

RUSHCREEK TOWNSHIP ZONING RESOLUTION
TABLE OF CONTENTS

Adopted: April 2, 2007
Effective Date: May 2, 2007

SECTION PAGE

ARTICLE I
TITLE, PURPOSE, AND CONFORMANCE

1.1	TITLE	1
1.2	PURPOSE	1
1.3	CONFORMANCE	1

ARTICLE II
INTERPRETATION OF STANDARDS – EXEMPTIONS AND LIMITATIONS

2.1	INTERPRETATION AND APPLICATION	2
2.2	SEPARABILITY CLAUSE	2
2.3	ADOPTION	2
2.4	USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL	2
2.5	OUTDOOR ADVERTISING	3

ARTICLE III
DEFINITIONS

DEFINITIONS	4
-------------	---

ARTICLE IV
ENFORCEMENT, PENALTIES, AND FEES

4.1	ENFORCEMENT	19
4.2	ZONING PERMIT REQUIRED	19
4.3	APPLICATION FOR ZONING PERMIT	19
4.4	APPROVAL OF ZONING PERMIT	19
4.5	SUBMISSION TO THE DIRECTOR OF DEPARTMENT OF TRANSPORTATION	20
4.6	EXPIRATION OF ZONING PERMIT	20
4.7	CERTIFICATE OF OCCUPANCY	20
4.8	VIOLATION	21
4.9	SCHEDULE OF FEES, CHARGES, AND EXPENSES	21

SECTION	PAGE
---------	------

**ARTICLE V
NON-CONFORMING USES**

5.1	INTENT	22
5.2	GRACE PERIOD	22
5.3	CONFORMANCE REQUIRED	22
5.4	NON-CONFORMING LOTS	22
5.5	NON-CONFORMING STRUCTURES	23
5.6	NON-CONFORMING USES	23
5.7	DAMAGE OR DESTRUCTION	24

**ARTICLE VI
ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES**

6.1	ZONING INSPECTOR	25
6.2	TOWNSHIP ZONING COMMISSION	25
6.3	BOARD OF ZONING APPEALS	26

**ARTICLE VII
ADMINISTRATIVE PROCEDURES**

7.1	PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES	28
7.2	PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES	31
7.3	PROCEDURE AND REQUIREMENTS FOR CONDITIONAL USES	34
7.4	PROCEDURE AND REQUIREMENTS FOR AMENDING TO A PLANNED UNIT DEVELOPMENT	36

**ARTICLE VIII
ZONING DISTRICTS AND ZONING MAPS**

8.1	DISTRICTS	40
8.2	MAP	40
8.3	DISTRICT BOUNDARIES	40
8.4	DISTRICT USES	40
8.5	SIMILAR USES	40
8.6	DEVELOPMENT STANDARDS	41

**ARTICLE IX
USE DISTRICTS**

9.1	R-R – RURAL RESIDENTIAL DISTRICT	42
9.2	MR – MULTI-FAMILY RESIDENTIAL DISTRICT	45

SECTION	PAGE
9.3 MHP – MOBILE HOME PARK DISTRICT	47
9.4 B-1 – HIGHWAY BUSINESS-COMMERCIAL DISTRICT	48
9.5 I-1 – GENERAL INDUSTRIAL DISTRICT	50
9.6 PUD – PLANNED UNIT DEVELOPMENT DISTRICT	53
9.7 F-P – FLOOD PLAIN OVERLAY DISTRICT	55

**ARTICLE X
GENERAL DEVELOPMENT STANDARDS**

10.1 BUILDING SIZE, LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS	57
10.2 MEASUREMENTS	57
10.3 ACCESSORY STRUCTURES	59
10.4 PRIVATE SWIMMING POOL	59
10.5 HOME OCCUPATIONS	60
10.6 RECREATIONAL VEHICLES	60
10.7 SIGNS	61
10.8 PARKING AND LOADING SPACES	63
10.9 REAR DWELLINGS	68
10.10 PORTABLE HOME STORAGE UNITS	69

**ARTICLE XI
CONDITIONAL USE REGULATIONS**

11.1 COMMERCIAL MINES, QUARRIES, AND GRAVEL PITS	70
11.2 FREE-STANDING TELECOMMUNICATION TOWERS	72
11.3 ADULT GROUP HOMES, RESIDENTIAL FACILITIES – TYPE B, NURSING HOMES, RESIDENTIAL CARE FACILITIES – TYPES A AND B, AND HOMES FOR THE AGING	75
11.4 KENNELS AND BOARDING OF DOGS OR OTHER SMALL ANIMALS	76
11.5 CEMETERIES	77
11.6 TYPE A FAMILY DAY-CARE HOMES AND CHILD DAY-CARE CENTERS	77
11.7 AUTOMOTIVE SERVICE STATIONS, AUTOMOBILE REPAIR SHOPS, AUTOMOBILE OIL CHANGING FACILITIES, DRIVE-THROUGH FACILITIES, AND COMMERCIAL PARKING LOTS	78
11.8 CHURCHES, SCHOOLS, PARKS, RECREATION FIELDS (BALL FIELDS, ETC.), RECREATIONAL AND COMMUNITY CENTERS, GOLF COURSES, COUNTRY CLUBS, COMMERCIAL SWIMMING POOLS, LIBRARIES, MUSEUMS, AND ART GALLERIES	79

SECTION	PAGE
11.9 RIDING ACADEMIES AND COMMERCIAL STABLES	80
11.10 BOARDING HOMES AND TOURIST HOMES (INCLUDING BED AND BREAKFAST ESTABLISHMENTS)	81
11.11 BARS, NIGHT CLUBS, POOL HALLS, BOWLING ALLEYS, DANCE HALLS, SKATING RINKS, OR OTHER SIMILAR ENTERPRISES	81
11.12 AIRPORTS	82
11.13 SEXUALLY ORIENTED BUSINESSES	82
11.14 MANUFACTURING, COMPOUNDING, PROCESSING, CLEANING, SERVICING, TESTING, OR REPAIRS OF MATERIALS, GOODS OR PRODUCTS; LABORATORIES; PRINTING; PUBLISHING AND ALLIED PROFESSIONS	83
11.15 STORAGE YARDS	84
11.16 JUNK AND SCRAP YARDS	85
11.17 SANITARY LANDFILLS	85
11.18 RURAL RESIDENTIAL BUSINESSES	86

ARTICLE I

TITLE, PURPOSE, AND CONFORMANCE

1.1 TITLE.

This Resolution shall be known as and shall be cited and referred to as the:

"Zoning Resolution of Rushcreek Township, Fairfield County, Ohio."

1.2 PURPOSE.

This Resolution is enacted in accordance with the Ohio Revised Code Section 519.01 et seq.

For the purpose of promoting the public health and safety, the Township Board of Trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with a comprehensive plan, may regulate the location of, set back lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the township. Except as otherwise provided in this section, the interest of the public convenience, comfort, prosperity or general welfare, the board may regulate by resolution, in accordance with a comprehensive plan, for nonresidential property only, the height, bulk, number of stories and size of buildings or other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces and the density of population in the unincorporated territory of the township. For all of these purposes, the board may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the Board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in any district or zone may differ from those in other districts or zones.

For any activities permitted and regulated under Chapter 1513 or 1514 of the Revised Code and any related processing activities, the Board of Township Trustees may regulate under the authority conferred by this section only in the interest of public health and safety. ORC Section 519.02

1.3 CONFORMANCE.

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any resolution, or amendment or supplement to such resolution adopted by any Township Board of Trustees under Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code. Each day of continuation in violation of this section may be deemed a separate offense. ORC Section 519.23

ARTICLE II

INTERPRETATION OF STANDARDS—EXEMPTIONS AND LIMITATIONS

2.1 INTERPRETATION AND APPLICATION.

The provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed by other provisions of law, or by other rules or regulations or resolutions, the provisions of this Resolution shall control.

It is not intended by this Resolution to interfere with abrogate, or annul any easements, covenants or other agreements between parties which do not violate this Resolution. Where any specific provisions of this Resolution conflict or conflicts with any other lawfully adopted rules, regulations, or resolutions, the most restrictive or those imposing a higher standard shall apply.

2.2 SEPARABILITY CLAUSE.

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

2.3 ADOPTION.

This Resolution shall become effective upon certification by the Board of Elections that the Resolution was approved as set forth in ORC Section 519.11. Upon adoption of this Resolution all/or any previous zoning resolutions now in effect shall be deemed to be repealed.

2.4 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL

A. AGRICULTURE EXEMPTED.

1. Except as otherwise provided in Section 2.4A2 of this section, Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code confer no power on any Township Board of Trustees, Township Zoning Commission, or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structures. ORC Section 519.21
2. As permitted by ORC Section 519.21(B), for any platted subdivision approved under Sections 711.05, 711.09, and 711.10 of the Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the 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, this zoning resolution hereby regulates:
 - a. Agriculture on lots of one acre or less.

- b. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines, height and size. Such buildings or structures shall comply with the requirements within the applicable zoning district.
 - c. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvements that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming uses of land and buildings or structures pursuant to Section 519.19 of the Revised Code and subject to the restrictions in Article V of this Resolution.
3. Section 2.4A2 confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.
 4. Such sections confer no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

B. PUBLIC UTILITIES AND RAILROADS.

Except as otherwise provided in ORC Section 519.211(B) or (C), such sections confer no power on any Township Board of Trustees or Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. (ORC Section 519.21) As provided in Section 519.211(B), telecommunication towers shall be regulated as a conditional use in the R-R and MR Districts and subject to the provisions of Section 11.2 of this Zoning Resolution.

C. RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES.

Such sections confer no power on any Board of County Commissioners, Board of Township Trustees, or Board of Zoning Appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted. ORC Section 519.21

2.5 OUTDOOR ADVERTISING.

For the purpose of Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code, outdoor advertising shall be classified as a business use and be permitted in the business and industrial districts. (See Section 10.7C for Outdoor Advertising Regulations).

ARTICLE III

DEFINITIONS

For the purpose of this Resolution, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted" or "intended to be used," and a "person" shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

There may be some definitions within this Article that are referenced as definitions from the Ohio Revised Code. Provided the state law should be changed which would affect one or more of these definitions said change shall be made a part of this Resolution the same as if adopted by the Rushcreek Township Board of Trustees.

