

# ZONING CODE

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## **GREENFIELD TOWNSHIP** **FAIRFIELD COUNTY, OHIO**

Originally Adopted at the General Election in 1959  
and as Amended thereafter and Adopted on:

August 21, 2018

Includes Amendments Adopted on:

October 5, 2022

The Greenfield Township Trustees hereby approve the Greenfield Township Zoning Code dated August 21, 2018 including Amendments adopted on October 5, 2022.

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Dave Cotner

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Lonnie Kosch, Sr.

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Kent Searle

Prepared by Greenfield Township Zoning Commission

Jack Barr  
June Queen  
Jeff Zech

Patrick Callahan  
Kim Wickham

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# PART ONE

## AUTHORIZATION AND GENERAL PROVISIONS

### Section 100 - AUTHORIZATION AND PURPOSE

#### 100.01 Title

This Code shall be known and may be cited as the *Zoning Code of Greenfield Township, Fairfield County, Ohio* hereinafter referred to as the “Code”. Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Code as those governing the interpretation of the Ohio Revised Code.

#### 100.02 Purpose

The Board of Township Trustees hereby find it necessary, advisable and beneficial to the residents of Greenfield Township to provide for the division of the unincorporated area of the Township into districts or zones. This Code is enacted for the purposes set forth and pursuant to the authority granted to the township by Section 519.02 of the Ohio Revised Code.

#### 100.03 Applicability and Limitations

The regulations set forth in this Zoning Code shall be applicable to all buildings, structures, uses and lands located within the unincorporated area of Greenfield Township, Fairfield County, Ohio. Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this code for the district in which the structure or land is located. All buildings shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

##### A. Buildings and Structures

No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area; and
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Code.

B. Yards and Lots

No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

C. Exemptions

The regulations set forth in this Code shall affect all use of land, every building and structure, and every use of land, building, or structure except where specifically exempt by law or as may be hereafter amended by law such as public utilities and railroads, and in circumstances where the township has no authority to regulate certain instances of agriculture as defined by Section 519.21 of the Ohio Revised Code.

**100.04 Interpretation and Consistency**

The provisions of this Code shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. This Code shall not be interpreted as interfering with, repealing, or annulling any codes, county subdivision regulations, engineering or building standards, or permits adopted or issued except where such codes, county subdivision regulations, engineering or building standards, or permits are in conflict with this Code or amendments hereto.

Where this Code or amendments hereto impose greater restrictions or higher requirements than are imposed or required by other codes, county subdivision regulations, or engineering or building standards the provisions for this Code or amendments hereto shall prevail. However, where such codes, county subdivision regulations, or engineering or building standards impose greater restrictions or higher requirements than this Code or amendments hereto, they shall prevail.

Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, code or regulation of Greenfield Township, or part thereof, not specifically repealed, amended, modified, altered or changed herein.

**100.05 Separability**

Should any Chapter, Section, Sub-Section, or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the Chapter, Section, Sub-Section, or provision so declared to be unconstitutional or invalid.

## Section 105 - DEFINITIONS

### 105.01 Interpretation

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

Particular terms directly related to particular topics may be defined within the specific sections of the Code where those general requirements are found.

### 105.02 Definitions

**Abandon** - To cease from actively using land or any premises for its intended use for a time period greater than specified herein.

**Accessory Dwelling Unit** – Also referred to as an “Accessory Apartment”, “Mother in Law Suite”, or “Granny Flat”, is a residential dwelling unit located within the same building as the single-family dwelling unit and typically intended to be used for the care and housing of a family member with special needs.

**Accessory Use** - A use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

**Accessory Building** or **Accessory Structure** - A building or structure occupied by an accessory use.

**Addition** - Any construction that increases the size of a Building or Structure in terms of site coverage, height, length, width, or gross Floor Area.

**Administrative and Business Offices** - Offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

### Adult Entertainment Businesses

- A. Adult Entertainment Facility - Any establishment which is involved in one or more of the following listed categories:
  1. Adult Book Store - An establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on “specified sexual activities” or “specified anatomical areas” as defined below.

2. Adult Motion Picture - A facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
  3. Adult Entertainment Business - Any establishment involved in the sale or services of products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
- B. Sexually Explicit Nudity - The sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- C. Specified Anatomical Areas - Any of the following:
1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
  2. Human male genitals in a discernible turgid state.
- D. Specified Sexual Activities - Any of the following:
1. Human genitals in a state of sexual stimulation or arousal.
  2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- E. Visibly Displayed - The material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

**Adult Care Facility** - An adult family home or an adult group home. For the purposes of this Code, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services. Adult care facility does not include:

- A. A facility operated by a hospice care program licensed under ORC 3712.04 that is used exclusively for care of hospice patients.
- B. A nursing home or home for the aging as defined in ORC 3721.01.
- C. A community alternative home as defined in ORC 3724.01.
- D. An alcohol and drug addiction program as defined in ORC 3793.01.

**Adult Family Home** - As defined in ORC 3722.01, a residence or facility that provides accommodations for three to five unrelated adults and supervision and personal care services to at least three adults.

**Adult Group Home** - As defined under ORC 3722.01, an adult group home means a residence or facility that provides accommodations for six to sixteen unrelated adults and provides supervision and adult personal care services to at least three of the unrelated adults.

**Agricultural Buildings and Structures** - Agricultural Buildings and Structures are defined as such structures that are customarily used primarily to house animals and support agricultural uses such as barns, sheds, pole barns, silos, grain structures, feed structures, etc.

**Agriculture** - For the purposes of this Code the definition of Agriculture shall be that prescribed by Section 519.01 of the Ohio Revised Code. As used herein, agriculture generally includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Alley** - An unnamed public or private Right-of-Way less than twenty (20) feet wide that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage is on some other street.

**Apartment** - A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family unit and typically offered on a “for-rent” basis.

**Assisted Living Facility** - A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other



facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

**Awning** - A hood or cover that projects from the wall of a building against the face of the supporting building.

**Basement** – One or more floors of a building that are partly underground but having at least one-half of its height below the average level of the adjoining ground.

**Building** - A structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

**Building, Height Of** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building Line** - The front yard setback line established by this Zoning Code, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

**Building Principal** - A building in which is conducted the main or principal use of the lot on which said building is situated.

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

**Cemetery**- Land used or intended to be used for the burial of human dead.

**Child Day-Care Center** - Any location meeting the requirements specified in the Ohio Revised Code Section 5104.01 (K).

**Clear Vision Triangle** - The triangular area formed by a diagonal line connecting two points, located on intersecting lines of street and driveway, one being on the street right-of-way, the other point being on the easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines. The view through this triangular area, from the street into the driveway or the driveway into the street, shall be open and unobstructed by landscaping, signs, or structures, from a height of three (3) feet above grade to ten (10) feet above grade.

**Clinic, Human** - An establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians including doctors' offices, urgent care facilities.

**Cluster Development** - A form of planned residential development that concentrates buildings on a part of the site (the cluster area) to allow the remaining land (the open space) to be used for recreation,

common open space, or preservation of environmentally sensitive areas. The open space may be owned by either a private or public entity.

**Collector's Vehicle** - Any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars (\$100.00) or more, whether operable or not, that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation.

**Collector's Vehicle, Licensed** - A collector's vehicle, other than an agricultural tractor or traction engine that contains valid license tags issued under Section 4503.45 of the Ohio Revised Code or a similar type vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

**Conditional Use** - A use that, because of special requirements or characteristics, may be allowed in a particular Zoning District after review by the Board of Zoning Appeals and granting of Conditional Use Permit. With the approval of a Conditional Use Permit the Board of Zoning Appeals may impose such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

**Conditional Use Permit** - The documented evidence of authority granted by the Board of Zoning Appeals to locate, operate, and maintain a conditional use on a particular property.

**Condominium** – A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

**Congregate or Group Home** - A group residential facility, as defined by ORC 5119.34, is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative services.

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Distribution Center** – A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**District** - A part, portion, zone or geographic area within Greenfield Township within which certain development standards, as delineated by this Code, apply.

**Driveway (Access Ways)** - A private road giving access from a street to a building or abutting ground.

**Driveway Approach** - That portion of a driveway located within the right-of-way of the street.

**Dwelling or Residence** - Any building or portion thereof which is designed or used for living or sleeping quarters by one or more human occupants, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

**Dwelling, Multi-Family or Multiple-Family Residence** - A building designed or used as a residence for three or more families living independently and doing their own cooking therein.

**Dwelling, Single-Family or Single-Family Residence** - Detached, individual dwelling units, which accommodate one family, as defined herein, living as one housekeeping unit. The type of construction of such units shall conform to the Residential Code of Ohio, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the definition of permanently-sited manufactured home as provided for in ORC 519.212.

**Dwelling, Two-Family or Two-Family Residence** - A building designed for or occupied exclusively by two (2) families living independently.

**Dwelling Unit** – A space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as, space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

**Enclosed Storage** - Any building such as a warehouse, pole barn, etc., fully enclosed on all sides and with roof where equipment, materials or goods are stored.

**Fair Market Value** - The term “Fair Market Value” as used herein shall first be determined to be the current value of structures as carried by the Fairfield County Auditor. If such value is disputed by the owner of the structures, or the township, the township may elect to hire a licensed third-party licensed appraiser to determine the value. Said appraiser shall be hired by the township and, in the event of a dispute by the property owner, may require reimbursement from the property owner for such fees as necessary. If the township shall require reimbursement, the township shall solicit fees for the appraisal in advance of the start of work, and shall provide the property owner with a copy of the fee proposal and a notice to deliver a check to the township for such fees prior to the commission of the appraisal.

**Family** - A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- B. Two (2) unrelated people; or
- C. Two (2) unrelated people and any children related to either of them by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship.

The term “Family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result

of a criminal offense. This definition is not, however, intended to prohibit those living arrangements among individuals which is specifically set forth and authorized by applicable law as being permitted uses within residential Zoning Districts.

**Farm** - Any land, buildings, or structures on or in which agriculture and farming operations are carried on as defined in the Ohio Revised Code Section 519.01

**Federal Emergency Management Agency (FEMA)** - The agency with the overall responsibility for administering the National Flood Insurance Program.

**Fence** - An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. A Fence shall not be defined as including hedges, shrubs, trees, or other natural growth.

**Fine Art Gallery** - Any display of artwork which is individually crafted and signed by the artist or which is limited as an edition to one thousand (1,000) or less.

**Flood or Flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** - An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Greenfield Township and/or Fairfield County.

**Floodway** - The channel of a creek, stream or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floor Area** - The sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

**Garage** - A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles. In all districts, a Garage shall be considered an Accessory Structure when not attached to the main Structure.

**Gasoline (Gas) Station** - That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.

**Hazardous Wastes** - Those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive,

reactive, corrosive, toxic, infectious, carcinogenic, bio concentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

**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, and is conducted entirely within the dwelling unit, or elsewhere on the premises, without any significant adverse effect upon the surrounding neighborhood. A home occupation must meet the standards and requirements specified in Section 415.02 of this Code.

**Hospital** - A building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

**Industrialized Unit** - A building or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater Structure, and that requires transportation to the site of intended Use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a Manufactured Home as defined by division (C)(4) of Section 3781.06 of the Ohio Revised Code, or a Mobile Home as defined by division (O) of section 4501.01 of the Ohio Revised Code.

**Junk** - Old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, dismantled automobiles, equipment or parts thereof, construction salvage, mechanical salvage, iron or steel and other old or scrap ferrous or non-ferrous materials.

**Junk Vehicle** - Any licensed or unlicensed vehicle (or any parts thereof) that may or may not be in a deteriorated or extremely damaged condition and/or is no longer operable.

**Junk Yard** - An establishment or place of business which is maintained or operated or any other land used for the purpose of storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. It shall also include scrap material, processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right of way of a highway or street.

**Kennel/Animal Boarding** - Those Building or Buildings used to house domestic pets and further as defined by Ohio Revised Code, Sec. 955.02 for profit.

**Litter** - Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile or equipment parts, furniture, glass or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by the person, or in or on waters of the state.

**Lot** - A division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map, or by metes and bound, and includes the terms "plat" and "parcel".

**Lot Coverage** - The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

**Lot Flag** - A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street. A lot with less than the required road frontage.

**Lot Frontage** - The uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way, or property line adjacent to the street on which the lot fronts, from the intersection of one side lot line to the intersection of the other side lot line.

**Lot Line Rear** - A lot line which is opposite and furthest removed from the front lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

**Lot Line Side** - A lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

**Lot Measurements** - A lot shall be measured as follows:

- A. The Depth of a lot shall be considered to be the average horizontal distance between the front property line or street right-of-way line and the rear property line.
- B. The Width of a lot shall be considered to be the horizontal distance between side property lines measured at the required front building setback. For pie-shaped lots the width between side property lines where they intersect the front property line or street right-of-way line shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs or on the radius of a loop street.
- C. The Area of a lot shall be the total horizontal area within the exterior lines of the lot, exclusive of any right-of-way, usually expressed in square footage or acreage.

**Lot of Record** - A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot Types** - Terminology used in this Code with reference to corner lots, interior lots, and through lots is as follows:

- A. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. Corner lot shall meet the front yard setback requirements for all roads or streets that abut.
- B. An interior lot is a lot with only one frontage on a street.
- C. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**Manufactured Home** - A non-self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A 5401, 5403 and that has a permanent label or tag permanently affixed to it as specified in 42 U.S.C.A 5415, certifying compliance with all applicable Federal Construction and Safety Standards.

A Manufactured Home is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site.

These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

Manufactured Homes may be used as Single-Family Dwelling units provided that they are installed on a permanent foundation and meet the minimum square footage requirement for the Zoning District in which they are to be installed. Permanent as described below:

- A, Permanent Foundation - Permanent masonry, concrete, or locally approved footing or foundation, to which a manufactured or mobile home may be affixed.
- B. Permanently Sited Manufactured Home - A manufactured home that meets all of the following criteria:
  - 1. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
  - 2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments;
  - 3. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering;
  - 4. The structure was manufactured after January 1, 1995.

**Manufactured Home Community** - A development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

**Manufactured Home Subdivision** - A development constructed primarily for manufactured homes, in which each lot in the development is independently owned by the respective owners of the dwelling units located on such lots.

**Mobile Home** - A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in the MH-R, or any other Zoning District.

**Model Home** - A temporary showroom or display model that is used for marketing purposes by a commercial homebuilder during the sales period of a new residential development. For the purposes of this Code, a model home loses its status as a marketing tool after five (5) years from its opening date. Model homes may be converted to permanent residences at the end of their use as a marketing location, provided they meet all zoning and building codes for occupancy.

**Modular Home** - A non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for modular housing. For the purposes of this Code, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

**Motel/Hotel** - A building with or without party walls, or any row or group of two (2) or more detached or semi-detached buildings containing guest rooms which are designed and intended or used primarily for the accommodation of travelers.

**Motor Home Vehicle** - Excludes manufactured homes and includes mobile homes.

**Motor Vehicle** - Any vehicle, including mobile homes and recreational vehicles, which is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles, motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten (10) miles and at a speed of twenty-five (25) miles per hour or less.

**Motor Vehicle, Inoperable** - A car, truck, bus, van or other motor vehicle that cannot be started and moved under its own power or does not meet Ohio Revised Code requirements for operation on a public street. A vehicle that is without a valid, current registration decal and/or license, including recreational vehicle or travel trailer that is designed for travel on the public roads is also considered an inoperable vehicle.



**Nonconforming Use** - The use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Code.

**Nuisance** - As used herein nuisance refers to a building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. As used herein a nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties.

Examples include noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris as provided under the Ohio Revised Code Sections 505.86, 505.87, and 505.871. Additionally, “Nuisance” means any of the following:

- A. That which is defined and declared by statutes to be a nuisance.
- B. Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious, or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen or exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for such purpose.
- C. Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured or sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture of beer or intoxicating liquor and beer or intoxicating liquor contained in the room, house, building, boat, structure, or place, or the operation of such a room, house, building, boat, structure or place where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. “Violation of law” includes, but is not limited to, sales to any person under the legal drinking age.

**Nursery or Day Care Center** - A facility which meets the requirements of Section 5104.01 of the Ohio Revised Code.

**Nursing Home** - Includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves as defined in Section 3721.01 of the Ohio Revised Code.

**Office, Corporate** - An establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the

headquarters, regional offices or the administrative offices for a corporation. Generally, the majority of the traffic generated from corporate offices comes from employees and not the general public.

**Office, Freeway Oriented** - An office building(s), located on a lot that borders the right-of-way of a state or federal highway, that is designed and located on the lot in such a way to maximize the visibility and/or recognition of the office structure from the highway.

**Office Park** - A large tract of land that is planned, developed, and operated as an integrated facility for a number of separate office buildings uses and may incorporate internal circulation, joint parking facilities, shared utility needs, and common areas, and may pay special attention to aesthetics and compatibility.

**Off-Street Parking Space** - Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Code.

**Outparcel** - An individual lot or structure located within a retail center but apart from the main structure, typically located along the right-of-way of the public street serving the retail center, which may share driveway access, internal circulation, and internal parking with the retail center, and may or may not be under the same property ownership.

**Person** - Any individual, corporation, company, business, partnership, association or legal entity.

**Personal Services** - Any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

**Pond** - Any man-made structure in which water is impounded by constructing a dam or embankment or by excavating a pit. Definitions for ponds include retention basins designed to permanently hold water.

**Pool, Above Ground** – Any pool whose sides rest fully above the surrounding earth.

**Pool, In Ground** - A swimming pool no part of which (except diving boards, slides, and ladder rails) is more than one (1) foot above grade.

**Pool, Portable** - Those pools which are not permanently installed; do not require water filtration circulation, and purification; do not exceed eighteen (18) inches in depth; do not exceed a water surface of one hundred (100) square feet; and do not require braces or supports.

**Pool, Private** - Any structure intended for swimming or recreational bathing (not including lakes or ponds) not located within a completely enclosed building and containing water to depth at any point greater than two (2) feet. The owner of the property, or his agent, shall certify that the pool will be constructed and maintained in conformance with section 415.04 of this Zoning Code.

**Portable Storage Unit** – Sometimes known as “PODS” shall be defined to be: any container, storage unit, shed-like container, shipping container, trailer, or other portable structure that can or is used for the

storage of property of any kind and which is located for such purposes outside of a residence or business.

**Professional Offices** - The offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

**Recreational Facilities** - Public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

**Restaurant** - A business establishment where food and beverages are prepared and presented for human consumption.

**Retail Store** - A store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

**Right-Of-Way** - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

**Sign** - Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product.

- A. Abandoned Sign - A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained and not repaired.
- B. Billboard - A free-standing permanent or Temporary Sign which advertises a business, product, or service not located upon the premises on which the Sign is located. Such Sign shall be classified as a business use and shall be subject to the regulations established in Section 440.
- C. Changeable Copy Sign - A sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.
- D. Directional Sign - Any off-premises sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.
- E. Electronic Message Sign – A sign with alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
- F. Flashing Sign - A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

- G. Freestanding Sign - A sign which is wholly independent of any building for support.
- H. Moving Sign - Any sign, all or any part of which physically moves or is animated so as to give the appearance of movement.
- I. Multiple Message Sign - An advertising device whose whole sign face changes by rotating vertical slats by either electronic process or remote control.
- J. Off-Premises Sign - Any sign that identifies or provides information related to a product, service or event that is not located on the property where such sign is located.
- K. Outdoor Video Screen - An outdoor television (TV) screen of billboard proportions.
- L. Pennant Sign or Streamer - Any geometric shaped cloth, fabric, or other lightweight material normally fastened to a stringer and limited to a maximum sign area of one and one-half square feet which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.
- M. Permanent Sign - A sign intended to be erected or used, or in fact which is used for time period in excess of one hundred twenty (120) days.
- N. Pole Sign - A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.
- O. Portable Sign - A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include signs that are constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved.
- P. Projecting Sign - A sign which extends outward perpendicular to the building face.
- Q. Temporary Sign - A sign intended to be used, or in fact used, for a time period of one hundred twenty (120) days or less.
- R. Variable Message Advertising Device - One message is partially changed by electronic process or remote control, including, but not limited to, rotating cubes, rotating vertical triangular slats, messages changed by turning lights on and off, remote numeric displays, scrolling messages, glow cubes, light emitting diodes, cathode ray tubes and florescent discharge or other similar technology. Furthermore, digit(s) changed infrequently is/are not to be considered moving, flashing, or intermittent lights or moving parts and will be deemed a change of copy only.
- S. Wall Sign - A sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.

- T. Window Sign - A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

**Spot Zoning** - The granting to a particular parcel of land a classification concerning its use that differs from the classification of other land in the immediate area to the benefit of a single parcel of land and typically not in conformance with a Comprehensive Plan.

**Storage Facility, Self-Service** - Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property. A self-service storage facility is not a public warehouse.

**Street, Road or Thoroughfare** - A public way for the purpose of vehicular travel, including the entire area within the right-of-way.

**Structure** - Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. "Structure" does not include fences.

**Structural Alteration** - Any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

**Telecommunications Tower** - Any freestanding structure or structure attached to a building or other structure that meets all of the following criteria:

- A. The freestanding or attached structure is proposed to be constructed on or after October 31, 1996.
- B. The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- C. The freestanding or attached structure is proposed to be located in the unincorporated area of Greenfield Township.
- D. The freestanding structure is proposed to top at a height of greater than thirty-five (35) feet.
- E. The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

**Township** - For the purposes of this document, Greenfield Township, Fairfield County, Ohio.

**Trailer** - A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupation, carrying materials, goods, or objects, or as a temporary office.

