includes only the land devoted to residential uses~~ *to be developed excluding public rights-of-way and open space.*

Driveway Visibility: *Nothing shall be constructed, placed, planted or allow to grow in such a manner as to impede vision from a driveway to a street as measured five feet along the street right-of-way and five feet along the edge of the driveway.*



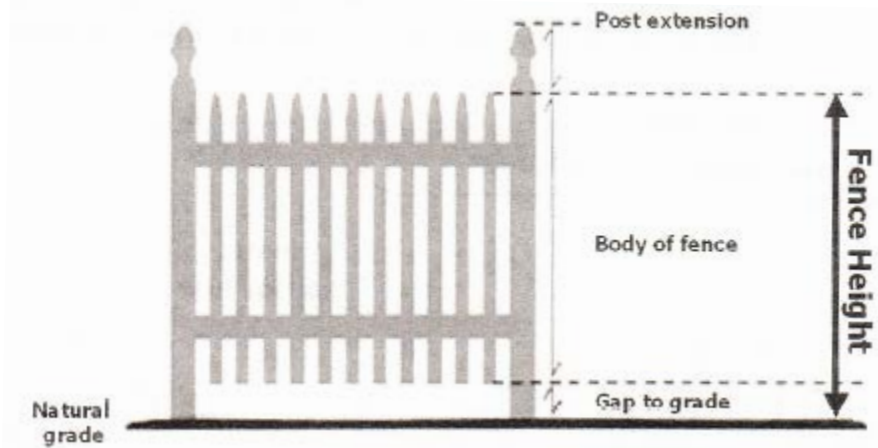
Dwelling: A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, but not including a tent, cabin, shed, hotel, or motel. [eff: 3-29-90]

Multiple-Family Dwelling: A *building(s)* or ~~portion thereof~~ designed for or occupied by *four (4)* ~~five (5)~~ or more families or housekeeping units living independently of each other.

Farm Labor Housing: *Living accommodations for those employed, year round or seasonal, to perform agricultural related operations. Said housing shall only be used by those employed on the farm upon which the housing is located.*

Fence, Height: *The height of a fence shall be measured from the ground where the fence is located to the top body of the fence, excluding any post extension. Any post extension shall not exceed one (1) foot.*

{ illustration of measuring fence height }



Home Occupation: *An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling. Retail sales are not allowed with home occupations. An Internet Based Business is not considered a Home Occupation.*

Major Home Occupation: *Is conducted within the dwelling or in an accessory structure on the same parcel as the dwelling, without any significant adverse effect upon the surrounding neighborhood.*

Minor Home Occupation: *Is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood.*

Industrial, Light: *Development involving manufacturing, production, warehouse/distribution, wholesaling and related uses whose operation is conducted within a building(s). The external and physical impacts of the uses are restricted to the boundary of the I-1 District.*

Industrial, Heavy: *Development accommodating a broad range of intensity of industrial development and related uses, whose operation occurs inside and outside a building(s), and has a greater external and physical impact on the immediate area beyond the I-2 district boundary.*

Internet Based Business: *A business activity of selling products handled through the internet. When conducted within a dwelling, said business is not considered a Home Occupation Use, and, shall not maintain inventory within the dwelling or on the lot where the dwelling is located.*

Meat Market: A retail store supplying meat and poultry products where meat and fish processing is limited to making cuts of meat from pre-processed carcasses.

Medical Clinic: A place used for the diagnosis and treatment of sick, ailing, infirm, and injured persons and animals and those who are in need of medical or surgical attention, but limited to outpatients only and not including the sale of drugs or medical supplies.

Manufactured Home: Means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with *the Ohio Manufactured Homes Commission*. ~~federal construction and safety standards established by the Secretary of HUD....~~

Modular Home: A factory-built home, other than a manufactured home, that complies with applicable building code requirements, placed on a permanent foundation, and not designed to be moved once installed on parcel.

Motor Vehicle Fuel Only Station: The storing and dispensing of fuel for motorized vehicles is the primary use, and may include as a secondary use the retail sale of convenience items or service.

~~Automotive~~ Motor Vehicle Fuel, Service and/or Repair: The storing and dispensing of fuel for motorized vehicles and providing for vehicle repair and maintenance are the primary uses. May include as a secondary use the retail sale of convenience items or service

~~Automotive Body Shop~~ Motor Vehicle Body Shop and/or Repair: Any structure or use intended for collision service, repair or painting of motor vehicles.

Motorized Vehicle Pick-Up Facility: A place where customers may pick up a motorized vehicle under a pre-approved rental agreement or purchase agreement.

Motorized Vehicle Rental Establishment: The rental under a pre-approved agreement of a motorized vehicle.

Open Space: An open, uncovered area on the same lot with a building. ~~Also An undeveloped or developed area used for recreation (whether passive or active) such as parks, wildlife areas, etc. or other undeveloped areas which should remain undeveloped due to their unique characteristics such as wetlands, geological features, etc.~~ *An area used or intended for use as passive activity such as a park, wildlife area or wetlands, or other undeveloped areas that should remain undeveloped due to their unique characteristics or geological features. A detention pond/basin is not considered an open space.* [eff: 4-4-96]

Outside Storage: The keeping in an unroofed area any material, merchandise or vehicle, which is oriented to receiving, holding and/or shipping for a business, on a parcel for more than twenty-four (24) hours. Such a use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage use.

Public Recreation: An area used by the general public and operated not for profit for active recreational purpose such as baseball, football, riding or walking trails, soccer, tennis.