ACREAGE: Any tract or parcel of land which has not been subdivided and/or platted.

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling . Examples of accessory structures are detached private garages, sheds, pool houses, storage buildings, and other similar type buildings.

ADULT ARCADE: any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE or ADULT VIDEO STORE: a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- B. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

ADULT CABARET: a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Person who appears in a state of nudity; or
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or

- C. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT FAMILY HOME: A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults (ORC Section 3722.01(7)).

ADULT GROUP HOME: A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults (ORC Section 3722.01(8)).

ADULT MOTEL: a hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

ADULT MOTION PICTURE THEATER: a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER: a theater, concert hall, auditorium, or similar commercial establishment which regularly features person(s) who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

AGRICULTURE: The use of land for any of the following purposes: farming; ranching; 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; the processing, drying, storing, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production (ORC Section 519.01).

ALLEY: A public or private right-of-way affording secondary means of access to abutting property.

APARTMENT: Two or more rooms, designed for, arranged for, intended for, or occupied, as a residence by one family with facilities for cooking therein.

APARTMENT BUILDING: Any building housing three (3) or more apartment units provided said units

are the principle use of the building.

AUTOMOBILE OR TRAILER SALES AREA: An open area other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

AUTOMOBILE REPAIR SHOP: A building or portion of a building in which commercial repairs are made to motor vehicles.

AUTOMOBILE SERVICE STATION: A place where gasoline, kerosene, or any other motor vehicle fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into the motor vehicles, including greasing and oiling on the premises.

BASEMENT: That portion of a building, the floor of which is not less than two (2) feet below and the ceiling of which is not more than four (4) feet and six (6) inches above the average grade. A basement shall not be included in the calculation of livable floor area of a residential dwelling.

BILLBOARD: See Sign, Outdoor Advertising.

BOARDING HOME: A building or part thereof, other than a hotel, motel, or restaurant, where for compensation by the week or month, meals and lodging are provided for at least three (3) but not more than eight (8) persons, and where no cooking and dining facilities are provided in individual rooms.

BUILDING AREA: The buildable area of a lot is the space remaining on a lot after the minimum open space requirements have been complied with.

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

BUILDING, HEIGHT OF: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip or gambrel roof.

CELLAR: Cellar means that portion of a building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above ground.

CARPORT: A covered vehicle parking space not completely enclosed by walls or doors. A carport shall be subject to all provisions in these regulations for an accessory structure.

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

CENTRAL SEWER SYSTEM: A system where individual lots are connected to a common sewerage system whether publicly or privately owned and maintained.

CERTIFICATE OF OCCUPANCY: A document issued by the Zoning Inspector which indicates that buildings, structures, or uses are consistent with this ordinance.

CHILD DAY-CARE CENTER: Any place in which child care or publicly funded child care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the

licensee or administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Any facility listed in ORC Section 5104.01(L)(1)-(3) shall not be considered a Child Day-Care Center (ORC Section 5104.01(L)).

CLINIC: Any building or other structure devoted to the medical diagnosis, treatment, and care of outpatients.

CO – LOCATION: The use of a telecommunication tower by more than one (1) telecommunications provider.

CONDITIONAL USE: A desirable use within a zoning district that may more intensely affect the surrounding area than would a permitted use in said district. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

COURT: An open, unoccupied space other than a yard, on the same lot with a building, unobstructed from the lowest level to the sky.

DENSITY: The number of families residing on, or dwelling units developed on a gross acre of land.

DEVELOPMENTAL DISABILITY: A disability that originated before the attainment of eighteen years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.

DISCARDED MOTOR VEHICLE: Any motor propelled vehicle, motor home, trailer or accessory use to the same, which is being or is in the process of being wrecked, dismantled, or stored and which does not have a valid license plate on it and is being continuously left outside.

DISTRICT: A section or sections of the unincorporated territory of the Township for which the regulations governing the use of buildings and premises.

DRIVE – THROUGH FACILITIES: A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle. Drive-through facilities may be developed in conjunction with another use including but not limited to a restaurant, pharmacy, bank, etc. or independently, such as a carry out, car wash, etc.

DWELLING: Any building, or portion thereof, which is designed or used primarily for residential purposes, including one- and two-family and multi-family units, but not including house trailer, hotels, motels, boarding homes, lodging houses, and tourist homes.

DWELLING—SINGLE FAMILY: A separate building occupied or constructed to be occupied exclusively as a residence by one family or housekeeping unit.

DWELLING—TWO FAMILY: A separate building occupied or constructed to be occupied exclusively as a residence by two families or housekeeping units.

DWELLING, MULTI-FAMILY: A building or portion thereof occupied or constructed to be occupied by

more than two families or housekeeping units.

DWELLINGS, GROUP: More than one (1) dwelling, whether single-family, two family, or multi-family or a combination, located on one lot and around a common court or courts.

DWELLING, REAR: A building occupied or constructed to be occupied for residential purposes which does not have at least thirty (30) feet of frontage on a public street.

DWELLING UNIT: One or more rooms that provide complete living facilities for one family including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.

ESCORT: a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to model privately lingerie or to perform privately a striptease for another person.

ESCORT AGENCY: a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

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

FLOOD HAZARD AREA: An area defined on the Flood Insurance Rate Map as having a one percent or greater chance of flooding in a given year.

FLOOD INSURANCE RATE MAP: An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Rushcreek Township and/or Fairfield County.

FLOOR AREA: The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

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

FRONTAGE: The portion of a lot that directly abuts a public street or street right-of-way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street right-of-way that are not continuous or abuts two (2) or more separate and distinct rights-of-way, the segments shall not be totaled together when calculating lot frontage. Rather the lot frontage will be measured from only the segment that directly abuts the public street or street right-of-way and provides access to the lot. Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage.

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

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

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

HOMES FOR THE AGING: A home that provides services as a residential care facility and a nursing home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment (ORC Section 3721.01(A)(8)).

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

HOSPITAL: An institution providing health and services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term hospital shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or nursing homes.

HOTEL: A building occupied as primarily the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than eight (8) sleeping rooms or apartments.

INDUSTRIALIZED UNIT: A building unit or assembly of closed construction fabrication 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, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity, but does not include a permanently sited manufactured home or mobile home as defined in Article III of the Rushcreek Zoning Resolution (ORC Section 3781.06(C)(3)).

JUNK YARD: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

LANDSCAPE: Sodded, seeded, and/or shrubbed materials or areas on a lot or tract of land.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group

of buildings, for the temporary parking of a commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT: A parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principle use and uses accessory thereto, together with the open space as required by this Resolution and having frontage on a public street.

LOT AREA: The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established right-of-way shall be included as part of the lot area for the purpose of these regulations.

LOT CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.

LOT COVERAGE: The portion of the lot area that is covered by any buildings.

LOT DEPTH: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The property lines defining the limits of a lot.

LOT LINE, FRONT: The line separating a lot from the street on which it fronts and/or to which it has access.

LOT LINE, REAR: The line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than the front or rear lot line; a side lot line separating a lot from the street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT OF RECORD: A lot which is part of a subdivision, or a lot described by metes and bounds the map and/or description of which has been recorded in the office of the Fairfield County Recorder.

LOT, THROUGH: See Lot, Double Frontage.

LOT, WIDTH: The mean width of the lot measured at right angles to its depth.

MANUFACTURE: The process of making something from raw or semi-finished materials whether by hand or by mechanized process. Making in these regulations also includes producing, assembling, fabricating, alloying, and metal and chrome plating.

MANUFACTURED HOME: A 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 pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974" and that has a 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 (ORC Section 3781.06(C)(4)).

MANUFACTURED HOME PARK: Per ORC Section 3733.01(A), any tract of land upon which three (3) or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. Per Section ORC Section 3733.01(A), manufactured home park does not include any of the following:

1. A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in section 3729.01 of the Ohio Revised Code;
2. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;
3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

MANUFACTURED HOME, PERMANENTLY SITED: Per ORC Section 3781.06(C)(6), a manufactured home, as defined herein, that meets all of the following criteria:

1. The structure is affixed to a permanent foundation such as masonry or concrete 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 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 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.
5. The structure is not located within a manufactured home park as defined in ORC Section 3733.01(A).

MINI-WAREHOUSE UNITS or STORAGE FACILITY: A building or group of buildings in a controlled access and/or fenced compound containing individual storage compartments, stalls, or lockers for the storage of customers' goods or wares.

MINIMUM BUILDING SETBACK LINE: A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot.

MOBILE HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a permanently sited manufactured home or industrialized unit as defined by Article III of the Rushcreek Zoning Resolution (ORC Section 4501.01(O)).

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

MOTEL: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed primarily as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

NONCONFORMING USE: Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Regulations of the district in which it is situated.

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or STATE OF NUDITY: The appearance of a human bare buttock, anus, male genitalia, female genitalia, or female breast.

NURSING HOME: A home used for the reception and care of individuals who by reason of illness or physical impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing. A nursing home is licensed to provide personal care services and skilled nursing care (ORC Section 3721.01(A)(6)).

OPEN SPACE: The required portion of a lot which is unoccupied by principal or accessory buildings and available to all occupants of the building for recreational use and other leisure activities normally carried on outdoors. This space shall not be devoted to service driveways or off-street parking or loading spaces.

OUTDOOR ADVERTISING SIGN (BILLBOARD): See Sign, Outdoor Advertising (Billboard).

OWNER: Owner of record according to records contained in the County Offices.

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

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

PATIO: An uncovered area, other than a parking space, surfaced or constructed, the use of which is customarily incidental to that of the main use or structure.

PERSON: An individual, proprietorship, partnership, corporation, association, or other legal entity.

PERSONAL SERVICES: Any enterprise conducted for gain in which services are open to the general public, such as shoe repair, watch repair, barber and beauty shops, and similar activities.

PRINCIPAL BUILDING: The building on a lot used to accommodate the primary use to which the premises are devoted.