**Trash Container/Dumpster** - A receptacle which is normally controlled, picked up, and emptied by a waste disposal company and which is used for the temporary storage of waste products.

**Travel Trailer** - A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet when erected on site. "Travel Trailer" continues to include a tent-type, foldout camping trailer.

**Truck** - Any of various forms of vehicle for carrying goods and materials, usually consisting of a single self-propelled unit but also often composed of a trailer vehicle hauled by a tractor unit.

**Turf Grass** - Any of various grasses (such as Kentucky Bluegrass or Perennial Ryegrass) grown to form turf.

**Type A Family Day-Care Home and Type A Home** - A Type A Day Care Center as defined and regulated by Chapter 5104 of the Ohio Revised Code.

**Type B Family Day-Care Home and Type B Home** - A Type B Day Care Center as defined and regulated by Chapter 5104 of the Ohio Revised Code.

**Use** - The purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

**Variance** - A modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Warehouse** - A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

**Yard** - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward, described as follows:

- A. Front Yard - That portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure per below:
  - 1. In the case of through lots a front yard of the required depth shall be provided on all road frontages.
  - 2. In the case of corner lots, a front yard of the required depth shall be provided on both road frontages.
  - 3. In the case of existing flag lots, the front yard setback shall be measured from the front property line established where the lot widens to the normal required lot width.

4. With the exception of existing flag lots, all required front yard setbacks shall be measured from the right-of-way of the public road on which the property fronts. Where a right-of-way has not been established, the front yard setback shall be measured from the assumed right-of-way based upon the functional roadway classification as defined by the Fairfield County Engineer. Where no right-of-way has been established the front setback shall be measured from the centerline of the existing road and shall include the required setback distance as established in the Zoning Code, plus half of the distance of the assumed right-of-way.
- B. Rear Yard - That portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.
  - C. Side Yard - That portion of a lot that is located between the side lot line and the nearest building or structure.

**Zoning Certificate or Zoning Permit** - An official statement certifying that a proposed building or use complies with all the provisions of this Zoning Code.

**Zoning District** - A portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

**Zoning District Map or Zoning Map** - The map of the Township showing the locations of established Zoning Districts, together with all amendments subsequently adopted by the Township Trustees, and established pursuant to Section 305 of this Code.

**Zoning Inspector** - The enforcement officer, hired by the Board of Township Trustees, who is charged with enforcing the provisions of this Zoning Code and the Ohio Revised Code (ORC).

# PART TWO

## ADMINISTRATION AND ENFORCEMENT

### Section 200 - ADMINISTRATIVE BODIES AND THEIR DUTIES

#### 200.01 Zoning Inspector

A. Office of Zoning Inspector Established

A Zoning Inspector designated by the Board of Township Trustees, as is prescribed by Section 519.16 of the Ohio Revised Code, shall administer and enforce this Code. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Code.

B. Relief from Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this Code. In any of these actions, the Zoning Inspector shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

C. Duties of Zoning Inspector

For the purposes of this Code, the Zoning Inspector shall have the following duties:

1. Enforce the Zoning Code and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
2. Issue Zoning Certificate(s) when the provisions of the Zoning Code have been met, or refuse to issue same in the event of noncompliance.
3. Collect designated fees as, established by separate code, for Zoning Certificates, appeals, variances and conditional uses.
4. Make and keep all records necessary and appropriate to the office including records of issuance and denial of Zoning Certificates and receipt of complaints of violation of the Zoning Code and action taken on the same.
5. Notify applicants and adjoining property owners by first class mail of zoning hearing details.



6. Inspect any buildings or lands to determine whether any violations of the Zoning Code have been committed or exist.
7. Attend Zoning Commission meetings and advise the Township Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Code.
8. Authorize extensions of time for completion of work specified in Zoning Certificate, in accordance with Section 205 of this Code.
9. Declare Zoning Permits void, pursuant to Section 205 of this Code.

D. Removal from Office

The Zoning Inspector shall serve at the pleasure of the Board of Township Trustees.

## **200.02 Township Zoning Commission**

A. Establishment

Pursuant to Ohio Revised Code Chapter 519.04, there is hereby established a Township Zoning Commission in and for Greenfield Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms and conditions of tenure of the members shall be as established by Chapter 519.04 of the Ohio Revised Code.

B. Removal of Members

Members of the Township Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified within Chapter 519.04 of the Ohio Revised Code.

C. Proceedings

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

D. Powers and Duties

For the purposes of this Code, the Township Zoning Commission shall have the following powers and duties:

1. Initiate amendments to this Code, pursuant to Section 215 of this Code.
2. To submit a plan, including both text and maps, representing the recommendations of the Zoning Commission in implementing the power, purpose, and provisions of the zoning powers conferred by the State of Ohio upon townships.
3. To evaluate and make appropriate recommendations to the Board of Township Trustees regarding proposed amendments to the Code and or Official Zoning Map, after conducting necessary hearings.
4. To employ or contract with such planning consultants as the Zoning Commission deems necessary, within the limit of monies appropriated by the Board of Township Trustees for such purposes.
5. To work with the Zoning Inspector toward the administration and enforcement of the Code.
6. To accomplish such other action(s) as are required by this Code or by applicable law.

**200.03 Board of Zoning Appeals**

A. Establishment

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Greenfield Township, Fairfield County, Ohio. The terms and conditions of tenure of the members shall be as established by Chapter 519.13 of the Ohio Revised Code.

B. Removal of Members

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified by section 519.04 of the Ohio Revised Code.

C. Proceedings

The Board shall organize annually and elect a Chairperson. Meetings of the Board shall be held at the call of the Chairperson, and at other such times as the Board shall determine. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Code. All meetings of the Board shall be open to the public.

The Zoning Inspector shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record and immediately filed in the Township offices.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

#### D. Powers and Duties

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Code, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Code or to effect any variation in the application of this Code. For the purpose of this Code, the Board has the following specific responsibilities:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of sections 519.02 to 519.25 of the Revised Code, or of any code adopted pursuant thereto.
2. All appeals where a public hearing is held shall be noticed in compliance with ORC 519.15 by the board giving at least ten days written notice to the parties in interest and by publishing notice of the public hearing in one or more newspapers of general circulation in the township at least ten (10) days prior to the hearing.
3. Upon application for an area variance (these requests can include, but are not limited to, requests for variances from building height requirements, yard setback requirements, parking requirements, sign posting, etc), the applicant must show that if the Board fails to grant the request that the applicant will suffer “practical difficulties” as a result. In order for the Board to determine what constitutes “practical difficulties”, the applicant must show the following:

- a. Whether the property on question will yield a reasonable return or whether there can be a beneficial use of the property without the variance.
  - b. Whether the variance is substantial.
  - c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
  - d. Whether the variance would adversely affect the delivery of governmental service (e.g. water, sewer, garbage).
  - e. Whether the property owner purchased the property with knowledge of the zoning restriction.
  - f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
  - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
4. Grant conditional Zoning Certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Code so long as the requested use variation is not contrary to the public interest where, owing to special conditions, a literal enforcement of the provision would result in an unnecessary hardship.

Variations shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this code would result in an unnecessary hardship. If the board considers conditional Zoning Certificates for activities that are permitted and regulated under Chapter 1514 of the Ohio Revised Code or activities that are related to making finished aggregate products, the board shall proceed in accordance with section 519.141 of the Ohio Revised Code.

5. Revoke an authorized variance or conditional Zoning Certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate by first class mail of its intent to revoke the variance or certificate under division (D) of this section and of the holder's right to a hearing before the board, within thirty (30) days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder.

At the hearing, the holder may appear in person, by the holder's 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 board 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.

In exercising the above-mentioned powers, the board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

#### **200.04 Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal**

It is the intent of this Code that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law.

It is further the intent of this Code that the powers of the Board of Township Trustees in connection with this Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Building and Zoning Inspector on matters of appeal or variance.

## **Section 205 - ENFORCEMENT AND PENALTY**

### **205.01 Zoning Certificate Required**

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a Zoning Certificate shall have been issued by the Zoning Inspector . Such Zoning Certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Code. No such certificate shall be issued by the Zoning Inspector until the requirements of this Code have been met.

A Zoning Certificate is required for any of the following subject to the limitations of section 519.211 of the Ohio Revised Code:

- A. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the Zoning District where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the Zoning District where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Section 210 of this Code.

### **205.02 Application for Zoning Certificate**

Three (3) copies of an application for a Zoning Certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application form shall be completed and returned with all supporting documentation as required in the application form and as necessary to demonstrate compliance with this Code.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

### **205.03 Approval of Zoning Certificates**

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Code. Zoning Certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application.

All Zoning Certificates shall be conditional upon the commencement of work within six (6) months. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy.

In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance along with one (1) copy of the application.

Once a Zoning Certificate or Zoning Permit is issued, it must be visible from the road to be valid.

#### **205.04 Submission to the Director of the Department of Transportation**

Before any Zoning Certificate is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or first class mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a Zoning Certificate for one hundred twenty (120) days from the date the notice is delivered to the Director of the Department of Transportation.

If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provision of this Resolution, issue the Zoning Certificate.

#### **205.05 Record of Zoning Certificates**

A record of all Zoning Certificates shall be kept on file in the Office of the Zoning Inspector, or his/her designated agent, and copies shall be furnished upon request to any person(s).

#### **205.06 Expiration of Zoning Certificates**

If the work described in any Zoning Certificate has not begun within six (6) months from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new Zoning Certificate has been obtained or extension granted by the Board of Zoning Appeals.

### **205.07 Certificate of Zoning Compliance**

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Code and meets the criteria established in the approved Zoning Certificate. Such certificate of Zoning Compliance may be processed as an indication of final approval on the Zoning Certificate.

### **205.08 Schedule of Fees, Charges and Expenses**

The Board of Township Trustees shall establish, by the passage of a separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, certificates of zoning compliance, appeals, and other matters pertaining to this Code. The schedule of fees shall be posted in the Township Offices, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

### **205.09 Void Zoning Certificate**

A Zoning Certificate shall be void if any of the following conditions exist:

- A. The Zoning Certificate was issued contrary to the provisions of this Code by the Zoning Inspector.
- B. The Zoning Certificate was issued based upon a false statement by the applicant.
- C. The Zoning Certificate has been assigned or transferred.

When a Zoning Certificate has been declared void for any of the above reasons by the Township Zoning Inspector pursuant to this Code, written notice of its revocation shall be given by first class mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new Zoning Certificate has been issued. A revocation of a Zoning Certificate, or any enforcement decision of the Zoning Inspector, may be appealed in accordance with Section 220 of this Code.

### **205.10 Violation and Penalty**

- A. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning Certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Code, and punishable as provided in Section 205.10 (C).



## B. Complaints Regarding Violations

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Code.

## C. Penalties for Violation

Violation of the provisions of this Code or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Code) may constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements may upon conviction thereof be fined not more than five hundred dollars (\$500.00), or as permitted under Section 519.99 Ohio Revised Code and, in addition shall pay all costs and expenses involved in the case.

Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

## **Section 210 - NONCONFORMITIES**

### **210.01 Intent**

Within the districts established by this Code, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures which were lawful before this Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Code or future amendments. It is the intent of this Code to permit these nonconformities to continue until they are removed and to permit reasonable extensions and improvements as allowed by law and this Code.

### **210.02 When Permitted**

#### **A. Existing Land or Buildings**

Any use of land or buildings existing on the effective date of this Code may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the Zoning Code in effect in the Township at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Code.

#### **B. Construction Commenced**

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Code, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Code, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within one (1) year from the date of adoption of this Code or amendment thereto making said use nonconforming.

### **210.03 Discontinuance**

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

### **210.04 Substitution**

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification. However, in any residential district, no change shall be authorized by the Board of Zoning Appeals to any use which is not a permitted or conditional use in any Residential District.

### **210.05 Extension**

No nonconforming use or structure shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Code or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of provisions of this Code with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Code.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential Zoning District may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.
- D. Any structure which is nonconforming due to its location or configuration on the lot resulting in lot coverage or yards inconsistent with the requirements of the Zoning District where it is located may be enlarged, extended, or structurally altered in a manner that decreases or maintains its existing degree of nonconformity. In no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

### **210.06 Damage and/or Destruction of a Nonconforming Building or Use**

When a building or structure, the use of which does not conform to the provisions of this Code, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Section 210.05.

### **210.07 Maintenance and Repair**

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. When required by law and this Code.
- B. To convert to a conforming use.

- C. To improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

**210.08 Nonconforming Lots of Record**

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Code, even though such lot does not meet the development standards of the district in which it is located, provided such lot receives the approval of the Fairfield County Board of Health, and further provided that the owner of such lot does not own adjacent property and did not own such property at the time this Code became effective.

If the owner(s) of such lot owns adjacent property, or owned such property at the time this Code became effective, then the owner(s) shall re-divide such property to provide for the minimum lot area and width requirements of the district in which the lot is located.

If development of a nonconforming lot occurs consistent with the provisions above, the structure shall be located on the lot in such a manner that the resulting front, side and rear yards are as close as possible to the setbacks established in this Code for the district in which it is located.

## **Section 215 - DISTRICT CHANGES AND AMENDMENTS**

### **215.01 Intent**

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

### **215.02 Initiation of Zoning Amendments**

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

- A. By referral of a proposed amendment to the Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

### **215.03 Contents of Application**

Application to initiate an amendment to the Code or the Official Zoning Map shall be made to the Office of Zoning Inspector as follows:

- A. The application forms shall be available from the Office of Zoning Inspector, and shall be completed and returned with all supporting documentation as required in the application form and as necessary to demonstrate compliance with this Code. No application shall be considered unless the same is fully completed and accompanied by all required information on said application, together with plot plans or drawing as necessary.
- B. Applications shall be signed by at least one owner, or an agent assigned by the owner, of the property being re-zoned, and shall be filed with the Zoning Inspector.
- C. Each application for a Zoning Amendment shall fully describe the intended land use.
- D. The application form shall be accompanied by all supporting information as required by the application form. All plans required shall be prepared by a Professional Surveyor, Engineer, Architect, or Landscape Architect registered in the State Ohio.
- E. Applications shall be accompanied by a check or money order made payable to the Greenfield Township Board of Trustees in the amount shown on the Schedule of Fees most recently adopted by the Board of Trustees.

- F. For an amendment of zoning to a Planned Development district the township may require additional submittal information as required by Section 360 of this Code.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant with a listing of deficiencies.

#### **215.04 Procedure**

The procedure for the amendment of the Code, or a zoning amendment, shall follow the requirements of the Ohio Revised Code, Chapter 519.12 (Townships). See Township Zoning Change / Amendment Flowchart from ORC 519.12 and Zoning Amendment Tick Sheet at the end of this section.

#### **215.05 Criteria**

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

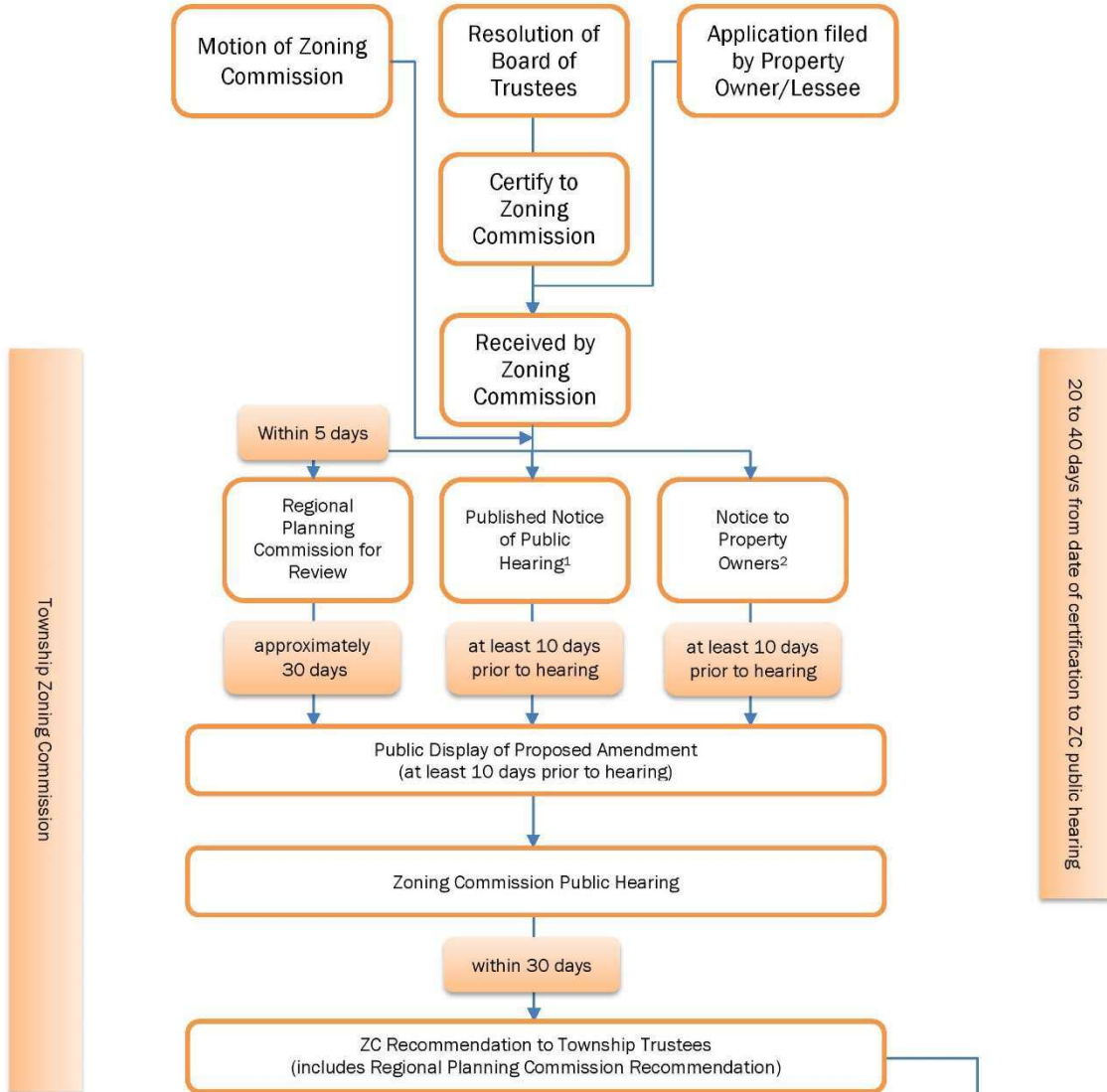
- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Township.

#### **215.06 Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition of referendum meeting the requirements of Section 519.12 of the Ohio Revised Code.

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

**TOWNSHIP Zoning Change/Amendment Flowchart - ORC 519.12**

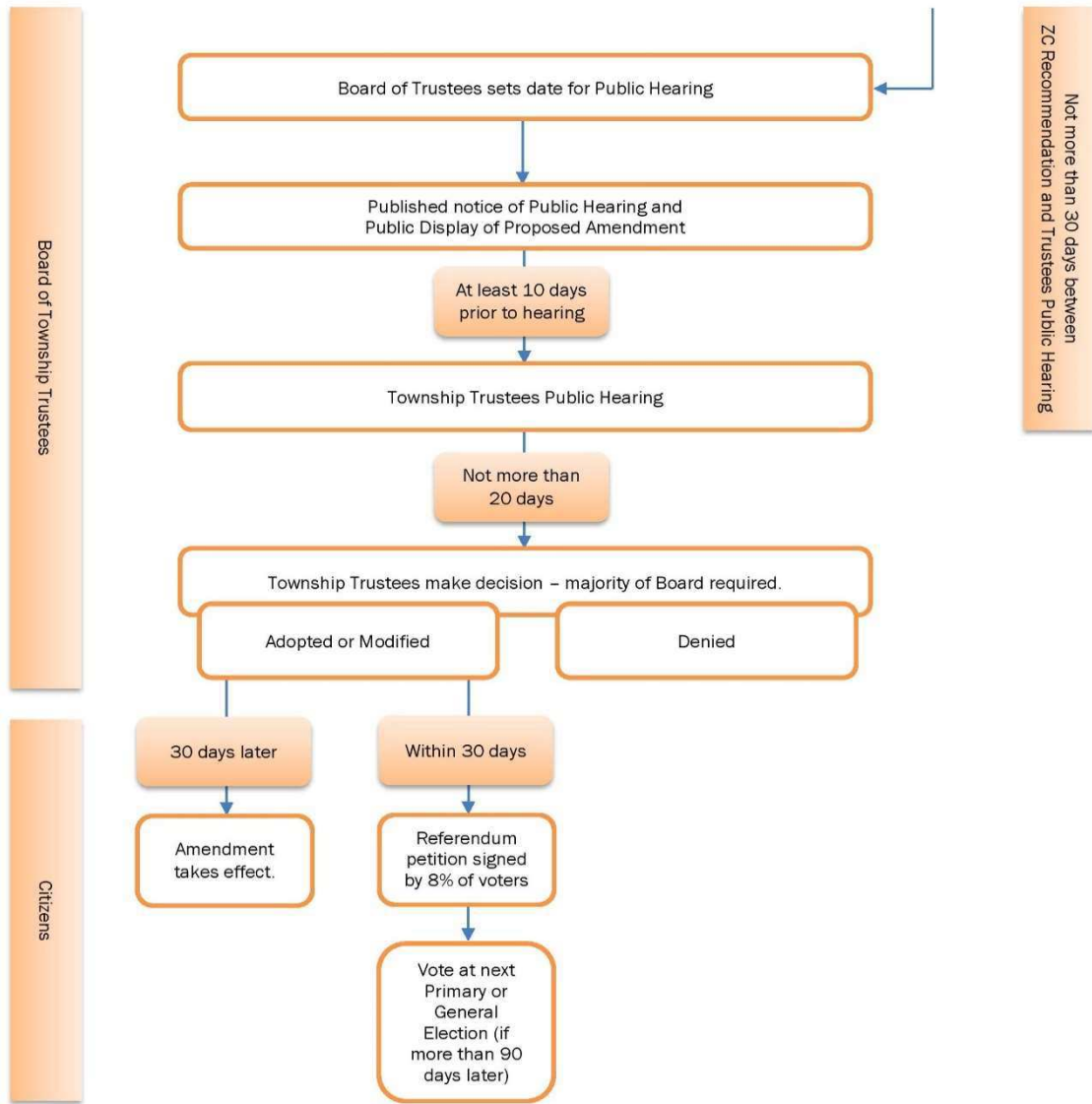


<sup>1</sup>Notice must be published at least once in one or more newspapers of general circulation in the township at least ten days prior to the public hearing and include the time, date, place, and reason for the public hearing and all information required by ORC 519.12(C).