Recycling Collection Center: An officially designated place for the drop off and temporary holding of acceptable household-only recyclable items. May also include a collection point for used clothing.

Recycling Transfer Station: A place where recyclable items are prepared and bundled prior to shipment to others who use said materials to manufacture new products. A recycling collection center may be included as a recycling transfer center.

Research & Development Facility: Where applied and developmental research is conducted and includes product design, manufacturing, evaluation and market testing all of which are an integral part of the facility. Not included in this term is the mass manufacturing, sales and/or distribution of products produced at the facility.

Sign, Monument: a ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole, having the appearance materials such as brick, stucco, stonework, textured wood, tile or textured concrete.

Self-Storage: A building(s) divided into separate, individual units and rented to individuals to meet their temporary self-storage needs.

Structure: An assembly of materials *for non-habitable use*, which forms a construction for occupancy for use including but not limited to: buildings, antennas, overhead transmission lines, tents, platforms, stages, observation towers, radio and television and telephone towers, water storage tanks, trestles, piers, open sheds, smokestacks, steeples, shelters, fences, display signs, and the like, which shall be construed to mean the whole or parts thereof.

Tiny House: { A dwelling typically sized under 400 sq. ft.; some are built on foundations, others on trailers. } *A Tiny House on wheels (built on a trailer) shall be considered a recreational vehicle and can only be parked in campgrounds. A Tiny House on a foundation shall be considered an Accessory Dwelling Unit and must be connected to electric and an approved method of sewage disposal and water supply.*

Truck Stop, aka Truck Plaza: a commercial/industrial use of property for the refueling, maintenance and/or servicing of large commercial vehicles carrying large loads and which may, or may not, have service activities for such vehicles and their drivers. These activities or services may include, but are not limited to, dispensing motor fuels and petroleum products directly into motor vehicles, restaurants or cafes, overnight accommodations, showers or laundry facilities, truck services, including repair services, and overnight truck parking.

~~Vehicle, Commercial: Any vehicle commonly used for profit.~~

Vehicle, Commercial: A self-propelled vehicle used to transport persons or goods associated with a business, said vehicle registered to an individual, company or corporation.

Vehicle, Commercial – Light Duty: A 2-axle commercial vehicle. See 807.04 for example of light duty commercial vehicles.

Vehicle, Commercial – Heavy Duty: A multi-axle (3 or more axles) commercial vehicle. See 807.04 for example of heavy-duty commercial vehicles.

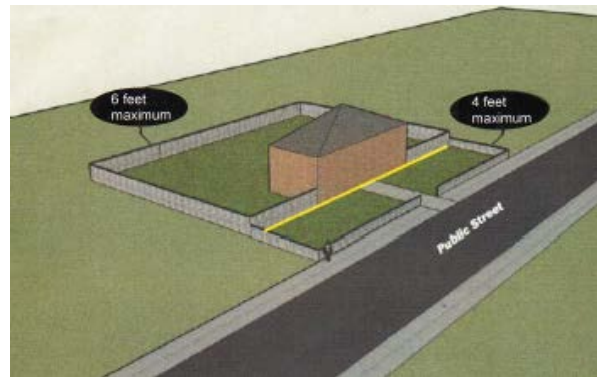
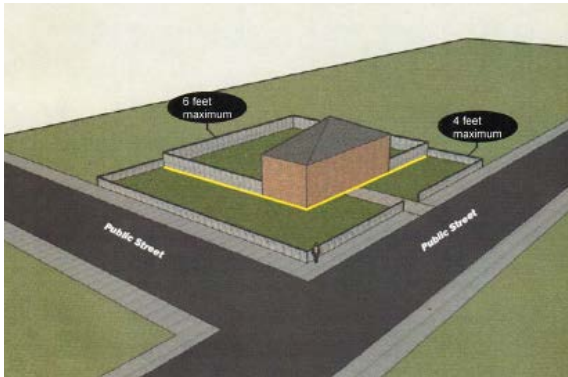
Vehicle, Farm: All types of equipment/machinery used for agriculture.

Vehicle, Recreational, (replace existing definition): A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent or temporary basis. Recreational vehicles include motor homes, tent-type fold out camping trailers, tiny house, travel trailers, and truck campers.

Vehicle, Accessory Recreational: Vehicles designed for off-road use such as off-road vehicles, dune buggies, and boats.

Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least perpendicular distance between the front lot line and the front of the main *principal* building.

{ illustrating front yard vs. side and rear yard area }



Yard, Front (Least Depth):

Exception: When the Thoroughfare Plan ROW exceeds the existing ROW in pre-existing developed areas, the Zoning Inspector shall consult with the County Engineer on whether the Thoroughfare Plan ROW needs to be enforced, or follow the existing ROW.

~~Zoning Administrator~~ Zoning Inspector: The officer or his/her authorized representative, appointed by the Board of County Commissioners, charged with the interpretation, administration, and enforcement of these Regulations. [rev. 12-13-2013]

Terms deleted: clinic; child day-care; dwelling unit; filling station; yard sale.

Also included: various grammar, typos, Section reference corrections & similar changes.

*{ land use plan to **comprehensive plan**; premise to **lot**; play area to **recreation area**; codes and ordinances to **regulations**; conditioned use permit to **conditioned zoning certificate**; zoning permit to **zoning certificate**; S. 108.01 to include permitted, conditioned and conditionally permitted use; S. 802 regulation of accessory uses to regulation of accessory structures and uses; and removing reference to 'R-1A' }*