PORTABLE HOME STORAGE UNITS: Any assembly of materials which is designed, constructed or reconstructed to make it portable and capable of movement from one site to another and designed to be used without a permanent foundation. Such structures are typically utilized for temporarily storing household goods or other such materials on a residential property. A portable home storage unit shall not be considered an accessory structure as defined in this Article due to its temporary nature.

PUBLIC BUILDINGS: Any structure owned and operated by a governmental agency or public school or school which is certified and/or licensed by the State of Ohio.

RECREATIONAL VEHICLE: Any vehicle used for recreational purposes, including all-terrain vehicles, boats, boat trailers, camper trailers, jet skis, motor homes, and snowmobiles.

RECYCLING TRANSFER FACILITY: A facility for the collection of waste products, such as paper, glass, and metals.

RESIDENTIAL CARE FACILITY – TYPE A: Accommodations for three (3) or more unrelated individuals, supervision or personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one (1) of those individuals, skilled nursing care as authorized by Section 3721.011 of the ORC (ORC Section 3721.01(A)(7)(b)).

RESIDENTIAL CARE FACILITY – TYPE B: Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment (ORC Section 3721.01(A)(7)(b)).

RESIDENTIAL FACILITY: A home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC, a county home or district home operate pursuant to Chapter 5155 of the ORC, or a dwelling in which the only mentally retarded or developmentally disabled residents are in the independent living arrangement or are being provided supported living (ORC Section 5123.19(A)(1)(a)).

RESIDENTIAL FACILITY – TYPE A: A licensed residential facility as defined herein that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) persons with mental retardation or developmental disability.

RESIDENTIAL FACILITY – TYPE B: A licensed residential facility as defined herein that provides room and board, personal care, habilitation services and supervision in a family setting for at least nine (9) but not more than sixteen (16) persons with mental retardation or developmental disability.

ROADSIDE STAND (FARM MARKET): A temporary vehicle or temporary stand without foundation used for the sale of agricultural produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farm(s) owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21, as amended June 29, 1982.

SATELLITE DISH: Any antenna or 'earth station' designed, constructed or modified to bring in or receive satellite television signals.

SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male or female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

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.

SIGN, FREESTANDING: Any sign which is wholly independent of any building for support.

SIGN, ON-PREMISES: Any sign that identifies or provides information related to a good, service or event that is located on the property where such sign is located.

SIGN, OUTDOOR ADVERTISING (BILLBOARD): Any sign that identifies or provides information for a good, service or event that is not located on the property where such sign is located.

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

SIGN, WALL: Any 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.

SPECIFIED ANATOMICAL AREAS: human genitalia in a state of sexual arousal.

SPECIFIED SEXUAL ACTIVITIES: any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.

STORY: That portion of a building included between the surface of any floor and the surface of the next

floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, FIRST: The lowest story or the ground story of any building the floor of which is not more than two (2) feet below the average grade.

STORY, HALF: A space under a sloping or pitched roof (i.e. gable, hip, gambrel) which has the line of intersection of the roof and wall face not more than four (4) feet above the top floor level.

STREET, COLLECTOR: A street providing traffic movement between the major arterials and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

STREET, MAJOR OR ARTERIAL: A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic, movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic. A major street shall be any street so designated on the approved Fairfield County Thoroughfare Plan.

STREET, PRIVATE: A thoroughfare which affords principal means of access to abutting property but which has not been dedicated to the public, or subject to public easements thereof.

STREET, PUBLIC: A public or private dedicated thoroughfare or thoroughfare subject to public easements thereof, and which affords the principal means of access to abutting property. The term street shall include avenue, drive, circle, street, parkway, boulevard, highway, thoroughfare, or any similar term.

STREET RIGHT-OF-WAY LINE: A dividing line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes, or if no right-of-way line is established, the right-of-way shall be assumed to be sixty (60) feet.

STRIP MINING: Removal of overburden for extraction of soils and/or minerals.

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including outdoor advertising signs (billboards).

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

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

SWIMMING POOL, COMMERCIAL: A body of water in an artificial or natural receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a private pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated

and maintained in conjunction with or by clubs, motels, hotels, and community associations.

TELECOMMUNICATION TOWER: Per ORC Section 519.211(B)(1), any free-standing structure, or any structure to be attached to a building or structure, that meets all of the following criteria:

- a. The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.
- b. The free-standing or attached structure is proposed to be owned or principally used by a public utility (*or equivalent provider*) engaged in the provision of telecommunication services.
- c. The free-standing or attached structure is proposed to be located in the unincorporated area of a township, in an area zoned for residential use.
- d(i). The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996 or as those regulations subsequently are amended.
- d(ii). The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
- e. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

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

TELECOMMUNICATION TOWER, ATTACHED: Any structure that will be attached to a building or other structure that meets the criteria for a telecommunication tower, as defined herein.

THOROUGHFARE PLAN: The official Thoroughfare Plan as adopted and as amended from time to time by the Fairfield County Regional Planning Commission establishing the general location and official right-of-way widths of the major and secondary highways and thoroughfares.

TOURIST HOME: An owner occupied or owner-employee occupied residence containing no more than eight (8) guest rooms for the lodging for periods not to exceed three consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel or motel. This includes a bed and breakfast establishment.

TYPE A FAMILY DAY-CARE HOME: A permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this code, any children under six (6) years of age who are related to a licensee, administrator,

or employee and who are on the premises of the child care shall be counted. This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps (ORC Section 5104.01(RR)).

TYPE B FAMILY DAY-CARE HOME: A permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this code, any children under six (6) years of age who are related to the provider and who are on the premises of the child care shall be counted. This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps (ORC Section 5104.01(SS)).

USE, TRANSITIONAL: A use of land or building located or permitted to be located on certain lots abutting a zoning boundary line in the more restricted of two different zoning districts in accordance with provisions of this ordinance.

USE: The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended to be carried on, in a building or on premises, or the name of a building, place, or thing which name indicates the use or intended use.

VARIANCE: A modification of the strict terms of this Resolution due to the strict enforcement of these regulations resulting in an unnecessary and undue hardship and where such modification will not be contrary to the public interest and such hardship is a result of a condition to the property (not the result of actions by the applicant).

VETERINARY HOSPITAL: A place used for care, grooming, diagnosis, and treatment of sick, ailing, or injured animals, including overnight accommodations and boarding, if incidental to the primary activity.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD, FRONT: A yard extending across the full width of a lot and being the perpendicular distance between the right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot.

YARD, REAR: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. In both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

YARD, SIDE: An open area extending from the nearest portion of a building or structure existing or proposed to be constructed on a lot and side lines of said lot and extending from the front yard to the rear yard, unoccupied and unobstructed from the ground upward.

YARD, SIDE—MINIMUM WIDTH: The shortest distance measured horizontally between any part of a building and the nearest side lot line.

ZONING INSPECTOR: The Zoning Inspector or authorized representative appointed by the Township Board of Trustees.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the construction or alteration of a building, structure, or use consistent with the terms of this Resolution.

ARTICLE IV

ENFORCEMENT, PENALTIES, AND FEES

4.1 ENFORCEMENT.

It shall be the duty of the Zoning Inspector, as provided under Section 519.02 et. seq. of the Ohio Revised Code to enforce this Resolution in accordance with the administrative and other provisions of this Resolution.

All officials and public employees of Rushcreek Township shall conform to the provisions of this Resolution and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this Resolution. Any permit or license, issued in conflict with the provisions of this Resolution shall be null and void.

4.2 ZONING PERMIT REQUIRED.

No building or other structure, unless specifically exempted per Section 2.4 of this Resolution, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore issued by the Zoning Inspector. The Zoning Inspector shall not issue a permit that does not conform to the provisions of this Resolution unless a written order is received from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution.

4.3 APPLICATION FOR ZONING PERMIT.

Three copies of an application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2 1/2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of the property.
- C. Existing use.
- D. Proposed use.
- E. Zoning district.
- F. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed buildings or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths.
- I. Number of dwelling units.
- J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

4.4 APPROVAL OF ZONING PERMIT.

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans

shall be returned to the applicant by the Zoning Inspector, after such copy is marked either approved or disapproved and attested to same by Zoning Inspector's signature on such copy. One copy of the plan, similarly marked, shall be retained by the Zoning Inspector. A copy of the application shall be forwarded by the Zoning Inspector to the County Auditor upon issuance of a Certificate of Occupancy. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Fairfield Department of Health of the proposed method of water supply and/or disposal of sanitary wastes prior to approval by the Zoning Inspector.

4.5 SUBMISSION TO THE DIRECTOR OF DEPARTMENT OF TRANSPORTATION.

Before a zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public street or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation, and a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the office. If notified that the State is proceeding to acquire the land needed, then a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this Resolution. ORC Section 5511.01

4.6 EXPIRATION OF ZONING PERMIT.

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the person affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2 1/2) years of the date of issuance thereof, said permit shall expire and 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 canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

4.7 CERTIFICATE OF OCCUPANCY.

- A. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.
- B. Certificates of occupancy shall be applied for coincident with the application of zoning permit, and shall be issued within ten (10) days after notice by the applicant that the exterior erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations.
- C. Temporary Certificate of Occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

- D. Record of Certificate of Occupancy shall be maintained by the Zoning Inspector. A record of all certificates of occupancy and a copy of any individual certificate shall be furnished upon request to any occupant or a legally authorized representative.

4.8 VIOLATION.

- A. Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Resolution and punishable under Section 4.8 D of this "Resolution."
- B. Construction and use is to be as provided in application, plans, permits, and certificates. Zoning permits 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, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.08 D of this Resolution.
- C. Complaints Regarding Violations are permitted. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector who shall properly record such complaint immediately, investigate, and take such appropriate action thereon as may be necessary and as provided by this Resolution.
- D. Penalties for Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500, or as permitted under Section 519.99 of the ORC, and in addition shall pay all costs and expenses involved in the case. Each day violating activity continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may be found guilty of a separate, offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board of Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

4.9 SCHEDULE OF FEES, CHARGES, AND EXPENSES.

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

ARTICLE V

NON-CONFORMING USES

5.1 INTENT.

Within the districts established by this Resolution or amendments hereinafter adopted there exists lots, structures, uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival.