<sup>1</sup>If ten or more parcels are intended to be rezoned, or if the amendment alters the text of the zoning resolution, the notice, including the time, date, and place of the hearing must be published and include all information in 519.21(D).

<sup>2</sup>If ten or fewer parcels are intended to be rezoned, notice, including the time, date, and place of the hearing must be sent to all adjacent parcels via first class mail at least ten days prior to the public hearing.

If additional information is needed before the Zoning Commission makes its decision and/or if additional hearings are needed, such hearings may be "continued"



Notice must be published at least once in one or more newspapers of general circulation in the township at least ten days prior to the public hearing and include the time, date, place, and reason for the public hearing and all information required by ORC 519.12(F) (ten or fewer parcels) or ORC 519.12(G) (more than ten parcels).

Note: Adapted from the Revised Code, State of Ohio, See Section 519.12 for more detailed information.



ZONING AMENDMENT TICK SHEET	
(REZONE, CHANGE)	
1	CAN BE INITIATED BY ZONING BOARD, TRUSTEES, OR BY APPLICATION OF OWNER OR LESSEE
2	APPLICATION RECEIVED
3	ZONING BOARD SCHEDULES PUBLIC HEARING NO LESS THAN 20 DAYS AND NO MORE THAN 40 DAYS FROM DATE APPLICATION IS ACCEPTED
4	RUN NEWSPAPER AD AT LEAST 10 DAYS BEFORE HEARING
5	IF TEN OR FEWER PARCELS ARE BEING AMENDED, CONTIGUOUS AND DIRECTLY ACROSS THE ROAD PROPERTY OWNERS MUST BE NOTIFIED IN WRITING, BY FIRST CLASS MAIL, THE OWNERS ARE LISTED ON THE CO. AUDITOR'S TAX DUPLICATE -(THE WRITTEN NOTICE CAN BE A COPY OF THE NEWSPAPER NOTICE.) IF OVER 10 PARCELS, ONLY THE NEWSPAPER NOTIFICATION IS REQUIRED
6	NOTICES MUST INCLUDE:
7	TIME, DATE, AND PLACE OF HEARING
8	GREENFIELD TOWNSHIP BOARD HEARING THE AMENDMENT
9	A STATEMENT INDICATING THIS IS AN AMEMDMENŤ (CHANGE) TO ZONING RESOLUTION
10	A LIST OF ADDRESSES OF PROPERTIES TO BE REZONED OR REDISTRICTED
11	NAMES OF OWNERS OR LESSEES OF PROPERTY
12	TIME AND PLACE WHERE APPLICATION CAN BE EXAMINED FOR A PERIOD OF AT LEAST 10 DAYS PRIOR TO THE HEARING
13	ZONING INSPECTOR'S NAME AS PERSON RESPONSIBLE FOR NOTIFICATION
14	A STATEMENT THAT, AFTER THE CONCLUSION OF THE HEARING, THE MATTER WILL BE SUBMITTED TO THE TOWNSHIP TRUSTEES FOR HEARING
15	ANY OTHER INFORMATION REQUESTED BY THE COMMISSION
16	WITHIN 5 DAYS OF RECEIVING THE APPLICATION, COPIES OF ALL PAPERWORK SHALL BE SENT TO REGIONAL PLANNING FOR THEIR CONSIDERATION
17	THE ZONING COMMISSION CAN MAKE THEIR DECISION TO DENY OR APPROVE THE AMENDMENT, OR SOME MODIFICATION OF THE AMENDMENT AT THE HEARING OR WITHIN 30 DAYS OF THE HEARING.
18	THE ZONING INSPECTOR SHALL FORWARD ALL PAPERWORK AND THE COMMISSIONS DECISION TO THE BOARD OF TRUSTEES AT THE NEXT TRUSTEES' MEETING, WHER THE BOARD WILL SCHEDULE A HEARING WITHIN 30 DAYS
19	THE FISCAL OFFICER WILL THEN PROCEED TO MAKE NOTIFICATION OF THE TRUSTEES' HEARING AS IN 4 -15 ABOVE
20	THE BOARD OF TRUSTEES CAN MAKE THEIR DECISION TO DENY OR APPROVE THE AMENDMENT, OR SOME MODIFICATION OF THE AMENDMENT AT THE HEARING OR WITHIN 20 DAYS OF THE HEARING.
30	IF THE BOARD DENIES OR MODIFIES THE ZONING COMMISSION'S RECOMMENDATIONS, A MAJORITY VOTE IS REQUIRED
31	THE BOARD OF TRUSTEES' DECISION BECOMES EFFECTIVE IN 30 DAYS UNLESS A REFERENDUM IS SUBMITTED

## **Section 220 - APPEALS**

### **220.01 Appeals**

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

### **220.02 Notice of Appeal**

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

### **220.03 Action by the Board of Zoning Appeals**

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

## **Section 225 - VARIANCES**

### **225.01 Powers of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the provisions of this Code as provided under Section 200.3(D).

Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Code in said district.

### **225.02 Application for Variance**

An application for a Variance shall be submitted to the Office of Zoning Inspector who shall forward the application to the Board of Zoning Appeals. Application forms shall be available in the Office of Zoning Inspector and completed applications shall be accompanied by such information as required on the application form and by a letter from the Zoning Inspector describing the need for the proposed variance.

### **225.03 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time following its receipt of a completed application. Notice shall be given at least ten (10) days in advance of the public hearing by publication in at least one newspaper of general circulation in the area. The notice shall state the date, time and place and the nature of the proposed hearing. The same information shall be mailed by first class mail to the applicant and all owners of property within and contiguous to and directly across the street from the property in question to the addresses of those owners appearing on the county auditor's current tax list. Any party may appear in person, or by attorney.

### **225.04 Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 225.03, or sixty (60) days if such hearing is not held, the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code under Section 205.10 of this Code.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

## **Section 230 - CONDITIONAL USES**

### **230.01 Authority and Purpose**

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the Zoning District in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as “conditional uses” within the respective Zoning Districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Code.

The Board of Zoning Appeals shall decide on only such Conditional Uses as specifically authorized by the terms of this Code; decide such questions as are involved in determining whether Conditional Uses should be granted; grant Conditional Uses with such conditions and safeguards as are appropriate under this Code; or deny Conditional Uses when not in harmony with the purpose and intent of this Code.

A Conditional Use shall not be permitted if its use, location, and/or method of development will unreasonably alter the character of the vicinity, unduly interfere with or impact the use of adjacent lots, adversely affect the health, safety and general welfare of surrounding properties, or impart special privileges to its owner which are not normally enjoyed by other uses within the district.

To this end the Board of Zoning Appeals may set forth additional requirements that will render the Conditional Use compatible with the existing and future use of adjacent lots in the district.

### **230.02 Application for Conditional Use**

An application for a Conditional Use shall be submitted to the Office of Zoning Inspector who shall forward the application to the Board of Zoning Appeals. Application forms shall be available in the Office of Zoning Inspector, and the application shall be accompanied by all required supporting information as specified in the application form along with such information as necessary to demonstrate compliance with the specific requirements to be considered for approval for such Conditional Use as required by this Code.

### **230.03 General Standards for Conditional Uses**

The Board of Zoning Appeals shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- A. Will be consistent with the general objectives, or with any specific objective or purpose, of this Zoning Code.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- D. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- E. Will have vehicular approaches to the property which shall be so designated as not to create in interference with traffic on surrounding public streets or roads.
- F. Will comply with all of the requirements of this Code including, but not limited to, setbacks, landscaping and buffering, screening, and open space.
- G. Will comply with the Purpose and Intent of the district as stated in this Code.

#### **230.04 Supplementary Conditions**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Code.

#### **230.05 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time following its receipt of application. Notice shall be given at least ten (10) days in advance of the public hearing by publication in at least one newspaper of general circulation in the area. The notice shall state the date, time, and place and the nature of the proposed hearing.

The same information shall be mailed by first class mail to the applicant and all owners of property within and contiguous to and directly across the street from the property in question to the addresses of those owners appearing on the county auditor's current tax list. Any party may appear in person, or by attorney.

#### **230.06 Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 230.05, or sixty (60) days from the date of the application, the Board shall either approve, approve with supplementary conditions as specified in Section 230.04, or disapprove the application as presented.

If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a Zoning Certificate listing the specific conditions listed by the Board for approval.

If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

**230.07 Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions**

The approval of the Zoning Certificate issued in accordance with Section 230.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Zoning Inspector may revoke the Zoning Certificate upon written evidence by any resident or official of the Township of violation of the Zoning Code and/or written terms and conditions upon which approval was based.

# **PART THREE**

## **ZONING DISTRICTS**

### **Section 300 - STANDARD ZONING DISTRICT REGULATIONS**

#### **300.01 Regulations for the Use and Development of Land or Structures**

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the Zoning Districts as established in Section 305, are hereby established and adopted.

#### **300.02 Rules of Application**

A. Identification of Uses

Listed Uses are to be defined by their customary name or identification, except as specifically defined or limited in this Code.

B. Permitted Uses

Only a use designated as permitted shall be allowed as a matter of right in any Zoning District, and any use not so designated shall be prohibited unless a permitted use may be added to a Zoning District by formal amendment, in conformance with Section 215 of this Code.

C. Accessory Uses and Structures

An Accessory Uses and Structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory Uses or Structures shall be allowed in accordance with the specific district regulations and the requirements of Section 415 of this Code.

D. Conditional Uses

A use designated as a Conditional Uses shall be allowed in the Zoning District where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Section 230 of this Code.

E. Development Standards

Development Standards set forth shall be the minimum allowed for uses permitted in that district. If Development Standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

## **Section 305 - ZONING DISTRICTS AND ZONING DISTRICT MAP**

### **305.01 Zoning Districts Established**

The following Zoning Districts are hereby established for Greenfield Township:

(R-1)	Rural Residential District
(R-2)	Suburban Residential District
(R-3)	Urban Residential District
(MH-R)	Manufactured Home Residential District
(O)	Office
(LB)	Local Business District
(B-1)	Business District
(HB)	Highway Business District
(PRB)	Planned Rural Business District
(I)	Industrial District
(PUD)	Planned Unit Development District
(SU)	Special Use District

### **305.02 Official Zoning Map**

The districts established in Section 305.01 of this Code are shown on the Official Zoning District Map which, together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Code. The Official Zoning District Map shall be identified by the signatures of the Board of Township Trustees and the Fiscal Officer and shall be on file in the Township offices.

### **305.03 Interpretation of Zoning District Boundaries**

Except where referenced and noted on the Official Zoning District Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Code. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.



## **Section 310 - (R-1) RURAL RESIDENTIAL DISTRICT**

### **310.01 Purpose**

The (R-1) Rural Residential District is established to provide areas for the continuance of agriculture as well as large lot single family residential development reflecting very low density and a rural lifestyle. Such development may occur as a transitional area between agricultural and urban areas, and is typically not served by public water or sewer systems.

### **310.02 Agricultural Uses Defined**

The term "Agricultural Use" means those uses as defined in Section 519.01 of the Ohio Revised Code.

### **310.03 Permitted Uses**

1. Single family home.
2. Agricultural uses, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling, subject to the provisions of Section 310.02 above.
3. Adult family home; adult group home.
4. The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted provided that the home meets all applicable Residential Building Code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.
5. Projects specifically designed for watershed protection, conservation of water or soils for flood control.

### **310.04 Accessory Uses**

1. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Section 415 of this Code.
2. Limited home occupations, subject to the requirements of Section 415.02(A) of this Code.
3. Child day-care center; Type B family day-care home, as a limited home occupation.

### **310.05 Conditional Uses**

1. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least two hundred (200) feet from any adjacent property.
2. Structures associated with the drilling for or extraction of oil or natural gas, provided such structures are removed within six (6) months from abandonment of the well.
3. Expanded home occupations subject to the requirements of Section 415.02(B) of this Code
4. Child day-care center; Type A family day-care home, as an expanded home occupation.
5. Bed and breakfasts.
6. Telecommunications towers subject to the requirements of Section 420 of this code.
7. Small wind projects (less than 5mw) subject to the regulations in Section 425 of this Code.
8. Commercial boarding kennels and/or veterinary clinics, providing the following:
  - a. The use is secondary and incidental to the principal residential use of the property.
  - b. The applicant must submit a written statement showing the practices he/she will use to alleviate levels of noise that may be associated with such use.
  - c. Outdoor runs shall be screened from public view.
  - d. No dead animals shall be buried on the site.
  - e. Commercial boarding kennels or any building structure pertaining to kennels should be located no less than 100 feet from any property line on properties less than five (5) acres.
9. Parcels that are five (5) acres or more are considered agriculture.

### **310.06 Development Standards**

#### **A. Lot Area**

For all parcels in the R-1, the lot area shall be not less than one-and-one-half (1-1/2) acre, or such size as determined by the Fairfield County Health Department for the provision of on-site water and sanitary systems, whichever is larger.

B. Minimum Lot Width

All lots shall have at least one hundred fifty (150) feet of frontage on a dedicated, improved street or highway. The minimum width of the lot cannot be less than one hundred fifty (150) feet at any point.

C. Minimum Front Yard Depth

All Front Yard Setbacks shall be measured as defined in Section 105, and shall be a minimum of fifty (50) feet from the right-of-way of any County or Township Road, or seventy-five (75) feet from the right-of-way of any federal or state highway.

D. Minimum Side Yard Width

Twenty (20) feet for principal structures and fifteen (15) feet for accessory structures.

E. Minimum Rear Yard Depth

Fifty (50) feet for principal structures and fifteen (15) feet for accessory structures.

F. Minimum Building Area

One thousand one hundred (1,100) square feet shall be required for single-family dwellings having one (1) story; one thousand four hundred (1,400) square feet of total living area shall be required for single-family dwellings with one-and-one-half (1-1/2) or two (2) stories;

G. Maximum Building Height

Thirty-five (35) feet.

H. Cul-De-Sac Lot Frontage

One (1) single family dwelling shall be located on each lot which shall contain not less than one hundred fifty (150) feet frontage, except those lots which are located on the termini of cul-de-sacs, which must have a minimum of seventy-five (75) feet of frontage and at least one hundred fifty (150) feet of width at the front building line. Each lot shall front on a public road or street. Any portion of the lot lying within a public right-of-way shall not be included as part of the required area. The seventy-five (75) feet of frontage shall be measured at the road right-of-way line.

## **Section 315 - (R-2) SUBURBAN RESIDENTIAL DISTRICT**

### **315.01 Purpose**

The (R-2) Suburban Residential District is established to provide areas for single-family residential development at relatively low suburban densities. Such areas shall be served by public water and sewer systems.

### **315.02 Permitted Uses**

1. One-family detached dwellings.
2. Adult family home; adult group home - The use of a permanently sited manufactured home, as defined by ORC 3781.06, is permitted provided that the home meets all applicable Residential Building Code standards, is installed on a permanent foundation, and meets all minimum floor area requirements.

### **315.03 Accessory Uses**

1. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Section 415 of this Code.
2. Limited home occupations, subject to the regulations of Section 415.02(A) of this Code.
3. Child day-care center; Type B family day-care home.

### **315.04 Conditional Uses**

1. Model homes in subdivisions to be used as sales offices by the builder/developer of the subdivision, provided such use shall terminate when Zoning Certificates have been issued for eighty percent (80%) of the lots in the subdivision.
2. Expanded home occupations subject to the requirements of Section 415.02(B) of this Code.
3. Small wind projects (less than 5mw) subject to the regulations in Section 425 of this Code.
4. Child day-care center; Type A family day-care home.

### **315.05 Development Standards**

A. Minimum Lot Area

Twenty thousand (20,000) square feet.

B. Minimum Lot Width

For each lot within the R-2 District there shall be lot width of not less than one hundred (100) feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on a cul-de-sac may be reduced to sixty (60) feet at the right-of-way line provided that the minimum lot width of one hundred (100) feet shall be met at the front yard setback line. In addition, lot width shall be sufficient to maintain a lot length-to-lot width ratio of not greater than 3:1.

C. Minimum Front Yard Depth

All Front Yard Setbacks shall be measured as defined in Section 105, and shall be a minimum of thirty-five (35) feet from the right-of-way of any County or Township Road, or fifty (50) feet from the right-of-way of any County or Township Road designated as an Arterial or Major Collector on the Fairfield County Thoroughfare Plan.

D. Minimum Side Yard Width

Fifteen (15) feet for all principal structures and ten (10) feet for all accessory structures.

E. Minimum Rear Yard Depth

Forty (40) feet for all principal structures and ten (10) feet for all accessory structures.

F. Minimum Building Area

One thousand one hundred (1,100) square feet shall be required for single-family dwellings having one (1) story; one thousand four hundred (1,400) square feet of total living area shall be required for single-family dwellings with one-and-one-half (1-1/2) or two (2) stories.

G. Maximum Building Height

Thirty-five (35) feet.

## **Section 320 - (R-3) URBAN DENSITY RESIDENTIAL DISTRICT**

### **320.01 Purpose**

The (R-3) Urban Density Residential District is established to accommodate a variety of housing types suited to the various life styles of individuals and families, including single and multiple-family residences. The objective is to provide for a diversity of housing opportunity and choice within Greenfield Township. As a result of the higher residential densities, the R-3 District may be used in areas served by public water and sewer.

### **320.02 Permitted Uses**

1. Multiple family structures, including senior housing, having no more than four (4) dwellings per structure and no more than one (1) structure per parcel.
2. Adult family home; Adult group home.
3. The use of a permanently sited Manufactured Home, as defined by ORC 3781.06, is permitted provided that the home meets all applicable Residential Building Code standards, is installed on a permanent foundation, and meets all minimum Floor Area requirements. Single-family dwellings, pursuant to the standards of the R-2 District.

### **320.03 Accessory Uses**

1. Limited home occupations, subject to the requirements of Section 415.02(A) of this Code.
2. Child day-care center; Type B family day-care home in single family residences only.
3. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
4. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.

### **320.04 Conditional Uses**

1. Nursery schools and day care centers.
2. Nursing homes and/or extended care facilities.
3. Child day-care center; Type A family day-care home.

### **320.05 Development Standards**

A. Minimum Lot Area

Twenty thousand (20,000) square feet for single-family dwellings, ten thousand (10,000) square feet per dwelling unit for two-family dwellings and six thousand (6,000) square feet per dwelling unit for all other multiple-family dwellings. If the development is not served by public water and sewer, the minimum lot size shall be as determined by the Fairfield County Health Department.

B. Minimum Lot Frontage

For each lot within the R-3 District there shall be lot width of not less than eighty (80) feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on a cul-de-sac may be reduced to fifty (50) feet at the right-of-way line provided that the minimum lot width of one hundred (100) feet shall be met at the front yard setback line. In addition, lot width shall be sufficient to maintain a lot length-to-lot width ratio of not greater than 3:1.

C. Minimum Front Yard Depth

All front yard setbacks shall be measured as defined in Section 105, and shall be a minimum of twenty-five (25) feet from the right-of-way of any County or Township Road, or fifty (50) feet from the right-of-way of any County or Township Road designated as an Arterial or Major Collector on the Fairfield County Thoroughfare Plan.

D. Minimum Side Yard Width

Ten (10) feet for all principal and accessory structures.

E. Minimum Rear Yard Depth

Thirty (30) feet for all principal structures and ten (10) feet for all accessory structures.

F. Maximum Building Height

Thirty-five (35) feet.

G. Trash and Garbage Control

For all uses other than single-family residences, all trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

H. Open/Play Area

Within each multiple family development, for each four (4) units, or portion thereof, there shall be provided an open space or play area of not less than five hundred (500) square feet in size. The design and configuration of such open area shall be submitted to and approved by the Zoning Commission at the time of the application for zoning into the R-3 District. Assurances shall be provided that such open area shall be maintained by the owner of the multiple-family complex.