5.2 GRACE PERIOD.

Any property purchased or acquired in good faith for any non-conforming use prior to the adoption of this Resolution, upon which property the work of changing or remodeling or construction of such non-conforming use has been legally commenced at the time of adoption of this Resolution, may be used for the non-conforming use for which such changing, remodeling, or construction was undertaken provided that such work is completed within two (2) years of the date of adoption of this Resolution or amendment thereto making said use non-conforming.

5.3 CONFORMANCE REQUIRED.

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.

5.4 NON-CONFORMING LOTS.

- A. The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any single legal non-conforming lot of record on the effective date of this code which has an area, lot width, and/or frontage less than that required for such structure or permitted use in the zoning district in which the lot is located. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances from the required yard setback standards shall be obtained only through action of the Board of Zoning Appeals.

- B. If two or more lots, combination of lots, or portion of lots with continuous frontage in single ownership are of record at the time of adoption of this code or amendments of this code, and if all or part of the lots without buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this code. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

5.5 NON-CONFORMING STRUCTURES.

- A. Continuation. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of Sections 5.5B, 5.5C and 5.7.
- B. Enlargement, Repair, Alterations. Any such structure described in Subsection 5.5A may be enlarged, maintained, repaired, or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional non-conformity or increase or extend the degree of existing non-conformity of all or any part of such structures.
- C. Moving. No structure described in Subsection 5.5A shall be moved in whole or in part for any distance whatever, to any other location on the same or any lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it will be located after being moved.

5.6 NON-CONFORMING USES.

- A. Continuation. Any lawfully existing non-conforming use of part or all of a structure or any lawfully existing non-conforming use of land, not involving a structure, may be continued, so long as otherwise lawful, subject to the restrictions of Sections 5.6B – 5.6F.
- B. Substitution. A non-conforming use may be changed to another nonconforming use only by the Board of Zoning Appeals, provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this Resolution, which if violated are punishable under Section 4.8D of this Resolution.
- C. Extension. Except as hereinafter specifically provided, no nonconforming use, except when required to so by law, shall be enlarged, extended, reconstructed or structurally altered.
 - 1. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a non-conforming use to be enlarged to an extent not exceeding twenty-five (25) percent of the ground floor area of the existing building or buildings devoted to a non-conforming use at the time of enactment of this Resolution or at the time of its amendment making a use non-conforming. The Board shall not authorize any enlargement which would result in a violation of the provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Resolution.
 - 2. The Board of Zoning Appeals may authorize the expansion of nonconforming uses of open~~er~~ space upon the land in ownership at the effective date of this Resolution or the date of any amendments making such use nonconforming, provided that such extension is necessary and incidental to the existing properties and shall involve no structure or buildings.

- D. Moving. No structure devoted in whole or in part to a non-conforming use, shall be moved to any other location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which it will be located after being so moved. Moreover, no non-conforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.
- E. Repair and Maintenance. Any structure devoted to a non-conforming use may be maintained, repaired, or structurally altered, provided, however, that no such maintenance, repair, or structural alteration shall either create any additional non-conformity or increase or extend the degree of the existing non-conforming use.
- F. Discontinuance. A non-conforming use which has been discontinued or abandoned shall not thereafter be returned to a non-conforming use. A non-conforming use shall be considered abandoned whenever any one of the following conditions exists:
 - 1. When the intent of the owner to discontinue the use is apparent.
 - 2. When the use has been discontinued for a period of two (2) years.
 - 3. When the non-conforming use has been replaced by a conforming use.
 - 4. When it has been changed to another non-conforming use under permit from the Board of Zoning Appeals.

5.7 DAMAGE OR DESTRUCTION.

In the event that any non-conforming building or other structures or any building or structure devoted in whole or in part to a non-conforming use is damaged or destroyed by any means, to the extent of more than fifty (50) percent of its fair market value at the time of damage, such building or other structure shall not be restored unless such building or other structure and the use-thereof conform to the regulations of the district in which it is located. If such damage is fifty (50) percent or less of its current fair market value, it may be reconstructed with previous dimensional characteristics and the previous use may be permitted, if a building permit is obtained, and restoration actually begins within one year after the date of such partial destruction.

ARTICLE VI

ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

6.1 ZONING INSPECTOR.

A Zoning Inspector designated by the Township Board of Trustees shall administer and enforce this Resolution and may be provided with the assistance of such other persons as the Board may direct. The Township Zoning Inspector, before entering upon established duties, shall give bond as specified in Section 519.161, Ohio Revised Code. The duties of the Zoning Inspector shall be:

- A. Upon finding that any of the provisions of this Resolution are being violated, a notification in writing shall be made to the person responsible for such violation(s), ordering the action necessary to correct such violations.
- B. Order discontinuance of illegal zoning, uses of land, buildings, or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done.
- E. Take any other action authorized by this Resolution to insure compliance with or to prevent violations of this Resolution. This includes the issuance of any permits; making and keeping records necessary and appropriate to the office including records of issuance and denial of zoning permits; collecting designated fees for zoning permits, appeals, variances, and conditional uses; and such similar administrative duties as are permissible under the law.

6.2 TOWNSHIP ZONING COMMISSION.

A. Township Zoning Commission

The Township Board of Trustees of any township proceeding under Section 519.01 to 510.99, inclusive, of the Ohio Revised Code shall create and establish a Township Zoning Commission. The Township Zoning Commission shall be composed of five members who reside in the unincorporated area of the Township to be appointed by the board, and the terms of the members will all be of such length and so arranged that the term of one member will expire each year. The Board of Township Trustees may appoint two alternative members to the Township Zoning Commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Where there is a County or Regional Planning Commission the Board may appoint qualified members of such commission to serve on the Township Zoning Commission. Each regular and alternate member shall serve until a successor is appointed and qualified. Members of the Township Zoning Commission shall be removable for nonperformance of duty, misconduct in office or other cause by the Board upon written charges being filed with the Board, after a public hearing has been held regarding such

charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

B. Proceedings of Zoning Commission

The Township Zoning Commission shall adopt rules necessary for conducting its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chair and at such other times as the Township Zoning Commission may determine. All meetings shall be open to the public. The Township Zoning 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, and shall keep records of its examinations and other official action, all of which shall be a public record and be immediately filed in the office of the Township Zoning Commission.

C. Duties of the Zoning Commission

For the purpose of this Resolution, the Commission shall have the following duties:

1. Review all proposed amendments to this Resolution in accordance with Section 7.1 and make recommendations to the Township Board of Trustees.
2. Review all planned unit developments and make recommendations to the Board of Township Trustees.
3. Review all proposed new zoning resolutions and make recommendations to the Township Board of Trustees.

6.3 BOARD OF ZONING APPEALS.

A. Creation and Appointment

A Board of Zoning Appeals is hereby established having the powers as hereinafter indicated. Said Board shall consist of five (5) members appointed by the Township Board of Trustees. Every member shall be a resident of the unincorporated area of the Township. Members shall be appointed for a term of five (5) years, except that the initial appointments shall be, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. However, each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by resolution of the Township Board of Trustees for the unexpired term of the member affected.

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 Trustees, upon written charges being filed with said, after a public hearing has been held regarding such charges and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at the usual place of residence. The member shall be given the opportunity to be heard and answer such charges.

B. Proceedings of the Board of Zoning Appeals

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the Resolution. Meetings of the Board shall be held at the call of the chair and at such other times as the Board determines. The chair, or an acting chair may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such a fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Board of Trustees and be made a matter of public record.

C. Duties of the Board of Zoning Appeals

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, 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 four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant of any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
2. To authorize such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
3. To grant conditional zoning permits as specified elsewhere in this Resolution and under the conditions specified and such additional safeguards as will uphold the intent of this Resolution.
4. To authorize the substitution of non-conforming uses in accordance with Section 5.6B or the expansion of a building containing a non-conforming use in accordance with Section 5.6C.

D. Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Board of Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Resolution. Under this Resolution the Township Board of Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 4.9 of this Resolution.

ARTICLE VII

ADMINISTRATIVE PROCEDURES

7.1 PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES.

This Resolution may be amended by utilizing the procedure specified in Section 7.1 A – O inclusive, of this Resolution.

- A. Whenever the public necessity, general welfare, or good zoning practice require, the Township Board of Trustees may by resolution after receipt of recommendations thereof from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property.
- B. Initiation of Zoning Amendments may be done in one of the following ways:
 - 1. By adoption of a resolution by the Township Board of Trustees.
 - 2. By adoption of a motion by the Township Zoning Commission.
 - 3. By filing of an application by at least one (1) owner or lessee of property within the area proposed or affected by said amendment. If a lessee of a property files an application for rezoning, the application shall include the signature of the property owner.
- C. Contents of Application for amendment shall include at a minimum the following information:
 - 1. Name, address, and phone number of the applicant.
 - 2. Proposed amendment to the text or legal description of the property affected.
 - 3. Present use and district.
 - 4. Proposed use and district.
 - 5. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
 - 6. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
 - 7. A statement on how the proposed amendment relates to the Fairfield County Comprehensive Plan, when and if adopted, and to the neighboring properties.
 - 8. A fee as established by the Township Board of Trustees.

D. Transmittal to Zoning Commission.

Immediately after the adoption of a resolution by the Township Board of Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission.

E. Submission to Regional Planning Commission.

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Township Board of Trustees, or the filing of an application by a property owner or lessee, the Zoning Commission shall transmit a copy of such document(s) together with the text and map pertaining to the case in question to the Fairfield County Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing by the Zoning Commission.

F. Submission to the Director of the Department of Transportation.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public street or highway, the Commission shall give notice, by registered mail or certified mail to the Director of the Department of Transportation. The Zoning Commission may proceed as required by law. However, the Township Board of Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Township Board of Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Department of Transportation and the property owner, the Township Board of Trustees shall proceed as required by law. ORC Section 5511.01

G. Public Hearing by Zoning Commission.

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Township Board of Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

H. Notice of Public Hearing in Newspaper.

Before holding the public hearing as required in Section 7.1G, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing by the Rushcreek Township Zoning Commission, the nature of the proposed

amendment, the name of the person giving notice of the public hearing, the time and place where the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Board of Trustees for further determination. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the proposed amendment, as they appear on the County Auditor's then current tax list, as well as, the present zoning classification of the subject property.