## **Section 325 - (MH-R) MANUFACTURED HOME RESIDENTIAL DISTRICT**

### **325.01 Purpose**

The (MH-R) Manufactured Home Residential District is established to provide areas for manufactured homes so as to provide a desirable residential environment, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. Manufactured Home Communities shall be developed and located so as not to promote excessive vehicular traffic on streets in adjoining neighborhoods and shall provide overall desirability equivalent to that for other forms of residential development.

Greenfield Township recognizes that Manufactured Housing presents residential opportunities and options, especially related to cost, which are unavailable with conventional site-built housing. Nonetheless, such Manufactured Housing has unique development characteristics that require special treatment in regard to location, placement and land use compatibility.

Due to the intensity of this district, the (MH-R) Manufactured Home Residential District shall apply only to existing properties zoned MH-R as of the effective date of this Zoning Code and as shown on the current Greenfield Township Zoning Map. Any future rezoning for a Manufactured Home Residential Community after the effective date of this Zoning Code will be limited to the (PUD) Planned Unit Development District.

### **325.02 Permitted Uses**

1. Manufactured home subdivisions and/or communities, subject to approval of a Development Plan.
2. Public or private parks or playgrounds.

### **325.03 Accessory Uses**

Uses and structures incidental and accessory to specified permitted uses to include common areas, community/recreational facilities and offices for rental and management of units therein.

### **325.04 Conditional Uses**

One (1) family detached dwellings, provided the lot complies with the development standards of the R-1 District.

### **325.05 Development Standards**

The following are the standards for the arrangement and development of manufactured home subdivisions and/or communities in the MH-R District.

A. Water and Sewer

Any manufactured home subdivision or community shall be provided with a water and sanitary sewer distribution system, serving each individual home lot, which is connected to municipal water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

B. Minimum Lot Area

1. The minimum lot area for a manufactured home community shall be ten (10) acres. Individual manufactured home lots within such communities shall be not less than four thousand (4,000) square feet. The maximum gross density shall not exceed six (6) dwelling units per acre.
2. For any other permitted use, the minimum lot area shall not be less than ten thousand (10,000) square feet.

C. Minimum Lot Width

1. The minimum lot width for any manufactured home community shall be not less than three hundred (300) feet. Frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within such a community shall be not less than thirty (30) feet.
2. For any other permitted use, the minimum lot width shall be eighty (80) feet.

D. Minimum Front Yard

1. The minimum front yard depth for any manufactured home community shall be not less than thirty-five (35) feet.
2. For any other permitted use, the minimum front yard depth shall be twenty-five (25) feet.

E. Minimum Side Yard Width

1. The minimum side yard width for any manufactured home community shall be not less than fifty (50) feet. The minimum side yard width for any individual lot within a manufactured home community shall be not less than ten (10) feet.
2. For any other permitted use, the minimum side yard width shall be not less than ten (10) feet.

F. Minimum Rear Yard Depth

1. The minimum rear yard depth for any manufactured home community shall be not less than fifty (50) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.
2. For any other permitted use, the minimum rear yard depth shall be not less than forty (40) feet.

G. Minimum Lot Coverage

Detached dwelling units and their accessory buildings shall not occupy more than forty-five percent (45%) of the lot area of any individual lot within a manufactured home subdivision or community.

H. Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

I. Off-Street Parking

For permitted and conditional uses, parking spaces shall be provided for two (2) vehicles for each dwelling unit. In manufactured home communities, such parking spaces may be located on the same lot, or in specially provided common areas located not more than four hundred (400) feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be allowed on public or private streets within and on the perimeter of the community.

J. Access

All manufactured home communities shall have direct access to a street or road designated of not less than a collector status on the Fairfield County Thoroughfare Plan. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

K. Streets and Street Layout

All streets providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the standards and requirements of the Fairfield County Subdivision Regulations. The proposed layout of such streets shall be approved by the Zoning Commission. All costs associated with such approval shall be paid by the applicant.

L. Storm Drainage

All areas within a manufactured home community shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Fairfield County Engineer or his designated agent. All costs associated with such approvals shall be paid by the applicant.

**Section 330 – (O) OFFICE DISTRICT**

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## **Section 335 - (LB) Local Business District**

### **335.01 Purpose**

The intent of the (LB) Local Business District is to provide opportunities in Greenfield Township for a variety of smaller retail and business opportunities that will provide goods and services to local residents at a size and scale that fits within, or on the edge of, residential neighborhoods, local street corners, and less intense land uses. Neighborhood businesses generally will be smaller in scale, generate less traffic, and require less space-consuming parking areas.

### **335.02 Permitted Uses**

Within the (LB) Local Business District the following uses, developed in accordance with all other provisions of this Code, shall be permitted:

1. Churches and other related religious institutions, public schools, educational institutions, publicly-owned buildings and public parks or playgrounds.
2. Small retail stores, pharmacies, shops, and convenience centers. No single retail store shall exceed ten thousand (10,000) square feet in floor area and no single building shall exceed fifteen thousand (15,000) square feet in floor area.
3. Personal care services such as salons, barbers, and spas.
4. Small local restaurants such as pizza shops, deli's, ice cream shops, and similar establishments without drive-thru's.
5. Small offices of medical professionals including doctors, dentists, and similarly allied professionals.
6. Small professional offices such as Architects, Engineers, Real Estate, Accounting, Legal, or other such similar professionals.

### **335.03 Accessory Uses and Structures**

Accessory Uses or Structures may be allowed in a rear yard, subject to requirements of Section 415 of this Code. Accessory Uses and Structures permitted in the (LB) Local Business District are as follows:

1. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use.
2. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

### **335.04 Conditional Uses**

Within the (LB) Local Business District the following uses, developed in accordance with all other provisions of this Code, may be permitted as Conditional Uses by the Board of Zoning Appeals in accordance with Section 230 of this Code:

Drive-thru windows for restaurants permitted in the district.

### **335.05 Development Standards**

#### **A. Minimum Lot Area**

Ten thousand (10,000) square Feet. Where public sewer and water are not available, the minimum lot requirements shall be thirty thousand (30,000) square feet of area, or such size as required by the Fairfield County Health Department for the provision of on-site water and sewer systems.

#### **B. Lot Width**

Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in Section 105 above and along the entire length of the front yard setback from the front lot line to the building line. The minimum lots width in the (LB) Local Business district shall be eighty (80) Feet. On lots where public sewer and water are not available, the minimum lot width shall be one hundred fifty (150) feet.

#### **C. Front Yard Depth**

1. For Buildings - All front yard setbacks shall be measured as defined in Section 105, and shall be a minimum of forty (40) feet from the right-of-way of any County or Township Road, or fifty (50) feet from the right-of-way of any County or Township Road designated as an Arterial or Major Collector on the Fairfield County Thoroughfare Plan.
2. For Parking and Vehicular Use Areas – In the (LB) Local Business District the front yard setbacks for all parking and vehicular use areas (except entry and exit points) shall be a minimum of twenty (20) feet.

#### **D. Front Yard Requirements**

All front yard space shall be maintained in a neat and orderly state and be kept free of any trash, junk or debris.

#### **E. Minimum Side Yard Width/Each Side Yard (Feet)**

1. For Buildings – The minimum side yard setback for all buildings in the (LB) Local Business district shall be ten (10) feet.

2. For Parking and Vehicular Use Areas – In the (LB) Local Business District the side yard setbacks for all parking and vehicular use areas shall be a minimum of five (5) feet.

F. Rear Yard Depth

Thirty (30) feet except abutting any R-District: then not less than that required in the adjoining R-District.

G. Height

The maximum height for all buildings and structures in the (LB) Local Business district shall be two (2) stories or a total of thirty (30) feet.

Height regulations specified in the various Zoning Districts shall not apply to agricultural structures, or chimneys, tanks, cupolas, domes, spires, private radio or television antennae or similar structures attached to a primary structure, provided such height does not interfere with the safe landing and takeoff of aircraft from any established airport or airstrip.

H. Minimum Floor Area

The required usable Minimum Floor Area for all principal buildings and structures in the (LB) Local Business District shall be nine hundred fifty (950) square feet.

I. Maximum Lot Coverage

The Maximum Lot Coverage of a lot by a building or structure, as measured by a percentage of the lot, within the (LB) Local Business District may use any portion of a lot not otherwise required for off-street parking, loading or screening outside of the required setback areas.

J. Off-Street Parking and Loading

Off-Street Parking and Loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 435 of this Code.



## **Section 340 - (B-1) BUSINESS DISTRICT**

### **340.1 Purpose**

The Business District (B-1) shall apply only to existing properties zoned B-1 as of the effective date of this Zoning Code and as shown on the current Greenfield Township Zoning Map.

Residential units of any kind or for any purpose are not permitted in Business District (B-1).

### **340.2 Permitted uses**

A building or lot in a Business District (B-1) shall be used for the following purposes:

1. Administrative, business, and/or professional offices including real estate and insurance sales and associated services, medical, legal, accounting, consulting, accounting/bookkeeping services and/or brokers and dealers in securities.
2. Organizations and associations on a profit or non-profit basis for promotion of benefit interests, including business, professional, civic, social, and fraternal organizations and/or charitable organizations.
3. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of those goods, providing all storage and display of merchandise shall be within the principal structure including:
  - a. Food and food products consisting of grocery stores, meat markets, vegetable markets, and specialty stores such as bakery, candy, or confectionery.
  - b. Proprietary drug and hardware stores .
  - c. Retail stores including florists, gifts, antique, second-hand stores, book and newspapers, sporting goods, jewelry, optical goods, and other stores.
4. Restaurants, cafes, cafeterias, bars, taverns, and other food establishments.
5. Commercial parking lots and lots for the sale/lease of new or secondhand motor vehicles.
6. Gas stations and establishments selling gasoline, kerosene, and/or diesel fuel, provided that all buildings and parking/service areas are located not less than two-hundred (200) feet from any adjacent residential property and that a plan for traffic circulation and parking submitted by the applicant is approved by the Greenfield Township Trustees.
7. Banks, savings and loans, credit unions, personal loan companies, and other financial institutions.
8. Offices of business, professional, or industrial firms, not including the manufacturing of goods on the premises.
9. Medical clinics, dental clinics, and medical laboratories.

10. Nursery schools and day care facilities.
11. Business and technical colleges and private trade schools.
12. Hotels, motels, and inns (but excluding a “residential hotel”, a “extended stay hotel”, and “SRO hotel”, or any hotel that establishes a residence, as that term is defined within Ohio Revised Code Section 3731.01).
13. Funeral homes.
14. Animal hospitals, pet shops, and animal boarding facilities.
15. Barber and beauty shops, spas, and other spa/salon services.
16. Tailors, laundry agencies, self-service laundries, and dry cleaning.
17. Indoor theaters, assembly halls, and wedding/event venues.
18. Billiard parlors, pool halls, bowling alleys, and dance halls provided the principal building shall be located not less than one hundred (100) feet from any adjacent residential property.
19. Commercial recreational areas and related buildings and structures.
20. Outdoor advertising signs and billboards subject to provisions of Section 440 of this Code.
21. Lumber and home improvement sales including garden centers.

### **340.03 - Accessory Uses**

1. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use subject to the provisions of Section 415 of this Code.
2. Trash enclosures, free-standing coolers, and utility structures associated with the principal use.
3. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of construction work.

### **340.04 – Conditional Uses**

Within this Section, developed in accordance with all other provisions of this Code, the following uses may be permitted as a Conditional Use by the Board of Zoning Appeals:

1. Carryout food and beverage establishments with drive-through facilities provided a plan for traffic circulation and parking, submitted by the applicant, is approved by the Board of Zoning Appeals.
2. Facilities for storage of personal or corporate property offered on a rental basis.

3. Personal storage warehouses.
4. Structures associated with drilling for or extraction of oil or natural gas, provided such structures are removed within six (6) months from abandonment of the well.
5. Outdoor sales and display areas for retail and commercial uses.
6. Landscape services.

### **340.05 – Development Standards**

#### **A. Minimum Lot Area**

1. Where public sewer and water are available, the minimum lot required shall be ten thousand (10,000) square feet of area.
2. Where public sewer and water are unavailable, the minimum lot required shall be one and one-half (1.5) acres.

#### **B. Minimum Lot Width**

1. No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare in the Township.
2. Lot width shall be measured along the front lot line that abuts such thoroughfare and along the entire length of the front yard set back from front lot line to building line.
3. The minimum lot width shall be one-hundred and fifty (150) feet at all points.

#### **C. Front Yard Requirements**

1. The minimum front yard depth shall be one hundred (100) feet from the right-of-way for all structures if such lot fronts along a highway designated as an arterial or major collector highway on the Fairfield County Thoroughfare Plan.
2. The minimum front yard depth shall be eighty (80) feet in all other cases.
3. Any building or structure constructed on a lot fronting two (2) different thoroughfares is required to meet the front yard setbacks from both roads.
4. All front yard depth shall be kept free of any trash, junk, or debris.

#### **D. Side Yard Requirements**

1. Where adjacent to residential districts, the minimum side yard shall be fifty (50) feet for all buildings and structures and twenty (20) feet for all parking and vehicular uses areas.

2. In all other cases, the minimum side yard shall be twenty (20) feet for all buildings and structures and ten (10) feet for all parking and vehicular use areas.

#### E. Rear Yard Requirements

1. Where adjacent to residential districts, the minimum rear yard shall be fifty (50) feet for all buildings and structures and twenty (20) feet for all parking and vehicular uses areas.

2. In all other cases, the minimum rear yard shall be twenty (20) feet for all buildings and structures and ten (10) feet for all parking and vehicular use areas.

#### F. Height Requirements

1. Maximum height of thirty-five (35) feet.

2. Height regulations shall not apply to agricultural structures, chimneys, tanks, cupolas, domes, spires, private radio or television antennae, or similar structures attached to a primary structure provided such height does not interfere with safe landing and takeoff of aircraft for any established airport or airstrip.

#### G. Off-Street Parking and Loading

1. Off-street parking and loading spaces shall be provided in accordance with requirements for specific use set forth in Section 435 of this Code.

#### H. Exterior Lighting

1. Exterior lighting shall be provided in accordance with requirements for specific use set forth in Section 435 of this Code.

#### I. Landscaping and Buffering

1. Landscaping and buffering shall be provided in accordance with requirements for specific use set forth in Section 435 of this Code.

## **Section 345 – (HB) HIGHWAY BUSINESS DISTRICT**

### **345.01 Purpose**

The Highway Business District (HB) is established to provide areas for a diverse range of commercial, retail, and business activity within specific areas of Greenfield Township, while controlling the adverse impacts of the development on nearby residential districts. The HB District is intended to accommodate high intensity business uses such as found along highway corridors. This District may be applied to new development within Greenfield Township.

Residential units of any kind or for any purpose are not permitted in Highway Business District (HB).

### **345.02 - Permitted Uses**

A building or lot in a Highway Business District (HB) shall be used for the following purposes:

1. Administrative, business, and/or professional offices including real estate and insurance sales and associated services, medical, legal, accounting, consulting, accounting/bookkeeping services and/or brokers and dealers in securities.
2. Organizations and associations on a profit or non-profit basis for promotion of benefit interests, including business, professional, civic, social, and fraternal organizations and/or charitable organizations.
3. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of those goods, providing all storage and display of merchandise shall be within the principal structure including:
  - a. Food and food products consisting of grocery stores, meat markets, vegetable markets, and specialty stores such as bakery, candy, or confectionery.
  - b. Proprietary drug and hardware stores
  - c. Retail stores including florists, gifts, antique, second-hand stores, book and newspapers, sporting goods, jewelry, optical goods, and other stores.
4. Restaurants, cafes, cafeterias, bars, taverns, and other food establishments.
5. Commercial parking lots and lots for the sale/lease of new or secondhand motor vehicles.
6. Gas stations and establishments selling gasoline, kerosene, and/or diesel fuel, provided that all buildings and parking/service areas are located not less than two-hundred (200) feet from any adjacent residential property and that a plan for traffic circulation and parking submitted by the applicant is approved by the Greenfield Township Trustees.
7. Banks, savings and loans, credit unions, personal loan companies, and other financial institutions.

8. Offices of business, professional, or industrial firms, not including the manufacturing of goods on the premises.
9. Medical clinics, dental clinics, and medical laboratories.
10. Nursery schools and day care facilities.
11. Business and technical colleges and private trade schools.
12. Hotels, motels, and inns (but excluding a “residential hotel”, “extended stay hotel”, and “SRO hotel”, or any hotel that establishes a residence, as that term is defined within Ohio Revised Code Section 3731.01).
13. Funeral homes.
14. Animal hospitals, pet shops, and animal boarding facilities.
15. Barber and beauty shops, spas, and other spa/salon services.
16. Tailors, laundry agencies, self-service laundries, and dry cleaning.
17. Indoor theaters, assembly halls, and wedding/event venues.
18. Billiard parlors, pool halls, bowling alleys, and dance halls provided the principal building shall be located not less than one hundred (100) feet from any adjacent residential property.
19. Commercial recreational areas and related buildings and structures.
20. Outdoor advertising signs and billboards subject to provisions of Section 440 of this Code.
21. Lumber and home improvement sales including garden centers.

### **345.03 - Accessory Uses**

1. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use subject to the provisions of Section 415 of this Code.
2. Trash enclosures, free-standing coolers, and utility structures associated with the principal use.
3. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of construction work.

### **345.04 – Conditional Uses**

Within this Section, developed in accordance with all other provisions of this Code, the following uses may be permitted as a Conditional Use by the Board of Zoning Appeals:

1. Carryout food and beverage establishments with drive-through facilities provided a plan for traffic circulation and parking, submitted by the applicant, is approved by the Board of Zoning Appeals.
2. Facilities for storage of personal or corporate property offered on a rental basis.
3. Personal storage warehouses.
5. Structures associated with drilling for or extraction of oil or natural gas, provided such structures are removed within six (6) months from abandonment of the well.
5. Outdoor sales and display areas for retail and commercial uses.
6. Landscape services.

### **345.05 – Development Standards**

#### **A. Minimum Lot Area**

1. Where public sewer and water are available, the minimum lot required shall be ten thousand (10,000) square feet of area.
2. Where public sewer and water are unavailable, the minimum lot required shall be one and one-half (1.5) acres.

#### **B. Minimum Lot Width**

1. No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare in the Township.
2. Lot width shall be measured along the front lot line that abuts such thoroughfare and along the entire length of the front yard set back from front lot line to building line.
3. The minimum lot width shall be one-hundred and fifty (150) feet at all points.

#### **C. Front Yard Requirements**

1. The minimum front yard depth shall be one hundred (100) feet from the right-of-way for all structures if such lot fronts along a highway designated as an arterial or major collector highway on the Fairfield County Thoroughfare Plan.

2. The minimum front yard depth shall be eighty (80) feet in all other cases.
3. Any building or structure constructed on a lot fronting two (2) different thoroughfares is required to meet the front yard setbacks from both roads.
4. All front yard depth shall be kept free of any trash, junk, or debris.

#### D. Side Yard Requirements

1. Where adjacent to residential districts, the minimum side yard shall be fifty (50) feet for all buildings and structures and twenty (20) feet for all parking and vehicular uses areas.
2. In all other cases, the minimum side yard shall be twenty (20) feet for all buildings and structures and ten (10) feet for all parking and vehicular use areas.

#### E. Rear Yard Requirements

1. Where adjacent to residential districts, the minimum rear yard shall be fifty (50) feet for all buildings and structures and twenty (20) feet for all parking and vehicular uses areas.
2. In all other cases, the minimum rear yard shall be twenty (20) feet for all buildings and structures and ten (10) feet for all parking and vehicular use areas.

#### F. Height Requirements

1. Maximum height of thirty-five (35) feet.
2. Height regulations shall not apply to agricultural structures, chimneys, tanks, cupolas, domes, spires, private radio or television antennae, or similar structures attached to a primary structure provided such height does not interfere with safe landing and takeoff of aircraft for any established airport or airstrip.

#### G. Off-Street Parking and Loading

1. Off-street parking and loading spaces shall be provided in accordance with requirements for specific use set forth in Section 435 of this Code.

#### H. Exterior Lighting

1. Exterior lighting shall be provided in accordance with requirements for specific use set forth in Section 435 of this Code.

#### I. Landscaping and Buffering

1. Landscaping and buffering shall be provided in accordance with requirements for specific use set forth in Section 435 of this Code.



## **Section 350 - (PRB) PLANNED RURAL BUSINESS DISTRICT**

### **350.01 Purpose**

The (PRB) Planned Rural Business District is established to allow for the development of limited business activity that will be located where commercial activity as permitted in the (HB) Highway Business District would be inappropriate. Generally, the district will allow a higher level of activity than would typically be permitted as a home occupation. The district permits the property owner to design a business environment which may meet his/her general objectives, while providing a suitable level of protection for present and future owners of adjacent property.

Because of the increasing scale of new development, and its potential impact on the township, it is required that future 'large scale' commercial development be developed under the (PUD) Planned Unit Development District detailed in Section 360 of this Code.

### **350.02 Permitted Uses**

Land and buildings within the (PRB) Planned Rural Business District shall be used only for the specific use or uses identified by the applicant for zoning plan amendment. The applicant shall show that the proposed use or uses are appropriate to and compatible with the neighborhood where the proposed activity is to occur. All permitted uses shall be approved by the Board of Township Trustees as part of the Development Plan that is required for zoning the site into the (PRB) Planned Rural Business District. Said permitted uses shall run with the land as long as the (PRB) Planned Rural Business District zoning, as approved, remains in effect.