I. Notice of Property Owners by Zoning Commission.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.1H.

J. Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 7.1G, the Zoning Commission shall recommend to the Township Board of Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

K. Public Hearing by Township Board of Trustees.

Upon receipt of the recommendation from the Zoning Commission, the Township Board of Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

L. Notice of Public Hearing.

Notice of the public hearing required in Section 7.1K shall be given by the Township Board of Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing by the Rushcreek Township Board of Trustees, the nature of the proposed rezoning, the name of the person giving notice of the public hearing, and the time and place where the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the proposed amendment, as they appear on the County Auditor's then current tax list, as well as, the present zoning classification and the proposed zoning classification of the subject property.

M. Notice of Property Owners by Township Board of Trustees.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing may be mailed by the Fiscal Officer of the Township Board of Trustees, by first class mail, at least ten (10) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by the Township Board of Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.1L.

N. Action by Township Board of Trustees.

Within twenty (20) days after the public hearing required in Section 7.1K, the Township Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Township Board of Trustees denies or modifies the recommendation of the Zoning Commission the unanimous vote of the Board of Trustees is required.

O. Effective Date and Referendum.

Such amendment adopted by the Township Board of Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Township Board of Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total votes cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Township Board of Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. 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 immediate effect.

7.2 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.

Appeals and variances shall conform to the procedures and requirements of Section A - J inclusive.

A. Appeals

1. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer of the legislative authority of the Township affected by any decision of the Zoning Inspector.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with said Inspector, that by reason of facts stated within the application a stay would in Inspector's opinion, cause imminent peril

to life or property. In such case proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

- B. Variances. The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest but only in the case of exceptional conditions involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. Provided, however, no variances from the strict application of any provision of this Resolution shall be granted by the Board unless it finds, beyond reasonable doubt that all the following facts and conditions exist:
1. That there are special circumstances or conditions, fully described in the Board's decision applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Resolution would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land and building.
 2. That the variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.
 3. That the granting of the variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
 4. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonably practicable the formulation as a part of this code of a general regulations for such condition or situation.
- C. Procedure for Variance or Appeals Application. Any person owning or having an interest in property may file an application to obtain a variance or appeal a decision of the Zoning Inspector. An application for a variance or an appeal shall be filed in triplicate with the Zoning Inspector who shall forward without delay a copy to the Board of Zoning Appeals. The application shall be signed by the property owner.
- D. Contents of Application. The application for a variance or an appeal shall contain the following information:
1. Name, address, and phone number of the applicant.
 2. Legal description of property.

3. Each application on an appeal shall refer to the specific provisions of this Resolution.
 4. A list of property owners within, contiguous to, and directly across the street from the parcel being considered and their addresses as appearing on the County Auditor's then current tax list.
 5. Each application for a variance shall set forth:
 - a. The use for which special exception is sought.
 - b. Details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
 - c. The application for a variance must also be addressed to answering provisions of Section 7.2B 1 – 4.
- E. **Supplementary Conditions and Safeguards.** In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 4.8 (D) of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressed or by implication prohibited by the terms of this Resolution in said district.
- F. **Public Hearing by the Board of Zoning Appeals.** The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.
- G. **Notice of Public Hearing in Newspaper.** Before holding the public hearing required in Section 7.2F, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
- H. **Notice of Parties of Interest.** Before holding the public hearing required In Section 7.2F, written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.2G. Parties of interest shall include, owners of property contiguous to, and directly across the street from the property being considered.
- I. **Adjournment of Hearings.** Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.
- J. **Decisions of the Board of Zoning Appeals.** The Board shall decide all applications and appeals within sixty (60) days after completion of the hearing thereon, and such decision shall become effective upon certification of the Resolution of the Board. A certified copy

of the Board's decision shall be binding upon the Zoning Inspector, observed and by the Zoning Inspector shall be incorporated into the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board of Zoning Appeals by Resolution certifies its approval on any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal, a new application or appeal may be filed subject to the same procedure as an original application or appeal. If a new application or appeal is filed within one (1) year of the date of the Board's decision the Zoning Inspector shall not schedule any hearing until the Board has received the application or appeal and decided that there is new matter, evidence, or facts to be heard by the Board.

7.3 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES.

- A. Authorization. Specifically listed Conditional Uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Principal Permitted Uses of such zoning district. The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions as development, and with regard to appropriate plans.
- B. Application for Conditional Use. Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Resolution in the zoning district in which the property is situated. An application for a Conditional Use Certificate shall be filed in triplicate with the Zoning Inspector who shall forward without delay a copy to the Board of Zoning Appeals.
- C. Contents of Application. The application for a Conditional Use shall contain the following information:
 - 1. Name, address, and phone number of applicant.
 - 2. Legal description of the property.
 - 3. The proposed use of the property.
 - 4. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 - 5. A statement of the compatibility of the proposed use to adjacent property and land use.
 - 6. The application shall be accompanied by three (3) copies of the plat plan, drawn to an appropriate scale, clearly showing the following:
 - a. Boundaries and dimensions of the lot.
 - b. The size and location of existing and proposed structures.
 - c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking, loading spaces, and landscaping.

- d. The use of land and location of structures on adjacent property.
 - e. Architectural rendering when requested by the Board of Zoning Appeals.
 - 7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the Board of Zoning Appeals.
- D. Standards for Conditional Use. The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that such use complies with the following criteria and the specific criteria listed in Article XI:
- 1. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards, and use limitations.
 - 2. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 - 3. Adequate access streets or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
 - 4. All necessary permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.
 - 5. All exterior lights for artificial open-air illumination are so shaded as to avoid causing direct light upon any property located in an R-District.
 - 6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - 7. The location, nature, and height of buildings, structures, walls, fences, on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.
 - 8. The Conditional Use desired will not adversely affect the public health, safety, and morals.
- E. Supplementary Conditions and Safeguards. In granting any Conditional Use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Resolution and punishable under Section 4.8D of this Resolution.

- F. Public Hearing by the Board of Zoning Appeals. The Board shall hold a public hearing within thirty (30) days from the receipt of the application specified in Section 7.3B.
- G. Notice of Public Hearing in Newspaper. Before holding the public hearing required in Section 7.3F, notice of such hearings shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.
- H. Notices to Parties of Interest. Before holding the public hearing required in Section 7.3F, written notice of such hearing shall be mailed by the Secretary of the Board, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.3G.
- I. Action by the Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 7.3F, the Board shall approve, approve with supplementary conditions as specified in Section 7.3E, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas.
- J. Expiration of Conditional Use Permit. A Conditional Use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if for any reason the conditional use shall cease for more than six (6) months.

7.4 PROCEDURES AND REQUIREMENTS FOR AMENDING TO A PLANNED UNIT DEVELOPMENT

- A. Procedure. Planned Unit Development (PUD) Districts shall be approved as a district on the Zoning Map in accordance with the procedures set forth in this section and the PUD standards listed in Section 9.6. It is the intent of this section to incorporate the review and approval of a development plan with the amendment process. In addition to the procedures set forth in this section, Section 7.10 shall apply at such time an amendment to a PUD designation is adopted by the Board of Township Trustees.
- B. Application. An application to amend a tract of land to the PUD designation shall be filed with the Zoning Inspector. The application shall be signed by all owners of parcels within the tract of land for which the PUD is proposed. At a minimum, the application shall contain the following information:
 1. Name(s), address(es), phone number(s) of all property owners for each parcel within the tract to be rezoned.
 2. Name, address, and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the development plan.
 3. Legal description of the tract of land to be rezoned.
 4. Present use(s).

5. Proposed use(s).
6. A vicinity map showing the property lines and streets.
7. A development plan for the entire tract to be rezoned drawn to scale showing:
 - a. Layout of proposed lots and building setback lines, indicating dwelling unit types and the total number of dwelling units proposed in the development plan.
 - b. Layout, dimensions and names of existing and proposed streets and rights-of-way.
 - c. Existing topography at two (2)-foot or five (5)-foot intervals.
 - d. Location, type, and size of commercial uses.
 - e. Utility easements.
 - f. Any existing features on the tract of land to be rezoned to PUD, including, but not limited to existing water bodies, buildings, utilities, rights-of-way or streets, wetlands, parks, wooded areas, and other significant topographic or natural features.
 - g. Proposed parks, community spaces, and open spaces and any proposed amenities included within these areas.
 - h. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
 - i. Any proposed landscaping.
 - j. Any proposed signage.
 - k. The proposed schedule of site development.
8. The required fee as established in Section 4.9.
9. A list containing the names and mailing addresses of all owners of property within and contiguous to and directly across the street from the tract of land proposed for PUD zoning.
10. Verification by at least one owner of the tract of land that all information in the application is true and correct to the best of the owner's knowledge.
11. A written statement from the property owner(s) setting forth the reasons why, in the applicant's opinion, the planned unit development would be in the public interest and would be consistent with the stated intent of these planned unit development requirements.

- C. Notice to Fairfield County Regional Planning Commission. Within five (5) days of an application being filed for a PUD zoning, the Zoning Commission shall transmit a copy of the application including the development plan to the Fairfield County Regional Planning Commission. The Fairfield County Regional Planning Commission shall recommend approval, approval with conditions, or denial of the proposed zone change. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed zoning amendment.
- D. Zoning Commission Public Hearing. The Zoning Commission shall schedule a public hearing on the application for approval of the application, including the development plan, not less than twenty (20) nor more than forty (40) days from the date the application is filed by the property owner(s).
- E. Notice of Public Hearing. The Zoning Commission shall give notice of the public hearing required in Section 7.4 D by one publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published notice of the public hearing shall state the information required in Section 519.12 of the Ohio Revised Code. Written notice of the public hearing shall also be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of the property within and contiguous to and directly across the street from such area proposed for rezoning to the addresses of such owners appearing on the County Auditor's then current tax list. Notices to the individual property owners shall state the information required in Section 519.12 of the Ohio Revised Code.
- F. Zoning Commission Finding Required. Prior to making its recommendation, the Zoning Commission shall determine if the facts submitted with the application/development plan and presented at the public hearing establish that:
 - 1. The site has been designed in the most efficient manner possible.
 - 2. The proposed roads will be able to carry the traffic generated by the development.
 - 3. The proposed development will not be detrimental to the existing road networks outside of the proposed district.
 - 4. The land has been designed in a manner that protects existing critical resources and creates new, usable open spaces.
 - 5. Adequate water and waste disposal systems have been provided to accommodate the proposed development.
- G. Recommendation by Zoning Commission. Within thirty (30) days after the public hearing required in Section 7.4 D, the Zoning Commission shall recommend to the Township Board of Trustees that the application, including the development plan, be approved as requested, approved with conditions, or denied.
- H. Township Trustees Public Hearing. Upon receipt of the Zoning Commission's recommendation, the Township Board of Trustees shall schedule a public hearing on the

application, including the development plan. The public hearing shall not be more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

- I. Notice of Public Hearing. The Township Board of Trustees shall give notice of the public hearing by one publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published notice of the public hearing shall state the information required in Section 519.12 of the Ohio Revised Code. Written notice of the public hearing shall also be mailed by the Township Board of Trustees, by first class mail, at least ten (10) days before the date of the public hearing to all owners of the property within and contiguous to and directly across the street from such area proposed for rezoning to the addresses of such owners appearing on the County Auditor's then current tax list. Notices to the individual property owners shall state the information required in Section 519.12 of the Ohio Revised Code.
- J. Action by Township Board of Trustees. Within twenty (20) days after such public hearing, the Township Board of Trustees shall either adopt or deny the Zoning Commission's recommendations on the application and development plan or adopt some modification of them. If the Board denies or substantially modifies the recommendation of the Zoning Commission, the unanimous vote of the Trustees shall be required. Substantially modified shall include any changes in use, density, open space, layout of roads, access, etc. If the application for rezoning is granted, the area of land included in the application shall be designated as a Planned Unit Development on the Zoning Map upon the effective date of the rezoning. The resolution passed by the Township Board of Trustees approving the rezoning application shall incorporate the development plan, including any conditions that may be imposed by the Township Board of Trustees. Any violation of such conditions when made part of the terms under which the development plan is approved, shall be deemed a violation of this Resolution and subject to the provisions of Section 4.8D.
- K. Zoning Permit. The Zoning Inspector shall not issue a zoning permit for any structure in any portion of a PUD for which a plat is required by the Fairfield County Subdivision Regulations until the plat has been approved by the applicable County agencies and is recorded. Any modifications to a development plan approved by the Township Board of Trustees that may be required during the platting process must be approved by the Township Board of Trustees in accordance with Section 7.4L.
- L. Modifications to Approved Development Plan. The Township Board of Trustees may approve minor modifications to an approved development plan without a public hearing. If major modifications are proposed, such as a substantial change in use, density, layout of roads, access points, etc., the Township Board of Trustees shall require the modification to be considered through the public hearing process followed in the original application for rezoning.
- M. Expiration. If construction has not commenced within two (2) years of 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 an extension is granted by the Township Board of Trustees.

ARTICLE VIII

ZONING DISTRICTS AND ZONING MAPS

8.1 DISTRICTS.

In order to classify, regulate, and restrict the use and location of buildings designed for specified uses; to regulate and limit the heights and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to regulate and limit the density of population, Rushcreek Township, Fairfield County, Ohio, is divided into six (6) zoning districts, including one (1) overlay district. Said districts shall be known as:

R-R	RURAL RESIDENTIAL DISTRICT	9.1
MR	MULTI-FAMILY RESIDENTIAL DISTRICT	9.2
MHP	MANUFACTURED HOME PARK DISTRICT	9.3
B-1	HIGHWAY BUSINESS - COMMERCIAL DISTRICT	9.4
I-1	GENERAL INDUSTRIAL DISTRICT	9.5
PUD	PLANNED UNIT DEVELOPMENT DISTRICT	9.6
F-P	FLOOD PLAIN OVERLAY DISTRICT	9.7

8.2 MAP.

The boundaries of these districts are hereby established as shown on the Zoning Map of Rushcreek Township, Fairfield County, Ohio. Said Zoning Map and all notations and references and other matters shown hereon, shall be and are hereby made a part of this Resolution. Said Zoning Map shall be and remain on file in the Township Zoning office.

8.3 DISTRICT BOUNDARIES.

- A. Boundary Lines. Except where referenced and noted on the Zoning Maps by a designated line and/or dimensions the district boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads or the extension of such lines as they existed at the time of the passage of this Resolution.
- B. District Boundary Interpretation. The Zoning Inspector shall interpret the boundary lines which are on the Zoning Maps. When the Zoning Inspector's interpretation is disputed the boundary lines shall be determined by the Board of Zoning Appeals.

8.4 DISTRICT USES.

Regulations pertaining to the use of land within each zoning district as established in Article IX are hereby established. Land uses are either listed as permitted or conditional uses within the zoning districts in Article IX. Any unlisted use shall be prohibited within the applicable district, unless otherwise determined by the Zoning Commission to be a similar use in accordance with the provisions of Section 8.5 of this Ordinance.

8.5 SIMILAR USES.

- A. Determination as to whether a use is similar to uses permitted by right or conditional uses shall be considered as an expansion of use regulations of the district and not as a variance applying

to a particular situation. Any use found similar shall thereafter be considered as a permitted or conditional use in that district as applicable.

- B. Applications for zoning permits for uses not specifically listed in the permitted or conditional use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Zoning Commission.
- C. Within thirty (30) days after such submittal, the Zoning Commission shall determine whether the requested use is similar to those uses permitted by right or as a conditional use in the specific district. In order to find that a use is similar, the Zoning Commission shall find that all of the following conditions exist:
 - 1. Such use is not listed as a permitted or conditional use in another zoning district.
 - 2. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
 - 3. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is added.

8.6 DEVELOPMENT STANDARDS.

Lot area, setback, and height requirements for each district are listed in Article IX and are hereby established. The General Development Standards as listed in Article X are hereby established and shall apply to development within the districts as specified in this Resolution.

**ARTICLE IX
USE DISTRICTS**

9.1 R-R RURAL RESIDENTIAL DISTRICT.

- A. Intent. It is the intent of the R-R Rural Residential District to provide for single family dwellings on large tracts within areas of open land and agricultural activity. Areas in the District will not normally be served by public sewer and water.

- B. Principal Permitted Uses. Principal permitted uses of a building or lot in the R-R District shall only be used for the following purposes:
 - 1. Agriculture and the usual agricultural buildings and structures.
 - 2. One (1) single family detached dwelling per lot, including permanently sited manufactured homes, subject to the restrictions in Section 10.1A.
 - 3. Adult Family Homes.
 - 4. Residential Facilities – Type A.
 - 5. Type B Family Day-Care Home.

- C. Conditional Uses. Conditional uses are subject to approval by the Board of Zoning Appeals as provided in Section 7.3 and Article XI.
 - 1. Type A Family Day-Care Home and Child Day-Care Centers, subject to the standards in Section 11.6.
 - 2. Commercial mines, quarries, and gravel pits subject to the conditions in Section 11.1.
 - 3. Churches or other places of worship, including Sunday school buildings and parish houses; public and parochial schools, subject to the conditions in Section 11.8.
 - 4. Kennels and the boarding of dogs or other small animals, subject to the conditions in Section 11.4.
 - 5. Riding academies and commercial stables, subject to the conditions in Section 11.9.
 - 6. Parks, recreation fields (i.e. ball fields, tennis courts, etc.), recreational and community center buildings and grounds, golf courses, country clubs, and commercial swimming pools, subject to the conditions in Section 11.8.
 - 7. Cemeteries, including mausoleums and crematories, subject to the conditions in Section 11.5.

8. Libraries, museums, and art galleries, subject to the conditions in Section 11.8.
9. Free Standing Telecommunication Towers, subject to the conditions in Section 11.2.
10. Boarding Homes and Tourist Homes (including bed and breakfast establishments), subject to the conditions in Section 11.10.
11. Rural Residential Businesses, subject to the conditions in Section 11.18. Rural Residential Businesses include sawmills (woodworking such as cabinet making, furniture refinishing , repair or construction); commercial recreation uses, small engine maintenance and repair shop; outdoor sales of products built on-site; professional business and office sales; landscaping services; welding shops; retail sales; and commercial vehicle and equipment storage. Any rural residential business that may be proposed, but not listed above, may be permitted as a conditional use provided it is determined to be a similar use pursuant to the procedures of Section 8.5, a conditional use permit is issued in accordance with the procedures in Section 7.3 and such use complies with the conditions of Section 11.18.

D. Accessory Uses.

1. Accessory structures, as defined in Article III and regulated in Section 10.3.
2. Customary home occupations as permitted and regulated in Section 10.5.
3. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
4. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 10.4.
5. Street-side stands, offering for sale only agricultural products grown on the premises (farm markets).
6. Recreational vehicles, subject to the standards in Section 10.6.
7. Portable home storage units, subject to the standards in Section 10.10.

E. Signs. Signs shall be permitted in the R-R District as regulated in Section 10.7.

F. Off-street Parking and Loading. Off-street parking and loading spaces shall be provided in accordance with the requirements set forth in Section 10.8.

G. Lot Area, Yard Requirements, and Height Limits. Lot area, yard requirements, and height limits shall be as follows:

1. Minimum lot area required shall be one and one-half (1-1/2) acres.
2. Minimum lot frontage shall be one hundred seventy-five (175) feet.
3. Minimum front yard depth shall be forty (40) feet, measured in accordance with Section 10.2A of this Resolution.
4. Minimum rear yard depth shall be fifty (50) feet.
5. Minimum side yard width shall be twenty (20) feet, and the minimum sum of the side yards shall be fifty (50) feet.
6. Maximum height shall be thirty-five (35) feet.

9.2 MR – Multi – Family Residential District.

A. Intent.

It is the intent of the MR, Multi – Family Residential District, to provide an area for low density apartments. Due to the density permitted, this district should be utilized only in areas where public water and sewer are provided.

B. Principal Permitted Uses. Principal permitted uses of a building or lot in the MR District shall only be used for the following purposes:

1. Single – family detached dwellings, including permanently sited manufactured homes, subject to the restrictions in Section 10.1A.
2. Two-Family Dwellings.
3. Multi-Family Dwellings (including apartments and condominiums) up to four dwelling units per acre.
4. Adult Family Homes.
5. Residential Facilities – Type A.
6. Type B Family Day-Care Home.