### **350.03 Procedures**

The procedures to be followed in placing land in the (PRB) Planned Rural Business District shall comply with those specified in Section 215 of this Code, with the following additions:

#### **A. Application**

The owner or owners of a tract of land of any size may request that the Official Zoning Map be amended to include such lands as a Planned Rural Business District. The applicant is encouraged to meet with the Zoning Commission prior to submittal of the application to become familiar with the requirements for this district.

#### **B. Development Plan**

In addition to the material required for amendment as specified in Section 215.03 of this Code, the applicant shall also submit not less than five (5) copies of a Development Plan which shall contain, in text and map form and a location map of the boundaries of the area requested for a Zoning Map amendment.

C. Criteria for Approval

In acting on the proposed application pursuant to Sections 215.04 of this Code, the Zoning Commission and the Board of Township Trustees shall consider the following factors:

1. The proposed development is consistent with the intent and purpose of this Code and this specific Article.
2. Suitable measures and restrictions are proposed so as to promote compatibility with adjacent and nearby properties.
3. The proposed development advances the general welfare of the Township and the immediate vicinity.

D. Effect of Approval

The Development Plan, as approved by the Board of Trustees, shall constitute an amendment to the Code as it applies to the specific land in question. Such approval shall be contingent on the development infrastructure being completed, as shown on the Development Plan, within three (3) years from date of approval, unless the Township Trustees, for good cause shown, grants a definite extension. Otherwise, the zoning for such property shall revert to its zoning prior to being classified (PRB) Planned Rural Business District.

**350.04 Performance Standards**

No land or structure in the (PRB) Planned Rural Business District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other Zoning District. Such impacts shall include those related to noise, vibration, odor, dust, glare, or storm runoff. Statements in writing that such uses comply or will comply with such uses may be required by the Zoning Commission from the applicant.

1. Noise - The sound pressure level of any operation on a lot within the (PRB) Planned Rural Business District shall not exceed the average intensity of traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, beat frequency or shrillness.
2. Vibration - No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the boundary of the property in the (PRB) Planned Rural Business District.
3. Odor - No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the boundary of the property in the (PRB) Planned Rural Business District.

4. Dust and Smoke - The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the boundary of the property in the (PRB) Planned Rural Business District.
5. Glare - Exterior lighting shall be used in a manner that produces no glare on public highways or adjacent land.

## **Section 355 - (I) INDUSTRIAL DISTRICT**

### **355.01 Purpose**

The purpose of the (I) Industrial District is to provide suitable areas for a range of industrial activities, while protecting the character of adjacent and nearby residential and commercial areas. Permitted uses within the Industrial District must operate:

1. Primarily within enclosed structures.
2. With minimal adverse environmental or economic impact on adjacent properties.
3. Free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
4. Without imposing unusual burdens upon utility or governmental services.

### **355.02 Permitted Uses**

In the (I) Industrial District all of the following uses shall be permitted, provided that the principle building or structure where the use is conducted is fifty thousand (50,000) square feet or less in floor area. Uses listed below, that are fifty thousand one (50,001) square feet in floor area or more, may be permitted as a conditional use upon application to the township Board of Appeals as defined in Section 230 of this Code.

1. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the (I) Industrial District.
2. Warehousing, distribution and related uses, including truck and transfer terminals.
3. Administrative, professional and business offices associated with and incidental to another permitted use.
4. Outdoor advertising, subject to the requirements of Section 440 of this Code.
5. Properties zoned (I) Industrial District may be used as permitted under (B-1) Business District except for dwelling units as listed under Section 340.03(C).

### **355.03 Accessory Uses**

1. Trash enclosures, free-standing coolers and utility structures associated with the principal use.
2. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use.

3. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

#### **355.04 Conditional Uses**

1. Uses listed as permitted under Section 355.02 above having their use conducted in a structure exceeding fifty thousand (50,000) square feet in floor area.
2. Motor vehicle storage and salvage yards, provided those uses meet applicable State requirements related to fencing and other standards.
3. Construction and landscape contractors and contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
4. Quarrying or mining operations, provided that all County, State and Federal regulations are met and licenses are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
5. Structures associated with the drilling for or extraction of oil or natural gas, provided such structures are removed within six (6) months from abandonment of the well.
6. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
7. Other uses of an industrial nature not otherwise provided for in this Code subject to additional conditions or safeguards as may be imposed by the Board of Zoning Appeals to insure compatibility with the district and neighboring properties.

#### **355.05 Minimum Development Standards**

##### **A. Minimum Lot Area**

No minimum lot size is required; however, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than fifty (50) feet from any district where residences are a permitted use, and not less than fifty (50) feet from any other Zoning District.

##### **B. Minimum Lot Width**

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

C. Side Yards

When abutting:

1. Industrial – twenty-five (25) feet for principal and accessory structures.
2. Commercial and Residential – fifty (50) feet with five (5) feet of green space strip from property line for all principal and accessory structures.

D. Front Yard Depth

Any new structure or parking area must be located not less than fifty (50) feet from the road right-of-way or ninety (90) feet from the centerline of the road or highway on which the use has frontage, whichever is greater for all structures.

Any parking area must be located not less than fifty (50) feet to the road centerline and space between shall be maintained as green space.

E. Minimum Rear Yard Depth

When abutting:

1. Industrial – twenty-five (25) feet for all principal and accessory structures.
2. Commercial and Residential – fifty (50) feet with five (5) feet of green space from property line for all principal and accessory structures.

F. Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

## **Section 360 – (PUD) PLANNED UNIT DEVELOPMENT DISTRICT**

The intent of the (PUD) Planned Unit Development District is to create flexible design criteria that may not be included within a traditional Zoning District. It is further the purpose of the (PUD) Planned Unit Development District to encourage a more efficient land-use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features, and providing for a variety of building styles, types, and uses through the use of mixed-use, cluster, or alternative land designs.

### **360.01 Objectives for Planned Unit Development District**

- A. Planned Unit Development Districts are encouraged to achieve:
  - 1. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience and neighborhood compatibility in the location of accessory commercial uses and services;
  - 2. A development pattern that preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
  - 3. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utility lines and streets.
  
- B. Because of the special characteristics of Planned Unit Development Districts, special provisions governing the development of land for this purpose may be required. Whenever there is a conflict or difference between the provisions of Section 360 and other sections of this Zoning Resolution, the provisions of this Section shall prevail for the development of land for Planned Unit Development Districts. Subjects not expressly covered by Section 360 shall be governed by the respective provisions found elsewhere in this Zoning Resolution that are most similar to the proposed use.

### **360.02 Uses Permitted In PUD District**

- A. Land and buildings in the Planned Unit Development District (PUD) shall be used only for the following purposes:
  - 1. Residential Development - residential use developed in a unified manner in accordance with the approved Development Plan;
  - 2. Neighborhood Commercial - the following uses shall be permitted in the Planned Unit Development District in those areas specifically designated in the approved Development Plan and Subdivision Plat as commercial areas:

- a. Retail Stores - retail stores primarily, engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, such as:
  - i. Hardware stores
  - ii. Grocery stores
  - iii. Meat and fish (seafood) markets
  - iv. Fruit stores and vegetable markets
  - v. Candy, nut, and confectionery stores
  - vi. Dairy products stores
  - vii. Retail bakeries
  - viii. Drug stores
  - ix. Florists
- b. Personal Services - personal services generally invoking the care of the person or his personal effects, such as:
  - i. Restaurants
  - ii. Self-service laundries
  - iii. Beauty shops
  - iv. Barber shops
  - v. Dry cleaning stores
  - vi. Gymnasiums, health clubs, and similar facilities for exercise and physical development
- c. Business and Professional Offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.
- d. Professional Offices engaged in providing tangible and intangible services to the general public involving both persons and their possessions, such as:
  - i. Commercial and stock savings banks
  - ii. Insurance agents, brokers, and service



- iii. Real estate agents, brokers, and managers
  - iv. Law offices
  - v. Offices of physicians and surgeons
  - vi. Offices of dentists and dental surgeons
3. Accessory Buildings - Accessory buildings and uses in association with and consistent with a permitted dwelling including office facilities for the management function, including property sales, necessary to the development and operation of the area included in the Development Plan.

Such other facilities including recreation facilities as may be provided for the use and/or the amenities of the occupants of the dwellings and provided that such facilities are an approved part of the Development Plan.

4. Public Service Facilities, Schools, and Parks - Neighborhood police stations and fire stations provided that such public service facilities are an approved part of the Development Plan.

Public and private schools offering general educational courses and regularly used for housing or sleeping of students.

Parks, playgrounds, and play fields open to the public without fee.

5. Religious Facilities — Church or place of worship, provided it is situated on an area equal to, not less than, 1.5 acres of land per one hundred (100) seats or similar accommodations contained in the main sanctuary or assembly area.

### **360.03 Procedure for Amending to PUD District**

The following procedure shall be followed in amending the Zoning Map of Greenfield Township to place land in the Planned Unit Development District:

- A. No tract of land shall be rezoned to the (PUD) Planned Unit Development District unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a (PUD) Planned Unit Development District.
- B. Submission of Application: three (3) copies of an Application for an amendment to PUD shall be filed with the Greenfield Township Zoning Commission, which Application shall contain:
  - 1. Name, address, and telephone number of applicant;

2. Name, address, and number of registered surveyor and engineer assisting in the preparation of the Development Plan;
  3. Legal description of the property;
  4. Description of existing uses;
  5. Present zoning district;
  6. A vicinity map at a scale approved by the Zoning Commission showing relationship of Planned Unit Development District to the existing streets and public service facilities in the area;
  7. A list of all owners of property which is contiguous to the subject property; and
  8. Any other matter or information necessary and relevant to the Zoning Commission for the proposed amendment.
- C. Development Plan: In addition to the Application required herein, six (6) copies of a Development Plan should be submitted with the Application. The Development Plan shall include in text or map form:
1. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan;
  2. The proposed size, location, and use of nonresidential portions of the tract, including useable open areas, parks, playgrounds, school sites, and other spaces with the suggested ownership of such areas and spaces;
  3. The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness;
  4. The proposed traffic circulation patterns, including public streets, parking areas, walks and other accessways, indicating their relationship to topography, existing streets or showing other evidence of reasonableness; together with a calculation by a registered professional surveyor of the total acreage included within the public rights-of-way for purposes of calculating permissible net density pursuant to Sections 360.04(A) and 360.04(B);
  5. The proposed approximate schedule of site development, construction of structures, and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements. This schedule need not set forth a precise timetable, but shall provide reasonable guidelines and parameters of the time contemplated to the extent known or reasonably determined by the Applicant;

6. The relationship of the proposed development to existing and future land use in the surrounding areas, the street system, community facilities, services, and other public improvements;
  7. Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and the engineering feasibility data, which may be necessary;
  8. The number and general location of all off street parking facilities;
  9. A general statement of the height of and physical relationship between structures, and sketches or other evidence of the general design principles and concepts to be followed in site development, construction, landscaping, and other features;
  10. The applicant may request a divergence from the development standards set forth in Section 360. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in Section 360 and the Development Standards applicable to all zoning districts, as set forth in the Greenfield Township Zoning Resolution.
- D. Basis of Approval: A Planned Unit Development District application for amendment may be approved if: (1) the proposed development advances general health, safety, and welfare of the Township; and (2) the benefits, improved arrangements, and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution as provided in Section 360.01(A) and:
1. If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.
  2. If the proposed plan meets all the design features required in this Resolution.
  3. If the proposed development is in keeping with the existing land use character and physical development potential of the area.
  4. If the proposed development will be compatible in use and appearance with surrounding land uses.
  5. If the proposed development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development.

6. If the proposed development contains a nonresidential component (i.e. commercial, institutional, or public service facilities), the nonresidential component shall be compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing and proposed residential uses in the development area.
7. Such other considerations which may be deemed relevant by the Board of Trustees. In approving the Application and Development Plan, the Board of Trustees may impose such conditions, safeguards, and restrictions deemed necessary in order to carry out the purpose and intent of the PUD.

E Effect of Approval:

1. The Development Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the Planned Unit Development District permitting development and use of said land and any structures thereon in accordance with development standards contained in said Development Plan. However, in a Planned Unit Development District, no use shall be established or changed, and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township Trustees a Subdivision Plat for said part of said tract, and until the Plat is approved by the Township Trustees and recorded in accordance with law.

The approval process for the Development Plan requires public hearings before the Zoning Commission and the Board of Trustees in accordance with Section 215. The approval process for the Subdivision Plat requires a public hearing noticed by publication before the Board of Trustees who shall determine, prior to the filing of the Subdivision Plat for record with the county recorder, whether the Subdivision Plat complies with the approved Development Plan. Thereafter, variances from the approved Subdivision Plat that involve five lots or fewer shall be considered by the Board of Zoning Appeals under its hearing process under Section 220 hereof. All other modifications to the Plan or the Plat shall be presented to the Board of Trustees for its consideration pursuant to Section 360.03(G).

2. Expiration - If construction has not commenced within two (2) years of the Development Plan approval, the Development Plan shall be void and a new Development Plan shall be approved through the process followed in the original application for rezoning, unless the Township Board of Trustees grants an extension. The Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property to its former (or another similar) classification upon expiration of the Development Plan approval period.

F. Plat Required:

In the Planned Unit Development District, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been approved by the Township Trustees and has been recorded in accordance with the Subdivision

Regulations for Fairfield County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include, or other evidence as hereinafter provided shall show or include:

1. Site arrangement, including building sites, sizes of building and height of buildings; water, sewer and other public utility installations, including sanitary sewage, surface drainage and waste disposal facilities; public and private street rights-of-way, easements and walks; school sites, recreation areas and other land to be dedicated to public use, including the purpose and intent of such dedication; and the land to be commonly owned and maintained;
2. The nature and extent of earthwork required for site preparation and development;
3. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Any of the foregoing requirements for said Plat which need not be shown on a plat under the subdivision regulations of Fairfield County, Ohio, may be illustrated and evidenced by other documents, plans, or agreements, including but not limited to building permit plans or site plans and copies of recorded deeds, easements, or other instruments in the chain of title to said property in which event such other evidence shall be considered a part of the aforesaid plat for purposes of this ordinance and shall be as binding on the owner as though included in said plat.

The plat shall be approved by the Township Trustees if it is in accordance and consistent with the part of the approved Development Plan relating to the part of said tract the subject of the Subdivision Plan and with the Development Standards provided in Section 360.04. At the time of the approval and recording of the Subdivision Plat, and thereafter the tract which is the subject of said Plat may be used and developed consistent with the Development Plan and the recorded Subdivision Plat.

- G. Upon application by the owner(s), the Board of Trustees, at a duly noticed public hearing, may modify the approved Development Plan or Subdivision Plat. Written notice of the hearing shall be mailed by the Township, by first class mail, at least ten (10) days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from the area proposed to be modified. Additional means of notification may also be required by the Board of Trustees. Such modification may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original Development Plan, and that such modification is not in conflict with the general health, safety, and welfare of the public or the development standards of the Planned Unit Development District.
- H. Public Hearings - the Development Plan shall be approved only after the public hearings, required by Section 215 of this Resolution and the laws of Ohio, have been advertised and conducted in accordance with law.

### 360.04 Development Standards

The following minimum standards for arrangement and development of land and buildings are required in the Planned Unit Development District:

- A. Intensity of Use: The maximum net density shall be one (1) living unit per one and one-half (1.5) acre, average for the area in the Planned Unit Development District to be devoted to residential use, as hereinafter defined, and as shown on the Development Plan.
- B. Calculation of Density: The calculation of residential density shall include all land devoted to residential use, including easements for utilities directly serving individual dwelling units, minor surface drainage channels, recreation space, and other areas provided as common open space including land dedicated to public use except required street rights-of-way.
- C. Open Space: A minimum of twenty percent (20%) of the total gross acreage of the PUD shall be provided as open space for public use, organized, arranged and restricted by easement, covenant, deed, or dedication, and not included in the minimum yard space required for the dwelling unit or used to provide the required off-street parking.
  - 1. For purposes of this calculation, 'public use' shall be those areas devoted to open space designed to provide active or passive recreation, the preservation of natural site amenities, or any combination thereof. The buildings, structures, or facilities, if any, built in the open space shall be appropriate for the designed uses of the open space and shall occupy no greater than five percent (5%) of the total gross acreage of the PUD. Public utilities, public easements, rights-of-way for roads, flood plains, flood ways, and rights-of-way or easements for watercourses, ditches, or drainage shall not be included in the calculation of open space unless such land is improved with walking trails, bicycle paths, or similar purposes for public enjoyment.
  - 2. A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than 50 feet, measured from the river or stream bank. All perennial streams shall be located within areas designated as open space. This buffer area shall be restricted from development and managed to promote the growth of vegetation indigenous to the area and capable of maintaining the structural integrity of the stream banks.
  - 3. A wetlands buffer shall be provided for all wetlands required to be retained by the Army Corps of Engineers or the Ohio EPA. The buffer area shall have a width not less than 25 feet, measured from the edge of the designated wetland. The buffer area shall not be disturbed other than as is necessary to establish a natural landscape.
  - 4. A pedestrian circulation plan, showing all proposed trails and walkways designed for the use of residents, shall be provided. The plan shall be reviewed for the ability to provide all residents with reasonable access to common areas.

5. The responsibility for the maintenance of all open spaces shall be specified by the developer in the text that is part of the Development Plan. Legal title to the open space shall either be in the name of the developer for the benefit of the residents or shall be conveyed to the homeowners' association with deed restrictions that it be used only for permitted open space uses. The legal documents that reflect this ownership and maintenance responsibility are to be filed with the Development Plan and are subject to the approval of the Zoning Commission and the Trustees.
- D. Arrangement of Areas — the location and arrangement of various residential lots and dwellings within the Planned Unit Development District (PUD) shall be configured in a manner that provides a reasonable transition of residential density from the contiguous areas located within an R-1 , R-2 or PUD District that have been previously developed or platted Issues that may be properly considered by the Zoning Commission and the Board of Trustees include:
1. If the contiguous property on any boundary of the PUD has been previously developed, or if a final plat for development of that property has been approved and filed with the Fairfield County Recorder, the perimeter lots or living areas of the PUD which are contiguous with such previously developed or platted property shall conform to the minimum lot area, yard and setback standards of the zoning district applicable to that contiguous property, subject to the exceptions contained in Sections 360.04(D)(2) through (4), below.
  2. In no event shall buildings in the PUD District be situated closer than fifty feet (50') to contiguous property which is zoned R-1 or R-2, whether or not developed or platted. If the contiguous property is also zoned PUD, the rear setback shall be no less than the rear setback in that previously zoned PUD.
  3. Previously developed or platted areas that are separated from the PUD by a public right-of-way that is fifty feet (50') or more in width shall not be considered to be contiguous properties for purposes of this Section 360.04(D) .
  4. If the PUD provides for a landscaped buffer area of at least one hundred feet (100') in depth along the perimeter of the areas which are contiguous to the previously developed or platted areas, the restrictions of Section 360.04(D), above, shall not apply. The landscaped buffer areas referred to herein may be either an area dedicated to public use or a "no-build" area restricted by the recorded plat and/or appropriate covenants in the deeds of conveyance to the individual property owners of the residential units in those perimeter areas.
  5. "Perimeter lots or living areas" is defined for this Section as those areas within the PUD District that are within one hundred feet (100') of the PUD's property line that is immediately adjacent to or contiguous with property located in the R-1 , R-2, or PUD District.

E. Yards - unless otherwise provided on Development Plan and the Subdivision Plat, the physical relationship of dwelling units and their minimum, yard space shall be determined by the yard requirements contained in the other sections of this Zoning Resolution which would otherwise be most appropriate for the dwelling type involved in the absence of the PUD District.

F. Private Roads and Parking Private roads as a common easement may be used to provide access to clustered lots and/or structures in accordance with the following:

1. The easement shall not be counted as required open space;
2. Such easement has been approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures. Residential parking may be provided in group garages or parking lots within two hundred (200) feet of the dwellings served. Curb indented parking bays or courts may be provided within the street rights-of-way but in addition to the required roadway.

Such parking shall be permitted only along streets internal to the area and not a major thoroughfare. For each living unit there shall be provided not less than four hundred (400) square feet of off-street parking space for motor vehicles.

G. Unless specifically supplemented by the standards contained in Section 360 or those standards approved by a divergence, the development shall comply with all additional zoning requirements applicable to all zoning districts as set forth in this Zoning Resolution.

### **360.05 Divergence**

An applicant for PUD approval may request a divergence from any development standard or other requirement set forth in Section 360 from the Board of Trustees. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan.



## Section 365 - (SU) SPECIAL USE DISTRICT

### 365.01 Purpose

The (SU) Special Use District is established to provide for suitable locations for particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the (SU) Special Use District are intended to promote the compatibility of the use with adjoining residential uses and to ensure that the location of such facilities will provide for adequate and efficient access and service provision.

All proposals for re-zoning into the (SU) Special Use District shall be accompanied by a Development Plan which shall be reviewed by the Zoning Commission and considered in making its recommendations to the Township Trustees. The Zoning Commission shall display the Development Plan at any public hearing held pursuant to Section 215 of this Code. Criteria for reviewing a Development Plan for a proposed SU zoning are as follows:

1. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
2. The location, design and operation of the community facility shall not impose undue adverse impacts on surrounding residential neighborhoods.
3. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent areas and to protect the residential character of such areas.