C. Conditional Uses. Conditional uses are subject to the approval by the Board of Zoning Appeals as provided in Section 7.3 and Article XI.

1. Adult Group Homes, Residential Facilities – Type B, Nursing Homes, Residential Care Facilities – Types A and B, and Homes for the Aging, subject to the conditions in Section 11.3.
2. Type A Family Day-Care Home and Child Day-Care Centers, subject to the standards in Section 11.6.
3. Churches or other places of worship, including Sunday school buildings and parish houses; public or parochial schools, subject to the conditions in Section 11.8.
4. Parks, recreation fields (i.e. ball fields, tennis courts, etc.) recreational and community center buildings and grounds, golf courses, country clubs, and commercial swimming pools, subject to the conditions in Section 11.8.
5. Libraries, museums, and art galleries, subject to the conditions of Section 11.8.
6. Free Standing Telecommunication Towers, subject to the conditions in Section 11.2.
7. Boarding and Tourist Homes (including bed and breakfast establishments), subject to the conditions in Section 11.10.

- D. Accessory Uses.
1. Accessory structures, as defined in Article III and regulated in Section 10.3.
 2. Customary home occupations as permitted and regulated in Section 10.5.
 3. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
 4. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of a property on which it is located and subject to the provisions of Section 10.4.
 5. Recreational vehicles, subject to the standards in Section 10.6.
 6. Portable home storage units, subject to the standards in Section 10.10.
- E. Signs. Signs shall be permitted in the MR District as regulated in Section 10.7.
- F. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided in accordance with the requirements set forth in Section 10.8.
- G. Lot Area, Yard Requirements, and Height Limits. Lot area, yard requirements, and height limits shall be as follows:
1. Minimum lot area required shall be ten thousand (10,000) square feet per dwelling unit.
 2. Minimum lot frontage shall be eighty (80) feet.
 3. Minimum front yard depth shall be thirty (30) feet, measured in accordance with Section 10.2A of this Resolution.
 4. Minimum rear yard depth shall be thirty (30) feet.
 5. Minimum side yard depth shall be ten (10) feet and the minimum sum of side yards shall be thirty (30) feet.
 6. Maximum height shall be thirty-five (35) feet.

9.3 MHP – Manufactured Home Park District.

- A. Intent. It is the intent of the MHP, Manufactured Home Park District, to provide an area for planned manufactured home parks in accordance with Ohio Administrative Code 3701 and the Ohio Revised Code Section 3733.
- B. Principal Permitted Uses.
 - 1. Manufactured Homes, subject to the restrictions in Section 10.1A.
 - 2. Type B Family Day-Care Home.
- C. Accessory Uses.
 - 1. Accessory uses, buildings, or other structure customarily incidental to manufactured homes, including Home Occupations as regulated by Section 10.5.
 - 2. Portable home storage units, subject to the conditions in Section 10.10.
- D. Approval Procedures. Manufactured home parks shall be developed according to the standards and regulations stated and referenced in Section 9.3 E. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Section 7.1.
- E. The Rushcreek Township Zoning Commission and Township Board of Trustees shall review the particular facts and circumstances of each proposed MHP District in terms of the following standards and shall find adequate evidence that such development meets the following standards:
 - 1. The proposed manufactured home park will be adequately served by essential public facilities and services such as highways, streets, drainage, water, sewage disposal, refuse disposal, schools, law enforcement and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
 - 2. The vehicular approaches to the proposed manufactured park will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.
 - 3. The proposed manufactured home park will not result in the damage, destruction, or loss of any natural, scenic or historic features of major importance.
 - 4. The establishment of the proposed park shall not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhoods.
 - 5. All manufactured home parks shall have a twenty (20) foot landscape buffer along all public rights-of-way and adjacent parcels and shall comply with all the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

9.4 B-1 HIGHWAY BUSINESS-COMMERCIAL DISTRICT.

- A. Intent. It is the intent of the B-1 Highway Business-Commercial District to provide small business clusters for highway oriented business. These clusters should be located in the vicinity of intersecting, major streets and highways.
- B. Principal Permitted Uses. Principal permitted uses for a building or lot in the B-1 District shall be used only for the following purposes:
 - 1. Business, professional, medical and dental office buildings.
 - 2. Any retail business.
 - 3. Banks, building and loan associations, credit unions, and other similar financial institutions, without drive-through facilities.
 - 4. Institutions providing social, cultural, educational, and health services to member agencies, organizations, and individuals or to the general public.
 - 5. Funeral homes or mortuaries.
 - 6. Private clubs, lodges, and meeting places for similar organizations.
 - 7. Restaurants, without drive-through facilities.
 - 9. Outdoor advertising signs and billboards subject to the provisions of Section 10.7C.
 - 10. Personal Services, including barber and beauty shops, shoe repair services, tailoring services, etc.
 - 11. Self-service and dry cleaner services, without drive-through facilities.
 - 12. Hotels and Motels.
 - 13. Hospitals, Nursing Homes, Homes for the Aging.
 - 14. Veterinary offices; provided all business is conducted entirely within an enclosed building.
 - 15. Automobile Sales (New or Used).
 - 16. Telecommunication Towers.
 - 17. Mini-Storage Units.
- C. Conditional Uses. Conditional uses are subject to approval by the Board of Zoning Appeals as provided in Section 7.3 and any applicable standard in Article XI.
 - 1. Automobile service stations, automobile repair shops, automobile oil changing facilities, subject to the conditions in Section 11.7.

2. Commercial parking lots, subject to the conditions in Section 11.7.
3. Kennels and boarding of dogs or other small animals, subject to the conditions in Section 11.4.
4. Bars, night clubs, pool halls, bowling alleys, dance halls, skating rinks, or other similar enterprises, subject to the conditions in Section 11.11.
5. Drive-through facilities, developed independently or in association with a permitted use, subject to the conditions in Section 11.7.
6. Airports, subject to the conditions in Section 11.12.
7. Sexually Oriented Businesses, subject to the conditions in Section 11.13.

D. Accessory Uses.

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.
3. Dwelling units, provided said units are located in a building whose principal use is first permitted in the B-1 District.

E. Signs. Signs shall be permitted as regulated in Section 10.7.

F. Off-street Parking and Loading. Off-street parking and loading spaces shall be provided in accordance with the requirements set forth in Section 10.8.

G. Lot Area, Yard Requirements, and Height Limits. Lot area, yard requirements, and height limits shall be as follows:

1. Minimum lot area required shall be one and one-half (1-1/2) acres.
2. Minimum lot frontage shall be one hundred seventy-five (175) feet.
3. Minimum front yard depth shall be thirty (30) feet, measured in accordance with Section 10.2A of this resolution.
4. Minimum rear yard depth shall be fifty (50) feet.
5. Minimum side yard width shall be twenty-five (25) feet, unless located adjacent to a residential use, than a fifty (50) foot side yard width shall be required.
6. Maximum height shall be forty (40) feet.

9.5

I-1 GENERAL INDUSTRIAL DISTRICT.

- A. Intent. Intent of the I-1 General Industrial District is to provide areas for businesses, service establishments, and industrial uses. It is further the intent of the I – 1 District to prohibit dwelling uses.
- B. Principal Permitted Uses.
 - 1. Any retail use.
 - 2. Warehousing and distribution centers.
 - 3. Assembling or packaging of goods, materials, or products.
 - 4. The following types of manufacturing, processing, cleaning, servicing, or repair activities which will not be materially injurious to the occupants of adjacent premises or the community at large and will minimize as much as possible the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards glare or heat, or electromagnetic disturbances:
 - a. Fabrics.
 - b. Food products.
 - c. Ceramics.
 - d. Glass.
 - e. Wood
 - f. Paper products.
 - 7. Administrative, professional or business offices.
 - 8. Outdoor Advertising, subject to the requirements in Section 10.7C.
 - 9. Telecommunication Towers.
- C. Conditional Uses.
 - 1. Any manufacturing, compounding, processing, cleaning, servicing, testing, or repairs of the following materials, goods or products, when such uses will not be materially injurious to the occupants of adjacent premises or the community at large and where the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards glare or heat, or electromagnetic disturbances will be minimized as much as possible, subject to the conditions in Section 11.14:
 - a. Chemicals, including storage.

- b. Electronic components.
 - c. Leathers or furs.
 - d. Animal byproducts.
 - e. Metal.
 - f. Building materials.
 - g. Pharmaceuticals, cosmetics, or medical equipment/supplies.
 - h. Explosives, incendiary devices, flammables, ammunition, including storage.
 - i. Plastics, polymers, or rubbers.
2. Printing, Publishing, or Allied Professions, subject to the conditions of Section 11.14.
 3. Laboratories, subject to the conditions in Section 11.14.
 4. Storage yards for contractor's equipment, heavy machinery, repair equipment, motor vehicles, trucks, or other similar pieces of equipment or machinery , subject to the conditions in Section 11.15.
 5. Salvage yards, junk yards, scrap yards, and automobile wrecking yards, subject to the conditions in Section 11.16.
 6. Sanitary landfills, subject to the conditions in Section 11.17.
 7. Quarrying, mining, and resource extraction operations, subject to the conditions in Section 11.1.
- D. Accessory Uses. Accessory uses, buildings, structures, or other structures, customarily incidental to any aforesaid permitted uses shall be allowed.
1. Accessory uses, buildings, or other structure customarily incidental to any aforesaid permitted use.
- E. Signs. Signs shall be permitted as regulated in Section 10.7.
- F. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in Section 10.8.
- G. Lot Area, Yard Requirements, and Height Limits. Lot area, yard requirements, and height limits shall be as follows:
1. Minimum lot area required shall be one and one-half (1-1/2) acres.
 2. Minimum lot frontage shall be one hundred seventy-five (175) feet.

3. Minimum front yard depth shall be thirty (30) feet, measured in accordance with Section 10.2A of this resolution.
4. Minimum rear yard depth shall be fifty (50) feet.
5. Minimum side yard width shall be twenty – five (25) feet, unless located adjacent to a residential use, than a fifty (50) foot side yard width shall be required.
6. Maximum height shall be fifty (50) feet.