### 365.02 Permitted Uses

Buildings and land within the (SU) Special Use District shall be utilized only for uses set forth in the following schedule:

PRIMARY BUILDINGS AND USES	ACCESSORY USES
1. Community buildings, fire stations, libraries, museums, and similar places for public assembly.	Signage, parking areas.
2. Primary or secondary public, private, private parochial schools.	Parking areas, signs, playfields/ playgrounds, stadiums.
3. Churches and places of public worship.	Signage and parking areas.
4. Cemeteries, including mausoleums.	Signage.

- |   |   |
|---|---|
| 5. Commercial facilities for conducting sporting events, concerts, and similar outdoor events, including stadiums, amphitheaters, racetracks or similar facilities. | Parking areas, administrative and maintenance structures. |
| 6. Commercial recreational areas such as golf courses, summer camps and similar uses.   | Parking areas, maintenance structures.                    |
| 7. Gun Clubs, Shooting Ranges, and Sportsmen’s/Hunting Clubs subject to the requirements of Section 365.04.   | Parking areas, maintenance structures.                    |
| 8. Wind Energy Conversion Systems subject to the requirements of Section 425 of this Code.  |   |

**365.03 Development Standards**

A. Lot and Area Requirements

The area or parcel of land for a special use shall not be less than that required to provide space adequate for off-street parking areas, yards and open spaces sufficient to maintain the character of the neighborhood. The size of the parcel of land occupied by the proposed use, and all setbacks, shall be shown on the Development Plan required in Section 365.01.

B. Front Yard

The front yard setback shall be not less than the largest required front yard setback for any adjacent Zoning District.

C. Side and Rear Yards

Where any special use abuts a district where residences are a permitted use, a side and a rear yard of not less than fifty (50) feet shall be maintained. The minimum dimension of yards abutting other districts shall be determined by the Zoning Commission.

**365.04 Shooting Sports (Gun/Hunt Clubs, Ranges, Etc.)**

The purpose of the following requirements is to promote and protect the public health, safety and welfare by regulating activities related to the shooting sports such as shooting ranges. These requirements are intended to prevent adverse effects on adjoining properties relating to shot containment and noise mitigation. Each shooting range shall be designed to contain the bullets, shot and arrows discharged on or within the range facility and minimize noise impacts. This section does not otherwise

apply to the general legal discharge of firearms or bows and arrows in accordance with other applicable laws and regulations. To be approved for a re-zoning into the (SU) Special Use District any such facility shall meet the following requirements:

1. Shooting range facilities shall be designed to contain all of the bullets, shot, arrows or other projectiles or any other debris on the range facility.
2. Noise levels measured at the property line shall not exceed sixty-five (65) dB when located adjacent to residential or commercial property or seventy-five (75) dB when adjacent to industrial property.
3. Development Requirements:
  - a. Technical Advisors – All shooting range facilities shall apply for and have a Range Technical Team Advisor from the National Rifle Association (NRA) or an equivalent organization inspect and evaluate the design and construction of the range according to the guidelines specified by the NRA’s Range Source Book: A Guide to Planning and Construction, current addition, and follow the suggestions made by the advisor.
  - b. Setbacks – all shooting stations and targets in an outdoor facility shall be located a minimum of 300 feet from any property line and the surface danger zone shall be contained within the property boundary line of the range facility.
  - c. Distance separation – for all outdoor facilities the distance between the range facility and any occupied residential or non-residential building along any target line shall not be less than one-half (½) mile.
  - d. Warning signs – Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at one hundred (100) foot intervals along the perimeter of the shooting range facility.
  - e. All other local, state, and federal laws and regulations shall be adhered to in the construction and operation of proposed range facilities.

### **365.05 Performance Standards**

No land or structure in the (SU) Special Use District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other Zoning District. Such impacts shall include those related to noise, vibration, odor, dust, glare, or storm runoff. Statements in writing that such uses comply or will comply with such uses may be required by the Zoning Commission from the applicant.

- A. Noise - The sound pressure level of any operation on a lot within the (SU) Special Use District shall not exceed the average intensity of traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, beat frequency or shrillness.

- B. Vibration - No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the boundary of the property in the (SU) Special Use District.
- C. Odor - No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the boundary of the property in the (SU) Special Use District.
- D. Dust and Smoke - The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the boundary of the property in the (SU) Special Use District.
- E. Glare - Exterior lighting shall be used in a manner that produces no glare on public highways or adjacent land.
- F. Storm Runoff - Structures and physical changes to the site shall be designed and constructed so as to not cause a significant increase in storm water runoff onto adjacent properties.

**365.06 Action by Board Township Trustees**

In approving the redistricting of land into the (SU) Special Use District, the Board of Township Trustees may specify appropriate conditions and safeguards.

**365.07 Compliance with Development Plan**

The construction of all buildings and the development of the site within the (SU) Special Use District shall be in conformity and compliance with the approved Development Plan.

# **PART FOUR**

## **ADDITIONAL ZONING REQUIREMENTS**

### **Section 400 - REGULATION OF AGRICULTURE**

#### **400.01 Agriculture Definition**

For the purposes of this Code the definition of Agriculture shall be that prescribed by Section 519.01 of the Ohio Revised Code. As used herein, agriculture generally includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

#### **400.02 Agriculture Exempted from these regulations**

Agriculture shall not be prohibited on lots greater than five acres. The use of any land for agricultural purposes or the construction or use of building or structure incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited on lots greater than five acres and no Zoning Certificate shall be required for any such building or structure. (Ohio Revised Code 519.21)

#### **400.03 Regulation of Agriculture on Specific Lots**

In any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:, agriculture shall be regulated as follows:

1. Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry or similar animals shall not be permitted on lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall conform to setbacks, size and height requirements for the underlying Zoning District.

3. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but less than five (5) acres if such lots meet the standards of ORC 519.21(B) above, and if at least thirty-five percent (35%) 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 pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a nonconforming use pursuant to Article V of this Code.

#### **400.04 Farm Markets**

In accordance with Section 519.21 of the Ohio Revised Code, Farm markets which derive at least fifty percent (50%) of their gross income from produce raised on farms owned or operated by the market owner in a normal crop year shall be permitted in any Zoning District, subject to the following regulations:

1. Buildings less than one hundred forty-four (144) square feet of floor area shall be placed at least fifteen (15) feet outside the road right-of-way so as to safely allow for adequate customer off street parking. Seasonal farm markets may use grassed areas for parking. Permanent farm markets shall provide paved or graveled parking.
2. For buildings larger than one hundred forty-four (144) square feet of floor area, off-street parking shall be provided at the ratio of one (1) parking space for each two hundred fifty (250) square feet of farm market. Seasonal parking may be grassed areas, but permanent parking shall be graveled or paved and provided egress in accordance with the recommendation of the Fairfield County Engineer. Setbacks shall be the same as for any structure in the underlying Zoning District.

## **Section 405 - PUBLIC NUISANCE REGULATIONS**

No land or building in any Zoning District within Greenfield Township shall be used or occupied in any manner as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining properties.

### **405.01 Specific Nuisance Requirements**

Any use permitted by this Code may be undertaken and maintained provided acceptable measures and safeguards are employed in accordance with the following standards:

1. Trash, Debris, Litter and Junk - No trash, debris, litter, rubbish, scrap, unused personal property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof. Piles of any type of fill, topsoil, gravel and mulch shall not be permitted to remain on any lot, not under active construction, for a period greater than twenty-one (21) days with the exception of active construction sites.
2. Outdoor Storage of Vehicles and Equipment - Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a permitted or conditional use in any district, the outdoor storage of any inoperable, unlicensed, or unused motor vehicle, or the outdoor storage of any new or used industrial equipment shall be prohibited unless said vehicles or equipment are fully screened from view from any public right of way or adjacent property.
3. Fire and/or Explosion Hazards - All activities involving the use or storage of flammable or explosive materials shall include the provision of adequate safety measures against the hazard of spill, fire and explosion. The owner shall provide adequate fire-fighting and fire suppression equipment and shall conform to all standards of the Occupational Safety and Health Administration.
4. Vibration and Noise - No uses shall be located and no equipment shall be used in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject property. Noise which is objectionable by community standards and or as determined by the Ohio Environmental Protection Agency and/or Occupational Safety and Health Administration due to volume, frequency or beat shall be muffled or otherwise controlled.
5. Odors - No use shall be operated so as to produce continuous, frequent or repetitive emission of odors in such concentration as to be perceptible at or beyond the property line on which the use is located. All applicable standards of the Environmental Protection Agency shall be adhered to.

6. Glare, Heat and Exterior Light - Any operation producing glare, intense heat or bright or intense light such as welding or other uses shall be conducted in an enclosed facility and shall not be visible beyond the property line of the lot on which the use is located.
7. Air Pollution - No pollution of air by fly-ash, dust, smoke, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. All standards of the Environmental Protection Agency shall be adhered to.
8. Electrical, Magnetic, or Radioactive Disturbance - No activity shall be permitted that shall emit dangerous radioactivity, or electrical or magnetic disturbance that cause danger to persons or property, health risks, or that adversely affect the operation of any equipment. All standards of the Environmental Protection Agency and the Occupational Safety and Health Administration shall be adhered to.
9. Erosion - No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties. All standards of the Environmental Protection Agency (EPA) shall be adhered to in regards to the control of erosion.



## **Section 410 - GENERAL DEVELOPMENT REQUIREMENTS**

### **410.01 Lot Width**

#### **A. Frontage Required**

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare within the Township.

#### **B. Lot Width**

Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in Section 410.01(A) above and along the entire length of the front yard setback from the front lot line to the building line. Variances may be permitted for lots on curved streets or cul-de-sac streets as detailed in the individual Zoning Districts.

### **410.02 Front Yards**

#### **A. Front Yard Requirements**

All front yard space shall be maintained in a neat and orderly state and be kept free of any trash, junk or debris.

#### **B. Front Yard Measurements**

Front yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Code. Any structure to be built on an existing lot of record that is non-conforming to the residential standards requires one hundred fifty (150) feet of frontage at the building line and fifty (50) feet set back from this building line.

#### **C. Corner Lots**

In the event any building or structure is to be constructed on a lot fronting on two (2) different thoroughfares, the front yard setback shall be required from both roads.

### **410.03 Side Yards**

#### **A. Measurement**

Side yard width shall be measured from the nearest side lot line to the building line.

B. Open Porches and Architectural Features

In a residential district, all portions of the structure, including open, uncovered porches or terraces and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features shall be located behind the line as established by the side yard setback in that district.

**410.04 Rear Yards**

A. Measurement

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory Uses or Structures may be allowed in a rear yard, subject to requirements of Section 415 of this Code.

**410.05 Height**

Height regulations specified in the various Zoning Districts shall not apply to agricultural structures or chimneys, tanks, cupolas, domes, spires, private radio or television antennae or similar structures attached to a primary structure, provided such height does not interfere with the safe landing and takeoff of aircraft from any established airport or airstrip.

## **Section 415 - ACCESSORY USES AND STRUCTURES**

Accessory Uses and Structures shall meet the standards and requirements of the applicable Zoning District and the requirements of this section.

### **415.01 Accessory Uses and Structures Defined**

As used herein the term "Accessory Uses or Structures" means either a use or an object, building or structure applied, constructed or installed on, above or below the surface of a lot, which is located on the same lot as a principal use, building, or structure, and which meets the following:

1. Accessory Buildings or Uses are subordinate to or services the principal use, building, or structure.
2. Accessory Buildings or Uses are subordinate in area to the principal use, building, object, or structure.
3. Accessory Buildings or Uses are customarily incidental to the principal use, building, object, or structure.
4. Accessory Buildings or Uses includes anything of a subordinate nature detached from, a principal structure or use.
5. Except as otherwise regulated elsewhere in this Code, an Accessory Use shall be a permitted use, or an approved Conditional Use within the district.
6. Detached garages, sheds, gazebos or other similar structures or detached opened aired structures shall be classified as accessory structures and shall be governed by the regulations of this section.
7. For the purposes of this Code decks shall not be considered an accessory structure, however, all decks are required to meet the minimum setback requirements of the lot on which they are constructed and shall require the issuance of a Zoning Certificate prior to construction.
8. At-grade patios directly abutting a principal structure shall not be classified as accessory structures.

### **415.02 Home Occupations**

The Greenfield Township Trustees recognize that home occupations are essential to creating a diverse economy, reducing long commuting times and supporting a sense of community. All permitted home occupations shall conform to the requirements of the individual Zoning District and the following requirements. Nothing in this section or Zoning Code shall prevent or restrict a resident from having a home office or working from home as a "satellite" employee when such home office has no additional

employees, has no regular in-home meetings or appointments, requires no signage or identification and all of the work functions are contained entirely within the primary residence.

A. Limited Home Occupation

A Limited Home Occupation shall be defined as a home occupation carried on entirely within the principle residence in accordance with the following standards:

1. The Limited Home Occupation shall be clearly incidental and secondary to the use of the dwelling for residential occupancy and there shall be no substantial indication of the non-residential use of the premises which is visible or apparent as viewed from off the premises.
2. No person, other than those residing on the premises, shall own or operate such occupation. Not more than one (1) non-resident employee shall be employed at any one time in a Limited Home Occupation.
3. There shall be no change in the outside appearance of the building or premises and no signage shall be approved for the Limited Home Occupation.
4. No Limited Home Occupation shall be conducted in any accessory building or structure.
5. The exterior access to the space devoted to the Limited Home Occupation shall not be used exclusively for such use.
6. No equipment or process shall be used in such Limited Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
7. No noise associated with a Limited Home Occupation, including musical instruction, shall be detectable off of the lot or premises or shall cause a nuisance to adjacent property owners.
8. No "commercial vehicles" having dual axles, designed for the transportation of cargo including tractor-trailers shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a Limited Home Occupation.
9. No traffic shall be generated by such Limited Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
10. There shall be no storage of equipment used in the Limited Home Occupation.

B. Expanded Home Occupation

If approved by the Greenfield Township Board of Zoning Appeals an Expanded Home Occupation may be allowed as a conditional use of a residential dwelling unit or approved accessory structure for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within an enclosed dwelling or approved accessory structure by the occupants residing therein in accordance with the following standards:

1. The Expanded Home Occupation shall be clearly incidental and secondary to the use of the dwelling for residential occupancy and the Expanded Home Occupation shall occupy no more than twenty-five percent (25%) of the residential floor area.
2. No person, other than those residing on the premises, shall own or operate such occupation. Not more than two (2) non-resident employees shall be employed on premises at any one time in an Expanded Home Occupation.
3. The exterior access to the space devoted to the Expanded Home Occupation shall not be used exclusively for such use.
4. No equipment or process shall be used on premises in such Expanded Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference that shall create a nuisance to adjacent properties. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
5. Delivery of materials, equipment or supplies to an Expanded Home Occupation shall be limited to commercial vehicles or light trucks falling under the Federal Highway Administration Vehicle Inventory and Use Survey Class 1, 2, 3, 4, 5 or 6. In no case shall a heavy-duty vehicle of Class 7 or 8 requiring a Class B license to operate be used in a delivery to or from an Expanded Home Occupation. Not more than two (2) deliveries of materials, equipment or supplies shall be received per day in conjunction with an Expanded Home Occupation, and such deliveries shall be limited to normal business hours.
6. If permitted an Expanded Home Occupation engaged in the repair or refurbishment of motor vehicles may operate in an approved accessory structure with the following requirements:
  - a. The approved accessory structure shall not be constructed on the lot in front of the principle residential structure.
  - b. In no case shall “junk” or “parts” vehicles or vehicles without a current vehicle registration, be stored outdoors anywhere on the lot or premises.

- c. The storing or stacking of customer vehicles outside of the approved accessory structure shall be entirely screened from view from neighboring residential properties.
7. No traffic shall be generated by such Limited Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
8. Storage of materials and equipment in an Expanded Home Occupation shall be completely enclosed in a permitted accessory structure to the primary residence.

### **415.03 Accessory Structures**

#### **A. Residential Accessory Structures Permitted**

One (1) single detached accessory structure not exceeding one hundred forty-four (144) square feet in area may be erected on any residential lot without a Zoning Certificate, provided such structure is located to the rear of the principal structure, and no closer to any property line than the setbacks required for the residential Zoning District in which the structure is located.

Accessory structure(s) must meet the following requirements:

##### **1. Permitted Area and Height**

The total area of all accessory uses or structures on a residential parcel shall not exceed two percent (2%) of the area of the lot on which the structure or use is located, or a maximum of four thousand (4,000) square feet, whichever is smaller. These area requirements shall not apply to lakes and ponds. An accessory structure shall not exceed the maximum height permitted in the residential Zoning District.

##### **2. Location and Setbacks**

All new accessory structures or additions to existing accessory structures shall meet all setback requirements for the applicable Zoning District in which the structure resides.

##### **3. Prohibited Uses**

No commercial uses shall be conducted within an accessory structure unless otherwise approved as part of a permitted Limited or Expanded Home Occupation, defined by Section 415.02, an approved conditional use permit, or commercial/industrial zoning request.

##### **4. Zoning Certificate**

A Zoning Certificate shall be required prior to the erection, addition, or alteration of an accessory structure or use on any lot.

## Section 416 – PRIVATE SWIMMING POOLS

A Private Swimming Pool as regulated herein, means any structure intended for swimming or recreational bathing (not including lakes or ponds) not located within a completely enclosed building and containing water to depth, at any point greater than two (2) feet. No such swimming pool, exclusive of portable swimming pools with an area of less than three hundred (300) square feet, shall be allowed in any residential district unless the following conditions and requirements are met:

### A. General Requirements

1. The pool is intended to be used primarily by the occupants of the principal use of the property and their nonpaying guests. Temporary pools, two (2) feet in depth and three hundred (300) square feet in area or less, are not required to have a permit. Such temporary pools shall only be permitted from May 15<sup>th</sup> through September 15<sup>th</sup>.
2. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.
3. Private swimming pools cannot be located closer than ten (10) feet from any building or closer than five (5) feet from any property line. Pools cannot be erected below electrical power lines or on any easement on your property.
4. A pool fence enclosure/barrier affidavit is required due to specific requirements for locations, fences, gates, locks and electrical regulations (ground fault circuit interrupter) for pools and pool installations. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements. The Pool Fence affidavit is required to be completed and signed by the property owner prior to the construction and/or installation of the fence.

### B. Fencing and Security

1. In Ground Pools
  - a. In-Ground Pools over two (2) feet in depth are required to have a permanent enclosure/barrier surrounding them. A minimum four (4) foot high fencing must be installed with an operable gate and lock as well as a self-closing and latching gate. Mounding soil to elevate the fence for the purpose of meeting the minimum height is not permitted. Hedges do not qualify as fencing.
  - b. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. The enclosure/barrier shall be constructed in a manner that no child can enter the pool area through or under said enclosure. A wall of the main building may be used as part of the fence or enclosure/barrier.

## 2. Above Ground Pools

Where the Above Ground Pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of Section 416(B). When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch-diameter or one hundred two-millimeter (102 mm) sphere.



## **Section 420 - TELECOMMUNICATIONS TOWERS**

As provided for in Section 519.211 of the Ohio Revised Code, Public Utilities or other functionally equivalent providers may site a telecommunications tower in conformance with the requirements of this section.

### **420.01 Limitations on Township Authority to Regulate Telecommunications Towers**

Public utilities or other functionally equivalent telecommunications providers may site a telecommunications tower as a permitted Use in any Zoning District except those expressly zoned for Residential Use or any Residential component of an approved Planned Development.

- A. Local zoning authority shall not extend to the regulation of maintenance or use of such a tower or to any change or alteration that would not substantially increase the tower's height.
- B. The local zoning authority over proposed telecommunications towers shall apply only to a particular tower, only upon provision of a notice of objection to that particular tower. No blanket zoning authority exists over telecommunications towers in Residential districts unless and until a written notice of objection has been timely filed.

### **420.02 Towers Proposed Within Areas Zoned for Residential Use**

Telecommunications towers may be regulated in areas zoned for residential use upon receipt of an objection pursuant to the regulations of ORC 519.211(B)(2). The provisions of this Code concerning telecommunications towers are not intended to replace or modify ORC 519.211, but instead are intended only to incorporate ORC 519.211 and its terms into this Code.

- A. Notice - Notice shall comply with ORC 519.211(B)(3).
- B. Procedure if Objections are Filed - Upon the timely receipt by the Greenfield Township Board of Trustees of an objection to a proposed telecommunications tower, the Board of Township Trustees shall proceed as provided in ORC 519.211(B)(4)(a).
- C. Procedure if No Objections are Filed - Telecommunications towers shall be permitted as a use exempt from any local zoning authority in Residential zoned areas if no objections are timely filed as provided in Section ORC 519.211(B)(4)(b).

### **420.03 Local Zoning Authority**

If objections are timely filed for a proposed telecommunications tower in a Residential Zoning District then the telecommunications tower may only be permitted as a Conditional Use by the Board of Zoning Appeals, provided all of the following conditions of this section are met:

- A. Conditional Use Application – Consistent with the procedures set forth in Section 230 of this Code, an application for Conditional Uses shall be filed with the Board of Zoning Appeals.

The application shall include:

1. A locator map which shall contain the following:
  - a. The location of all the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
  - b. The general location of planned future facilities within a radius of one (1) mile of the proposed location of the telecommunications tower.
  - c. For each location of the applicant's existing facilities within a radius of one (1) mile of the proposed location of the telecommunications tower, there shall be listed:
    - 1) The type and size of tower at each location;
    - 2) The type of equipment located or proposed on each tower;
    - 3) The space available on the tower for additional equipment; and
    - 4) A site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
2. A scaled and dimensioned site plan for the facility that is being proposed, containing the following:
  - a. The location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
  - b. The location of existing and proposed buildings and structures, access drives, circulation and parking areas;
  - c. Detailed drawings of the landscape screening plan and related design standards;
  - d. On-site land uses, structures and Zoning District, and adjacent land uses, structures and Zoning Districts;
  - e. Setbacks from property lines and dwellings within six hundred (600) feet of the proposed tower;
  - f. Legal description of the Lot on which the tower is to be sited; and
  - g. Any other information necessary to assess compliance with this section.

3. A written certification from a Professional Engineer stipulating:
  - a. That the tower's design is structurally sound and in compliance with all applicable federal, state and local building codes;
  - b. That the equipment placed on the tower and at the site complies with all current FCC regulations and
  - c. That the tower will, to the extent possible, accommodate co-location of additional wireless communication antennas for future Use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.
  
- B. Conditional Use Procedure by Board of Zoning appeals on Receipt of Application -  
Consistent with the procedures set forth in Sections 230.05 and 230.06 of this Code, the Board of Zoning Appeals shall provide notice of, conduct a public hearing and render a decision on the Conditional Use requested in the application filed pursuant to Section 420.03(A) of this Code.
  
- C. General Requirements for all Telecommunications Towers in Residential Zones
  1. The applicant or tower provider shall demonstrate that the proposed tower location in a Residential area is essential to service the applicant's service area and that there are no alternative sites in commercial, industrial, or exclusively agricultural areas. If another tower or tall structure is technically suitable, the applicant shall show that a reasonable request to co-locate was made and that such request was rejected. "Tall Structures" shall include smoke stacks, water towers, electric transmission towers, existing antenna support structures or other telecommunications towers, utility buildings and structures over forty-eight (48) feet in height.
  2. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued.
  
- D. Development Standards for all Telecommunications Towers in Residential Districts
  1. No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.

2. The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider in a residential area shall be one hundred (100) feet. The maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers in a Residential area shall be as follows:
  - a. Towers proposed for and designed to support the co-location of a total of two (2) antenna facilities – one hundred fifteen (115) feet;
  - b. Towers proposed for and designed to support the co-location of a total of three (3) antenna facilities – one hundred thirty (130) feet and
  - c. Towers proposed for and designed to support the co-location of four (4) or more antenna facilities – one hundred forty-five (145) feet. The additional height shall be approved concurrent with the need to co-locate additional telecommunications antennae.
3. Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.
4. The tower base shall not be placed closer than the sum of height of the tower plus forty (40) feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is proposed to be constructed.
5. A tower base shall be located no closer to any lot line than the distance equal to the height plus twenty-five percent (25%) of the proposed tower. Any stabilization Structures or guys shall be located no closer to any lot line than fifty (50) feet.
6. The tower base shall be located no closer to a street right-of-way than permitted in the underlying Zoning District.
7. Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the Fire Chief (or the Chief's designee) of the fire department providing primary fire service to the Township.
8. Security fencing shall be provided to prevent uncontrolled access to the tower site. The tower shall be screened by an eight (8) foot high fence or barrier. A continuous evergreen hedge, trees or similar landscape materials of a size, type, area and design deemed appropriate by the Board of Zoning Appeals shall be placed outside of and along the fence or barrier. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed three (3) square feet in size. The storage of any equipment shall be contained inside the screened area.

9. The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower shall not contain, or be illuminated by artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). Any required illumination shall be fully disclosed on the site plan.
  10. No advertising is permitted anywhere on the tower.
  11. Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.
  12. The applicant shall provide a signed statement indicating that he or she agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity.
  13. A telecommunications antenna may be attached to a non-residential building or structure that is permitted in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached.
  14. If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the accessory building regulations of the district in which it is to be located.
  15. A letter of credit shall be posted in favor of the Township to assure that the project will be completed. The applicant shall complete the telecommunications tower or structure within one year of construction commencement.
- E. Towers on Township Property - With the prior consent of the Greenfield Township Trustees obtained through a resolution, a telecommunications carrier may site a telecommunications tower on township-owned property not zoned for residential use pursuant to Section 420.03. Additionally, with the prior consent of the Greenfield Township Trustees obtained through code, a telecommunications carrier may site a telecommunications tower on township-owned property zoned for residential use, but only after obtaining a conditional use permit pursuant to Sections 420.03(A) and (B) and all requirements of Sections 420.03(C) and (D) have been fully met.

- F. Co-Location on an Existing Tower or Concealed Inside an Existing Structure - If a telecommunications carrier desires to co-locate a telecommunications antenna on an existing telecommunications tower or concealed inside an existing structure in an area zoned residential and such a co-location will result in a substantial change in the height of the tower, a Zoning Permit may be obtained provided that the requirements found in the following provisions are met: 420.03(C) and (D). A substantial change in height shall mean the addition of more than forty (40) feet to the existing tower or structure.

## **Section 425 - WIND ENERGY CONVERSION SYSTEMS**

The purpose of this section is to establish general guidelines for the location of Wind Energy Conversion Systems (WECS) including tower(s), rotors, nacelles, generators, electrical components, foundations, transformers, electrical cabling and any other associated control or conversion electronics. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of WECS in certain areas of the Township. The Township also recognizes the need to protect its scenic beauty from unnecessary and unreasonable visual interference, noise radiation, and any negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring Uses that could or may be created by the WECS. As such, this section seeks to:

1. Protect residential and agricultural areas from potential adverse impact of WECS;
2. Permit WECS in selected areas, subject to the terms, conditions and provision hereof;
3. Ensure the public health, welfare and safety of the Township's residents in connection with WECS; and
4. Avoid potential damage to real and personal property from the WECS or anemometer towers or the failure of such structures and related operations.

### **425.01 Applicability**

In conformity with Section 519.213 of the Ohio Revised Code the township shall have authority to regulate such uses under five (5) MW. Any proposed construction or erection of a WECS or anemometer under five (5) MW shall be permitted only by issuance of a Conditional Use Permit under Section 230, or as amended hereafter. Any WECS that has an aggregate rated capacity of five (5) MW or greater shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations outlined herein.

### **425.02 Application Requirements**

In addition to the requirements set forth in Section 230 of the Zoning Code, every application for a Conditional Use Permit for a WECS shall include the following information:

1. A site plan shall be submitted for review. The following items shall be the minimum requirements for a complete application. The site plan shall include the following:
  - a. Property lines and physical dimensions of the applicant's property.
  - b. Location, dimensions and types of existing structures on the property.
  - c. Location of the proposed wind energy system, foundations, guy wires and associated equipment.

- d. Fall zone depicted as a radius around the center of the tower for a tower mounted wind energy system.
  - e. The right-of-way or future right-of-way according to the Fairfield County Thoroughfare Plan of any public road that is contiguous with the property.
  - f. Two (2) foot contours of the applicant's property and properties contiguous to the subject property.
  - g. All overhead utility lines.
  - h. The site plan shall be prepared and stamped by a professional engineer or surveyor licensed to practice in the State of Ohio.
2. Wind energy system specifications, including manufacturer, model, rotor diameter in addition to tower height and tower type, if tower mounted, for small wind energy systems.
  3. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a wind energy system if the wind energy system will be connected to the power grid.
  4. Tower foundation blueprints or drawings for tower mounted wind energy systems.
  5. Tower blueprints or drawings for tower mounted wind energy systems.
  6. Statement of approval from the Fairfield County Department of Health stating that the proposed WECS will not disturb areas reserved for existing or future on-site sewage treatment systems.
  7. Sound level analysis prepared by the wind energy system manufacturer or qualified engineer.
  8. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).
  9. Evidence of compliance or non-applicability with Federal Aviation Administration (FAA) requirements.
  10. Evidence of compliance with all development standards as outlined in Section 425.03 of this Code.
  11. A separate application for Conditional Use Permit shall be submitted for each proposed WECS and accessory structures.



12. Each application for a Conditional Use Permit shall be accompanied by a report from a professional engineer documenting that the proposed wind turbine system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone, that it has appropriate over speed controls.
13. An emergency response plan with a copy submitted to the Greenfield Township Fire Department.

### **425.03 General Standards**

WECS and anemometer towers shall comply with all of the following standards as a requirement for a Conditional Use Permit to be issued:

1. Minimum Area - The minimum area for a WECS or an anemometer tower erected prior to a WECS shall be one acre.
2. Maximum Height - The maximum WECS or anemometer tower height from the base to the tip of the blade at its highest point shall not exceed 120 feet.
3. FAA Requirements - The accessory WECS must comply with applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations. No lighting shall be permitted on an accessory WECS, unless otherwise required by the FAA.
4. Minimum Rotor Wind Vane or Blade Clearance - The lowest point of the arc created by rotating wind vanes or blades on a WECS shall be no less than 70 feet measured from the highest point of the terrain within one blade radius from the base of the tower.
5. Fall Zone - In order to provide for a safe clear fall zone in the event of structural failure, there shall be a minimum distance of at least 1.25 times the height of the tower and blade from any property line, electrical transmission line, gas well, public or private road, or Structure. In addition, the fall zone shall be fully encompassed within the owner's property.
6. Maximum Noise Levels - The audible noise radiation due to wind turbine operations shall not be created which causes the noise level at the property line of the proposed project site to exceed thirty (30) dB(a) for more than five (5) minutes out of any one (1) hour time period or to exceed thirty-four (34) dB(a) for more than five (5) minutes out of any one (1) hour time period or to exceed thirty-five (35) dB(a) for any time period; provided, however, if the Natural Ambient Noise Level. Without the WECS is greater 30dB(a), the audible noise radiation shall not exceed five (5) dB(a) above the Natural Ambient Noise Level. A WECS shall not be operated so that impulsive sound below twenty (20) Hz adversely affects the habitability or use of any dwelling unit, hospital, school, nursing home, or other sensitive noise receptor.

7. Maximum Vibrations - Any proposed WECS shall not produce humanly perceptible vibrations beyond the property line on which it is located.
8. Transmission Lines - All electrical transmission lines connecting any WECS to the public utility electricity distribution system shall be located underground.
9. Access - Access to the WECS or anemometer tower shall be no less than 20 feet above the ground.
10. Aesthetics and Lighting -
  - a. Each WECS or anemometer tower shall be maintained and there shall be no visible sign of corrosion or oxidation.
  - b. The accessory WECS shall be painted white or shall have a galvanized steel finish.
  - c. Each WECS or anemometer tower shall not be artificially lighted, unless required by the FAA or other applicable governmental authority.
  - d. Each WECS or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
  - e. The WECS shall be designed to counter the effects of “shadow flicker” on any neighboring Residences or roadways caused by the rotor rotation in the sunlight.
11. Sign - A sign no more than two (2) square feet in area displaying an address and telephone number for emergency calls and information inquires shall be posted at the base on the proposed WECS. No WECS or anemometer or site shall include any sign.
12. Maintenance - The owner or operator of the WECS shall furnish an operation and maintenance report to the Township on an annual basis by the WECS professional.

#### **425.04 Removal and Abandonment**

The following requirements shall apply when the small wind project is to be Removed or Abandoned:

1. At such time that a wind energy system is scheduled to be decommissioned or discontinued, the applicant will notify the Zoning Inspector by certified U.S. mail or first class mail of the proposed date of discontinuation of operations.
2. Upon decommission or discontinuation of use, the owner shall physically remove the wind energy system within ninety (90) days from the date of decommission or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Inspector. “Physically Remove” shall include, but not be limited to:

- a. Removal of the wind energy system.
  - b. Removal of any tower and other related above ground structure.
  - c. Restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
3. In the event that an applicant fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous two (2) year period. After two (2) years of inoperability, the Zoning Inspector may issue a Notice of Decommission to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Decommission within thirty (30) days from the date of receipt. The Zoning Inspector shall withdraw the Notice of Decommission and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been decommissioned.
  4. If the owner fails to respond to the Notice of Decommission or if after review by the Zoning Inspector it is determined that the wind energy system has been decommissioned or discontinued, the owner of the wind energy system shall remove the wind energy system, tower and other related above-ground Structures at the owner's sole expense within ninety (90) days of receipt of the Notice of Decommission.

#### **425.05 WECS SPECIFIC DEFINITIONS**

- A. Anemometer - An instrument for measuring and recording the speed of the wind.
- B. Anemometer Tower - A Structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operations of a WECS.
- C. Applicant - The entity or person who submits to the Chairperson of the Township Board of Zoning Appeals an application for Conditional Use for a WECS or anemometer tower.
- D. Natural Ambient Noise Level - The normal and predominant noise level absent any industrial or commercial noise radiation, excluding any noise resulting from any Agricultural operations.
- E. Professional Engineer - A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- F. Shadow Flicker - A moving shadow cast by the blades of a WECS onto nearby residences or roadways. Normally not a problem in the U. S. because at U.S. latitudes, sun's angle not very low in the sky.

- G. Wind Energy Conversion System (WECS) – A tower, pylon, or other structure, including all accessory facilities, upon which any, all or some combination of the following are mounted:
1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
  2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
  3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

H. WECS Tower Height

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the WECS.
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

## **Section 435 - OFF-STREET PARKING REQUIREMENTS**

### **435.01 Purpose**

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

### **435.02 Provision for Parking Required**

In all Zoning Districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking spaces in accordance with the provisions of this section.

### **435.03 General Requirements**

#### **A. Design**

All off-street parking areas within the MH-R, O, LB, B-1, HB, PRB, I, SU and PD Zoning Districts shall, at a minimum, be designed to meet the following standards:

1. All off-street parking areas shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface. Lots shall be paved with asphalt, concrete, porous concrete or asphalt, brick or concrete pavers, or some combination thereof. Lots within the Industrial District may be paved with gravel provided that the gravel lot is maintained in a manner to prevent dust from blowing onto adjacent properties.
2. All parking spaces shall be a rectangular area not less than nine (9) feet in width by nineteen (19) feet in length.
3. Required off-street parking facilities shall be located on the same lot as the structure or use served, except where joint or combined parking areas are permitted elsewhere by this Code.
4. Joint or combined parking areas are defined as a condition where two or more adjoining lots or outparcels, or individual tenants in a multi-tenant retail center, share areas of parking and circulation. Where joint or combined parking between lots or uses is permitted a Cross Access Agreement/Easement shall be executed and recorded between the individual properties.
5. All parking spaces shall be clearly marked and striped.
6. All parking areas for five (5) or more vehicles shall be served by a driveway or circulation aisle of not less than twenty-two (22) feet in width to permit access to all

required parking spaces. All driveways serving said parking areas shall have access either to an approved private street or a public right of way.

7. All Off-Street Parking areas, other than for single-family dwellings, shall meet the requirements of the State Building Code and the Americans with Disabilities Act (ADA) for the provision of parking spaces for the physically disabled and shall include all necessary markings, striping, signage and access accommodations. It shall be the responsibility of the property owner to meet these requirements. Approval of a Zoning Certificate by Greenfield Township does not absolve the property owner of meeting federal requirements.

#### B. Interior Landscaping

Landscape islands shall be provided within all parking areas having ten (10) or more parking spaces in accordance with the following:

1. Landscape islands shall be a minimum of eight (8) feet in width and nineteen (19) feet in length.
2. Islands shall be provided at a rate of one (1) island per each twelve (12) parking spaces. Landscape areas located in the corners of parking areas shall count as one-half ( $\frac{1}{2}$ ) of a required landscape island.
3. Within double rows of parking, islands shall be combined end to end and placed at the end of parking rows as a cap or between the sides of parking spaces in a row.
4. Landscape islands shall be planted with a minimum of one (1) two (2) inch caliper shade tree per island, or two (2) such trees for each double (end to end) island.

#### C. Headlight Screening

To promote public safety, and to prevent the headlights of parking cars from shining into traffic on public streets, all off-street parking spaces shall have headlight screening installed to provide separation between the parking stalls or circulation aisles and adjacent public rights-of-way in accordance with the following:

1. Headlight screening shall be in the form of a continuous evergreen hedge planting, earthen mound, or a combination of the two and shall provide a continuous screen from the ground up to a minimum of three (3) feet six (6) inches in height above the adjacent surface of the parking lot.
2. Headlight screening shall be installed parallel and adjacent to the parking lot and circulation aisles being screened.

3. Shrubs used for the purposes of headlight screening shall be installed a minimum of two (2) feet from the back of curb or wheel stop of head in parking spaces to avoid damage from the overhang of vehicles.

D. Lighting

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any Zoning District where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

E. Loading and Delivery

Where any use or building in any district requires the receipt or distribution of material or merchandise by vehicle, there shall be provided and maintained, on the same lot with such use or building, a minimum of one off-street loading space. The size and circulation area of loading spaces shall be adequately designed to accommodate the maximum size vehicle to be used in the delivery or distribution, and shall be located in such a way that a parked delivery vehicle shall not project into, or interfere with, any circulation area, alley, or public right of way.

F. Parking of Inoperable or Disabled Equipment or Vehicles

The exterior parking or storage of more than two (2) inoperable or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days shall be prohibited, outside of an approved junk yard licensed and regulated pursuant to Section 4737.05 through 4735.12 of the Ohio Revised Code.

Greenfield Township reserves the right to remove junk cars from private property following procedures and standards cited in Section 4513.65 of the Ohio Revised Code.

G. Parking of Recreational Equipment

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:

1. Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two (2) family dwelling. For the purpose of this section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
2. Recreational equipment shall not be occupied or used for living, sleeping and/or housekeeping for a period of time exceeding two (2) weeks.

#### 435.04 Recommended Number of Off-Street Parking Spaces

Parking spaces shall be provided according to the following Schedule which is hereby made a part of this Code. For uses not listed in the Schedule, the determination of the number of recommended spaces shall be made by the Board of Zoning Appeals.

A.	RESIDENTIAL	
1.	Single or multiple-family residence.	Two (2) per dwelling units.
2.	Institutional housing.	One (1) per three (3) occupants plus one (1) for each main work shift.
B.	RECREATIONAL	
1.	Softball, baseball, football, soccer or similar organized sport playfield.	Twenty (20) for each playfield, plus one (1) for each six (6) seats in stands.
2.	Tennis, handball, or racquetball courts.	Three (3) for each court.
3.	Bowling alleys.	Five (5) per lane plus necessary spaces as required for affiliated uses, such as restaurants.
4.	Theaters, stadium, or sports arenas, auditoriums or other assembly halls other than schools.	One (1) for each four (4) seats.
C.	INSTITUTIONAL	
1.	Churches and other places of public worship.	One (1) for each five (5) seats in main auditorium.
2.	Public or private school.	Three (3) for each classroom or one (1) for each five (5) seats in main auditorium whichever is greater.
3.	Nursery School/Day Care.	One (1) for each 15 students of proposed capacity.
4.	Libraries, museums, community centers.	One (1) for each 400 square feet of gross floor area.
5.	Civic, social, fraternal organizations.	One (1) for each here (3) persons allowed under maximum occupancy of main meeting room.
6.	Hospitals, nursing facilities.	One (1) for each four (4) beds plus one (1) per employee on main shift.



D.	COMMERCIAL	
1.	Food, department or general merchandise, hardware, drugs, and other retail sales.	One (1) for each two hundred (200) square feet of gross floor area.
2.	Eating and drinking establishments without drive-through facilities.	One (1) for each one hundred (100) square feet of gross floor area.
3.	Restaurants with drive-through facilities.	One (1) for each seventy-five (75) square feet of gross floor area, plus additional spaces in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces.
4.	Personal services, including banks, savings and loans, repair services without drive-through facilities.	One (1) for each two hundred (200) square feet of gross floor area.
5.	Banks, savings and loans and similar uses with drive-through facilities.	One (1) for each two hundred (200) square feet of gross floor area plus additional spaces in all drive-through lanes equal to 80 percent (80%) of the required number of parking spaces.
6.	Barber and beauty shops.	Two (2) for each workstation.
7.	Gasoline and service stations, automobile service.	Two (2) for each service bay plus one (1) for each two (2) gasoline dispensing units, plus one (1) for each employee during main shift.
8.	Self-serve laundries.	One (1) for each three (3) washers.
9.	Hotels, bed and breakfast establishments.	One (1) for each sleeping room or suite, plus one (1) for each employee during main shift.
10.	Funeral homes.	One (1) for each four hundred (400) square feet of gross floor area.
11.	Medical or dental offices; animal hospitals/clinics.	Five (5) for each doctor or dentist.
12.	Professional, administrative and business offices.	One (1) for each four hundred (400) square feet of gross floor area.
E.	INDUSTRIAL	
	Manufacturing, compounding, processing, assembling, packaging or treating of goods; warehousing, distribution and service industries.	Two (2) for each three (3) employees during work shift having a greatest number of employees, plus one (1) for each vehicle maintained on the premises.

## **Section 440 - SIGNS**

### **440.01 Purpose**

The purpose of this section is to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare through regulation of existing and proposed outdoor displays, signs, advertising fixtures, promotional materials or other outdoor use of lighting, noise or items intending to suggest presence, or calling attention to, or to convey information, to convey an idea or a concept, or that provides direction, or any other activity with similar intent of promotion, economic or personal gain.

It is the intent of these regulations:

1. To control the size, location and design of signs so that the overall appearance of such signs will be aesthetically harmonious with their surroundings.
2. To reduce sign clutter.
3. To prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic.
4. To prevent signs from becoming a nuisance to adjacent properties or uses.
5. To encourage the development of signage that promotes a healthful economic and business environment and thereby protects the general health, safety, and welfare of the citizens of Greenfield Township.

### **440.02 Signage Definition**

A sign as defined in this Code generally includes any display, illustration, use of light, noise, color, or materials that identify name, symbols, products or services, or that promote direction, idea or other activities for purposes of commerce as discussed in this Section. All signs on land within Greenfield Township and visible or heard from adjacent properties, or public rights-of-ways, or that may create hazardous obstacles or distractions to traffic, shall comply with this Section and the requirements of the individual Zoning Districts in which they reside.

### **440.02 Sign Permits and Administration**

#### **A. Permit Required**

No permanent or temporary sign, except as exempted in Sections 440.04 of this Code shall hereafter be erected, constructed or maintained within Greenfield Township unless a permit for the same has been issued by the Zoning Inspector.

#### **B. Contents of Application**

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his agent. The fee shall be established by separate

ordinance. Each application for a sign permit shall be made on forms provided by the Zoning Inspector, and such permit shall be accompanied by all items listed as required on the Sign Permit Application, and the following:

1. Free-Standing Signs - A dimensioned drawing of the proposed sign along with a site plan showing the location of the sign in relationship to the street, buildings, and other site elements, and a landscape plan for the proposed free-standing sign.
2. Building Mounted Signs – A dimensioned drawing of the proposed sign along with an elevation of the building to which the sign is to be attached showing the location of the sign on the building and the size and placement of the sign in relationship to the building elevation.

C. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Code have been met. The Zoning Inspector shall have the authority to refuse a Sign Permit for any sign that, in the Zoning Inspector's opinion, may jeopardize the health, safety and well-being of the general public. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.

D. Appeals

Any decision made by the Zoning Inspector under the terms of this article may be appealed to the Board of Zoning Appeals in the manner set forth in Section 220 of this Code.

**440.03 Prohibited Signs**

Without restricting or limiting the generality of the provisions contained in this section, the following signs are specifically prohibited:

1. All signs not specifically authorized by the express terms of this Code are prohibited.
2. Abandoned signs and associated supporting structures that no longer advertise a commercial message for a bona fide business conducted on the premises for a period of two years. If the sign structure supports multiple business names, that portion of the face shall be replaced with a matching blank face and shall screen all internal lighting.
3. Signs mounted on motor vehicles, or towable trailers, that are parked in a prominent location for an extended period of time for the primary purpose of displaying the sign.
4. Changeable copy signs except those specifically permitted elsewhere in this Code.
5. Signs or advertising erected and maintained in trees or painted or drawn upon rocks or other natural features.

6. Except for identification signs on agricultural buildings, no sign or billboard shall be displayed or painted directly upon the wall or roof on any building or structure.
7. No sign shall be attached to any fence within the right-of-way of any road. No sign shall be attached to any fence regardless of location without the permission of the owner of the fence.
8. Signs mounted upon the roof of any building or structure.
9. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display.
10. Flashing or high intensity lights mounted on a sign.
11. Revolving signs (excepting barber poles and temporary holiday lighting), and animated signs (includes mechanical or electronic changeable copy signs not otherwise permitted herein, flashing signs, moving signs, and any animation of signs). No sign shall contain or consist of ribbons, streamers, or similar moving devices.
12. Any sign that obstructs any part of a doorway, exit or fire escape.
13. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
14. Any sign that extends into the right-of-way of any public street or highway.
15. Any off-premise signs, except for legal billboards. Any sign not installed on the property which it is intended to serve shall be considered an off-premise sign for the purposes of this Code.
16. Billboards in residential Zoning Districts.
17. Any sign depicting the following:
  - a. No advertisements, displays or other promotional materials that depict obscene materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
  - b. As used in this section “obscene” has the same meaning as in section 2907.01(F) of the Ohio Revised Code.

#### **440.04 Signs - No Permit Required**

The following signs shall be permitted in Greenfield Township subject to the regulations established herein. No sign permit shall be required for any sign constructed or erected under the terms of this section:

1. Signs not exceeding one (1) square foot in area that are customarily associated with residential use and not intended to promote a business or commercial use, including address and/or name of occupants of the structure, addresses on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals.
2. Numbers indicating the street address of a building or facility bearing no other advertising message or logo provided that such numbers are not larger than normally required to reasonably see the address from the closest public street.
3. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
4. Signs four (4) square feet or smaller indicating the hours of operation, or “open” or “closed” for a business use.
5. Signs installed by a public utility in their rights-of-way or on their facilities as necessary to identify their use or issue public warning.
6. Real Estate Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area. One (1) such sign shall be allowed per street front. Such signs shall not be located in a public right-of-way. Such signs shall be removed immediately following the sale or lease of the structure or land.
7. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
8. Signs which are in the nature of cornerstones, commemorative tables and historic designations, provided such signs are less than nine (9) square feet in size and not illuminated.
9. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.

10. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion, and provided that not more than four (4) such flags or banners are displayed at any one time.
11. Signs identifying agricultural commodities or products used on the premises provided such signs are not installed in the road right-of-way and do not obstruct the visibility of motorists or otherwise present a safety hazard.
12. A sign which advertises the sale of personal property, such as a garage, yard, porch, or moving sale sign, provided such sign is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
13. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable entities. Such signs shall be erected not more than forty-five (45) days in advance of the event, and removed not later than three (3) days after the scheduled activity.

#### **440.05 Permanent Signs – Permit Required**

Permanent signs shall be those permitted in areas clearly designated herein and subject to the regulations of the underlying Zoning District and this Article. Application for permanent signs shall be made to the Zoning Inspector and upon his/her approval a permit issued and fee will be assessed based upon the schedule of fees adopted by Code of the Township Trustees.

Permanent signs requiring a Sign Permit are as follows:

- A. Outdoor Advertising or Billboards - Outdoor Advertising, or Billboards as defined by ORC 519.20, for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all Non-Residential districts subject to the requirements of Section 440.07 and the following regulations:
  1. No billboard shall exceed two hundred (200) square feet of advertising area per side nor have more than two sides.
  2. No billboard shall exceed twenty-five (25) feet in height above the average grade, nor have a length in excess of four times the height of the sign face.
  3. No digital billboard shall change messages more than one (1) time every eight (8) seconds.
  4. The use shall comply with the general regulations set forth in other provisions of this Code.

5. All billboards shall be located in compliance with all local, state and federal regulations controlling the same and such proof shall be submitted to the Zoning Inspector. Billboards shall be licensed or permitted as may be required by local, state or federal agencies.
  6. All billboards shall be located behind the building setback lines established for the district in which the sign is located and shall be at least one thousand (1,000) feet from any dwelling, church, school, or similar institution.
  7. No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side Lot line.
  8. On vacant property, no billboards shall extend nearer to any right-of-way line than eighty-five (85) feet.
  9. Spacing Requirements for each billboard site location shall be separated from every other billboard site location in accordance with the following:
    - a. Spacing requirements shall be measured along the curb line of the street that the billboard is oriented to and the measurement shall apply to both sides of the street.
    - b. Spacing requirements shall be measured from existing billboards regardless of the political jurisdiction within which any other billboard may be located.
    - c. Measurement of the spacing between billboard locations shall begin at a point nearest to the proposed billboard site location from an existing billboard site location and extending to a point nearest to the existing billboard site location from the proposed billboard site location.
    - d. Billboards shall be located at least one thousand (1000) feet from other billboards.
    - e. Billboards shall not be located closer than five hundred (500) feet from the intersection or interchange of any State or Federal Highway and/or Major Thoroughfares.
- B. Residential Signs - In all residential districts, and all residential sections of a Planned Development, the following permanent signs shall be permitted:
1. Customary professional, home occupation, rooming or boarding house signs not larger than two (2) square feet.
  2. Signs appropriate to a public or quasi-public building.
  3. Signs incident to legal process and/or necessary for the public welfare shall not be larger than six (6) square feet. Such signs shall have a minimum setback of five (5) feet from the right-of-way of any thoroughfare.

4. Residential Development Entry Signs which are intended to identify a residential subdivision, apartment complex, or residential condominium development, are permitted subject to the following:
  - a. Development Entry Signs will be located at the main or primary entrance to the development and situated so as not to unduly obstruct normal traffic or clear sight distance at an intersection. Such signs will not be located within fifteen (15) feet of the public right-of-way and will not be located within twenty-five (25) feet of adjacent residential property. Signs are limited to free-standing monument-type, only. Pole and Pylon Signs are prohibited.
  - b. Each Development Entry Sign may have no more than two (2) individual sign faces: a single, double sided sign; or two (2) single sided signs shall be permitted. All signs must be permanently mounted and properly landscaped.
  - c. All Signs will be permanently ground mounted and will not exceed six (6) feet in height. Exposed foundations must be constructed with a finished "natural" material such as brick, stone or wood. All signs will be properly maintained and will not show signs of rust, corrosion, exposed wiring, chipped paint, cracked or loose materials.
  - d. Total display area of all allowable sign faces will not exceed sixty-four (64) square feet and in no case will the area of any individual sign face exceed thirty-two (32) square feet.
  - e. The sign will contain the name of the development, only. All lighting will be ground mounted and directed so as not to be objectionable to adjacent and surrounding properties.
- C. Business and Industrial Districts – In all Business and Industrial Districts, and all Business and Industrial Sections within a Planned Development, the limitations upon the number, size, character, and placement of signs shall be as follows:
  1. Single Uses on Individual Lots - For all single use lots or parcels, there shall be no more than one (1) free standing monument sign, and one (1) building mounted wall sign per use or lot. Buildings located on a corner lot may have one (1) additional free-standing monument sign or one additional building mounted wall sign to be located on the secondary road frontage. Such signs shall be in accordance with the following requirements:
    - a. Free Standing Monument Signs - Free-Standing Monument Signs shall be set back at least fifteen (15) feet from any right-of-way or lot line shall be installed in a location that will not impede the view of traffic from driveways or intersections, and shall be installed outside of the clear vision triangle as defined in Section 105.



- 1) Free-standing monument signs for single retail or business uses and outparcels shall not exceed six (6) feet in height and thirty-two (32) square feet of display area per side.
  - 2) For businesses on corner lots that are permitted an additional free-standing monument sign on the secondary road frontage, the two monument signs must be separated by a minimum of two hundred fifty (250) feet as measured along the frontage of each roadway. The second sign, located on the secondary road frontage, shall not exceed four (4) feet in height and twenty-four (24) feet of display area per side.
  - 3) Gasoline Stations - Gasoline Stations may display signage in addition to the free-standing monument sign allotted for single uses or for outparcels. Such additional signage shall be limited to the display of gasoline price and grade information in changeable copy. The total area dedicated to the display of price and grade information may not exceed fifty percent (50%) of the total sign area allowed for a free-standing monument sign. Price and grade information may be displayed electronically provided such electronic information does not flash, move, rotate, change color or change copy more than one time in any one (1) hour period to update the price of fuel.
- b. Wall Signs - Wall Signs may be constructed of individual letters attached to the building or constructed as a solid sign or sign cabinet and shall conform to the following requirements:
- 1) The sign(s) surface(s) of a sign(s) placed flat against the building wall shall not exceed sixty-five percent (65%) of the length of the wall of the building or of the storefront to which the sign(s) is/are attached. The total area of the sign shall not exceed ten percent (10%) of the total area of the wall to which the sign is being attached, or a maximum of one hundred twenty-five (125) square feet in display area, whichever is smaller.
  - 2) For businesses on corner lots that are permitted an additional wall sign on the secondary road frontage, the two wall signs must be mounted on separate sides of the building, each facing the road, and separated by a minimum of thirty (30) feet as measured around the corner along each building wall. The second sign, located on the side of the building facing the secondary road frontage, shall not exceed forty percent (40%) of the length of the wall of the building or of the storefront to which the sign(s) is/are attached. The total area of the sign shall not exceed six percent (6%) of the total area of the wall to which the sign is being attached, or a maximum of eighty (80) square feet in display area, whichever is smaller.

- 3) Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof.
2. Multi-Tenant Retail Developments - Retail developments having more than one retail tenant shall be permitted one (1) joint identification monument sign advertising the name of the development, and one (1) building mounted wall sign per each retail tenant in accordance with the following requirements:
    - a. Joint Identification Signs – Monument signs advertising a multi-tenant retail or business development may include the names of only four (4) principal tenants in addition to the name of the retail center or development. Joint identification monument signs shall be set back at least fifteen (15) feet from any right-of-way or lot line, shall be installed in a location that will not impede the view of traffic from driveways or intersections, and shall be installed outside of the clear vision triangle as defined in Section 105. In addition, Joint Identification Signs shall meet the following size requirements:
      - 1) For retail or business centers larger than three hundred thousand (300,000) square feet in total floor area, Joint Identification Signs shall not exceed fifteen (15) feet in height and eighty (80) square feet of display area for each side.
      - 2) For retail and business centers larger than one hundred fifty thousand (150,000) square feet but not more than three hundred thousand (300,000) square feet in total floor area, Joint Identifications Signs shall not exceed twelve (12) feet in height and sixty (60) square feet of display area for each side.
      - 3) For retail and business centers larger than fifty thousand (50,000) square feet but not more than one hundred fifty thousand (150,000) square feet in total floor area, Joint Identification Signs shall not exceed ten (10) feet in height and fifty (50) square feet of display area for each side.
      - 4) For retail and business centers fifty thousand (50,000) square feet or less in total floor area – Joint Identification Signs shall not exceed eight (8) feet in height and forty (40) square feet of display area for each side.
    - b. Wall Signs – Building mounted wall signs in multi-tenant retail developments may be constructed of individual letters attached to the building or constructed as a solid sign or sign cabinet and shall conform to the following requirements.
      - 1) For individual retail tenants larger than thirty thousand (30,000) square feet in floor area in a multi-tenant retail structure, the total area of the sign for each tenant shall not exceed ten percent (10%) of the total area of the wall to which the sign is being attached, or a total of one hundred twenty-five (125)

square feet in display area, whichever is smaller. Wall signs shall be located on or along the wall of the building which faces the street or parking lot and shall not project above the eaves of a sloped roof or the parapets of a flat roof.

- 2) For retail tenants less than thirty thousand (30,000) square feet in floor area in a multi-tenant building the total area of the sign for each tenant shall not exceed sixty (60) square feet in display area. For all Wall Signs in a multi-tenant building there shall be uniformity in height between the signs for each tenant and all signs shall be installed at the same height along the face of the building.
- c. Outparcel Signs – Retail and restaurant outparcels, including gas stations, shall be permitted signage in accordance with the standards established in Section 440.06(C) for single uses on individual lots.
3. Multiple Message and Variable Message Advertising Devices: such advertising devices may be permitted in Business or Industrial Districts under the following conditions:
  - a. Each message or copy shall remain fixed for at least seven (7) seconds.
  - b. When a message or copy changes by remote control or electronic process, it shall be accomplished in three seconds or less.
  - c. Such advertising devices shall contain a default design that will freeze the device in one position if a malfunction occurs.
  - d. Any maximum size limitations for a multiple message or variable message advertising devices shall apply as per Section 440.07(B).
  - e. Only one multiple message advertising device shall be permitted at a single location facing the same direction.
  - f. Digital display shall show one advertisement at a time and shall be limited to a total of six advertisements.
  - g. A multiple message or variable message advertising device shall project only static images with no moving or flashing content. No multiple message or variable message advertising device may include any image which is flashing, intermittent, or moving when the sign face is in a fixed position.
  - h. Such advertising devices shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than point three (0.3) foot candles over ambient light levels measured at a distance of one hundred fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet. In

addition to the above requirements, signs exempted under this subdivision shall be configured to default to a static display in the event of mechanical failure.

#### **440.06 General Requirements for all Permanent Signs**

- A. Location - Signs within Greenfield Township shall be located and installed in accordance with the following:
  - 1. No sign shall be placed in public rights-of-way, or any other public property or on utility poles, trees or natural objects.
  - 2. No sign shall be located in such a way that it obscures traffic control signs, obstructs the view of approaching or intersecting traffic, or interferes with the visibility or safety of vehicles or pedestrians entering, leaving or crossing a public right-of-way. Signs to be located near the intersection of a public or private road, or near the intersection of a driveway with a public or private road, shall be installed outside of the area defined as the Clear Vision Triangle within Section 105 of this Code.
  - 3. No signs, portable signs or other advertising media, shall extend over a public sidewalk or other public way.
- B. Display Area - The area of a sign shall be computed by means of a continuous perimeter forming a basic geometric shape which encloses the message or display and is differentiated from the wall or supporting structure on which it is placed in addition to the following:
  - 1. Two or More Faces - Where an area of a sign has two or more display faces, the area of all faces shall be used in determining the area of the sign unless the two display faces join back to back, are back to back and parallel to each other and not more than 24 inches apart, or form a V-angle of less than forty-five (45) degrees.
  - 2. Supporting Structures – Supporting structures or uprights on which a sign may be placed are excluded from the sign area if they contain no message and are clearly incidental to the display itself.
  - 3. Wall Mounted Signs – For wall mounted signs which consist of individually mounted letters, numbers, or other symbols on a wall or fascia, the area of the sign shall be the area of a rectangle circumscribed around the letters, numbers, or other symbols.
- C. Height - The height of a sign shall be measured as the distance from the average grade surrounding the sign to the top of the highest attached component of the sign. The placement of a ground sign on a mound or raised area for the purpose of increasing the height shall be prohibited.

- D. Lighting - The illumination of all signs shall comply with the following:
1. If illuminated, signs shall be illuminated only by the following means:
    - a. By a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
    - b. By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.
  2. The level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable safety hazard to air traffic or to vehicular traffic on any street from which the sign may be viewed.
  3. Ground mounted light fixtures used to illuminate signs shall be screened from view by site grading or landscaping.
- E. Construction - All signs shall be properly constructed and maintained to insure that no hazard is created, and shall be able to withstand a wind pressure of thirty (30) pounds per square foot. All electrical wiring, fittings and materials used in the construction and operation of electrically illuminated signs shall conform to the construction specifications of the National Electric Code (or the local electric code in effect).
- F. Maintenance - All signs and billboards shall be kept in a safe, secure condition. Should any sign or billboard be or become unsafe or be in danger of falling, the owner of the thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign or billboard in a safe and secure condition or remove the sign or billboard.
- G. Digital Signs - Digital Signs may be approved by the Zoning Inspector for Use in the Township provided that all digital Signs adhere to the requirements of Section 440 and the following conditions:
1. Digital Signs shall meet all other requirements of this Code including those for design, size, location, and lighting.
  2. Digital Signs shall not flash, wave, continually scroll, display objects or graphics in motion, or otherwise attract attention and/or distract drivers creating a public safety hazard.
  3. Digital Signs shall not be excessively bright in nature as to project light onto adjacent properties and rights-of-ways, cause glare or otherwise create a nuisance for adjacent properties or a safety hazard for drivers.

4. Digital Signs shall not change picture or message more than eight (8) times each minute.
5. Digital Signs in violation of the above shall be considered in violation of this Code and shall be subject to the actions and penalties outlined in Section 205. Each day of violation shall be considered a separate offense. In addition, digital signs which are in violation of this code, or which have demonstrated to be a safety hazard, may be ordered to be removed or replaced by the Township Zoning Inspector.

H. Change in Use - Whenever a principal use of a building or land changes, all signs which are associated with the former principal use shall be removed within 30 days, unless a new principal use of a building or land is established and the sign(s) can be adapted to the new principal use in a manner permitted by this Code.

#### **440.07 Nonconforming Signs**

##### **A. Abandonment**

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use as defined in Section 105 of this Code.
2. When the sign remains after the willful termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days and is considered abandoned if it stays closed for a period of two (2) years. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
  - a. All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
  - b. Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.
  - c. Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

##### **B. Relocation or Replacement**

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than 50 percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

**Section 445 – LANDSCAPING AND BUFFERING**

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## **Section 455 - ADULT ENTERTAINMENT BUSINESSES**

### **455.01 Purpose**

The purpose of this Section is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this Section to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to schools, churches, residential areas, parks and playgrounds within the Township.

### **455.02 Exceptions**

Nothing in this Section shall be construed to pertain to:

1. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
2. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

### **455.03 Location**

Adult Entertainment Facilities shall be considered a conditional use in the B-1, HB, PD, and PRB Districts, and shall be subject to the following conditions:

1. No adult entertainment facility shall be established within one thousand five hundred (1,500) feet of any residence or district where residences are a permitted use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any church, synagogue, or permanently established place of religious services attended by persons under eighteen (18) years of age.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any other adult entertainment facility.

6. No signage will be permitted displaying the following:
  - a. No advertisements, displays or other promotional materials that depict obscene materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
  - b. As used in this section “obscene” has the same meaning as in section 2907.01(F) of the Ohio Revised Code.
7. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
8. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

The Greenfield Township Trustees hereby approve the Greenfield Township Zoning Code dated August 21, 2018 including Amendments adopted on October 5, 2022.



Dave Cotner



Lonnie Kosch, Sr.



Kent Searle

Prepared by Greenfield Township Zoning Commission

Jack Barr  
June Queen  
Jeff Zech

Patrick Callahan  
Kim Wickham