H. Prohibited Uses. No land, building, area, or structure in the I-1 District shall be used for any of the prohibited uses as follows:

1. Dwellings, residences, living quarters, or other residential uses, except for watchman quarters.
2. Motel or hotel.
3. Schools and colleges.
4. Churches.
5. Hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use.

9.6 PUD – Planned Unit Development District.

- A. Intent. The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that may not be included within traditional zoning districts. It is the purpose of the PUD 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.
- B. Conflict. Whenever there is a conflict or difference between Section 9.6 and those of other sections of the Zoning Resolution, the provisions of Section 9.6 shall prevail for the development of land within the PUD district. Subjects not addressed within Section 9.6 shall be governed by the respective provisions found elsewhere in this Resolution.
- C. Procedures for Rezoning to PUD. The procedures for rezoning a tract of land to a PUD district are provided in Section 7.4.
- D. Permitted Uses. Single–family; multi–family; commercial including retail uses, neighborhood commercial uses, and personal services; public and semi–public uses, open space, recreational uses, and accessory structures shall be permitted within the PUD district, provided that the proposed locations of commercial uses do not adversely impact adjacent property or the public health and safety, and that the location of commercial uses are limited to the specific locations approved by the Township Board of Trustees on the development plan.
- E. Minimum Project Area and Ownership. No tract of land shall be rezoned to the PUD district unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD district. A development plan approved under the procedures of Section 7.4 shall be binding upon the applicant(s), successors, and assigns.
- F. Development Standards. The following standards shall apply to development with the PUD district in addition to any requirements included in an approved development plan.
 - 1. Arrangement of Areas. The location and arrangement of various densities within the PUD shall be distributed so that the more intense uses are balanced with open space and less intense development. Less intense uses and open spaces should be placed around critical resources areas, such as existing water bodies, drainage patterns, wetlands, wooded areas, etc.
 - 2. Open Space. A minimum of twenty (20) percent of the gross acreage of the tract of land shall be set aside as common open space. Yard space on individual lots shall not count towards the open space requirements. Open space shall be placed within a reserve or protected by deed, easements or covenants. Open space shall be maintained by a Homeowners’ or Property Owners’ Association for the development, unless other arrangements for maintenance are made with the Township Board of Trustees during the rezoning process.
 - 3. Lot Area. No minimum lot area shall be required for an individual unit. However, the Township Board of Trustees shall consider the type of water and

waste disposal systems proposed when determining if sufficient lot area has been provided for individual units.

4. Setbacks. Minimum front, side and rear setbacks for individual lots within the PUD shall be determined by the approved development plan.
5. Height. No structure within a PUD shall exceed thirty–five (35) feet in height.
6. Utilities. Potable water and adequate sewage facilities shall be provided to accommodate the development.
7. Signs. Only those signs approved with the development plan shall be permitted within the PUD, except for temporary signs, which shall be regulated by Section 10.7A5.
8. Parking. Parking, unless otherwise approved with a development plan, shall be provided in accordance with Section 10.8.
9. Landscaping. The Township Board of Trustees, upon recommendation from the Township Zoning Commission, may require landscaping for non single–family developments within the PUD. The required landscaping shall be as approved by the development plan.

9.7 F-P FLOOD PLAIN OVERLAY DISTRICT

A. Purpose. This district is hereby established in recognition that certain areas are subject to periodic inundation along natural water courses, which are defined by this Resolution as flood hazard areas. The purpose of this chapter is to regulate uses within the flood hazard areas to minimize the risks and damage potential within such areas. It is further the purpose of this overlay district to operate in conjunction with the Fairfield County Special Purpose Flood Damage Prevention Regulations administered by the Fairfield County Regional Planning Commission.

B. Establishment of District Boundaries and Applicability. The boundaries of this overlay district shall include those areas identified as flood hazard areas having a one percent or greater chance of flooding in any given year. Such areas will include those designated by FEMA, as supplemented by any other appropriate and technically qualified information, including the U.S. Army Corps of Engineers, Soil Conservation District, and the Ohio Department of Natural Resources. The boundaries of the flood hazard areas are approximately shown on the Rushcreek Zoning Map, which shall be considered a part of this Resolution.

Any use permitted within this overlay district shall comply with the development standards for the underlying zoning district and the Fairfield County Special Purpose Flood Damage Prevention Regulations.

C. Permitted Uses. The following uses shall be permitted within the Flood Plain Overlay District provided such use is allowed as a permitted or conditional use in the underlying zoning district.

1. Agricultural uses.
2. Accessory industrial and commercial uses such as loading areas, parking areas, airport landing strips.
3. Areas associated with residential uses such as lawns, gardens, parking areas, play areas.
4. Parks, picnic areas, golf courses, tennis clubs, swimming facilities, country clubs, riding academies, and other similar recreational facilities.
5. Strip mining, including sand and gravel extraction, soil and peat moss removal.
6. Accessory structures to a principally permitted or conditional use.

D. Prohibited Uses. The following uses shall be prohibited within the Flood Plain Overlay District regardless of whether such use is considered to be a permitted or conditional use of the underlying zoning district.

1. Structures designed for human habitation.
2. On-site septic systems.

- E. Permit Required. Prior to a zoning permit being issued for a use within a flood hazard area, evidence of a flood building permit issued by the Fairfield County Regional Planning Commission must be submitted to the Township.

ARTICLE X

GENERAL DEVELOPMENT STANDARDS

10.1 BUILDING SIZE, LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS.

- A. Building Size. Any single-family dwelling, manufactured home, or permanently sited manufactured home shall contain a minimum livable floor area of one thousand one-hundred fifty (1,150) square feet on the first floor. However, when a single-family dwelling is designed with a total living area of at least one thousand two-hundred (1,200) square feet or more on two levels (separated by a seven (7) feet six (6) inches or more), the first floor area may be reduced to not less than seven hundred (700) square feet.
- B. Lot Area, Yard Requirements, and Height Limits. The minimum lot area, yard requirements and height limits shall be as established and listed within the applicable zoning district.

10.2 MEASUREMENTS.

- A. Front Yard Depth. The front yard depth shall be measured from the right-of-way line of the existing street on which the lot fronts provided there is a minimum right-of-way of sixty (60) feet. In the case where the right-of-way is less than sixty (60) feet the front yard depth shall be measured from a point thirty (30) feet from the centerline of the street.
- B. Side Yard Width. The side yard width shall be measured from the nearest side lot line and, in the case where the nearest side lot line is a side street lot line, from the right-of-way line of the existing street provided there is a minimum right-of-way of sixty (60) feet. In the case where the right-of-way is less than sixty (60) feet the side yard width shall be measured from a point thirty (30) feet from the centerline of the street.
- C. Exceptions.
 - 1. Side Yard Exceptions. The only side yard modifications and exceptions shall be:
 - a. Along the side line of a comer lot in a residence district, the width of the street side yard shall not be less than twenty (20) feet.
 - b. The side yard requirements for a row dwelling are the same as if said row dwelling was considered one structure.
 - c. Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width provided, however, that such side yard shall not be narrower at any point than three fourth (3/4) the otherwise required least width.
 - 2. Front Yard Exception. In any R-District where a block has thirty (30) per cent of the lot frontage on one side of the street improved with buildings, and the average depth of the front yards of said existing buildings along the entire block

front, excluding corner lots, is less than the front yard depth prescribed elsewhere in this Resolution the required depth of the front yards shall be modified, provided, however, there are two (2) or more front yards of existing buildings involved. In such cases the required front yard in question shall be the average depth of existing front yards provided further that said front yard shall be at least twenty (20) feet.

3. Projections Into Yards. The only projections into yards shall be:
 - a. A wall or fence not over six (6) feet high may be erected in any yard or court, except a front yard or side street side yard in which case the height of the wall or fence shall not be over four (4) feet. If the wall is a retaining wall the height shall be measured on the highest (fill) side. No fence, tree, or foliage shall be maintained on a lot that will materially obstruct the view of a driver of a vehicle.
 - b. Steps, uncovered porches, or other similar features not over three and one-half (3 1/2) feet high above the average finished grade and distant at least five (5) feet from every lot line may project into any yard.
 - c. Cornices, canopies, eaves, pilasters, sills, or other architectural features may project into any yard or court a distance not exceeding three (3) feet.
 - d. Chimneys may project into any yard a distance not exceeding two and one-half (2 1/2) feet, any bay windows or balconies may project into any yard a distance not exceeding three (3) feet, provided; however, that such chimneys, bay windows, and balconies, do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
4. Height Limits Exceptions.
 - a. The height limitations of this Resolution shall not apply to churches, schools, hospitals, and such public buildings as a library, museum, art gallery, fire station, or a public building of a cultural, recreational, or administrative nature. However, for each two (2) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased by one-half (1/2) foot over the side and rear yards otherwise required in the district.
 - b. Church spires, belfries, cupolas, and domes, monuments, fire and house towers, observation towers, chimneys, smokestacks, flag poles may exceed the height limitations.
 - c. The height limitations for the district in which bulkheads, water tanks, monitors, monuments, fire towers, hose towers, cooling towers, grain elevators, and gas holders are located shall not apply to such uses.

10.3 ACCESSORY STRUCTURES.

- A. Accessory buildings shall be subject to the following requirements:
1. All accessory structures shall be located to the rear or side of the principal structure.
 2. Accessory structures may encroach a required rear or side yard, but in no case, shall an accessory structure be closer than five (5) feet from the side or rear lot line.
 3. The cumulative area for accessory structures shall not exceed two thousand six hundred (2,600) square feet.
 4. Each residential lot shall be permitted to have a five-hundred eighty (580) square foot private garage either attached or detached from the principal structure that shall not count toward the maximum cumulative area of accessory structures.
 5. No single accessory structure shall exceed the ground floor area of the principal structure nor be located closer than ten (10) feet to the principal structure or other accessory structure on the same lot.
 6. An accessory structure shall not exceed fifteen (15) feet in height. For the purposes of this section, height is measured from the established grade to the top of the highest wall of the accessory structure.
 7. Accessory structures, larger than one hundred (100) square feet, shall be placed on a permanent foundation.
 8. Accessory structures shall not be located in an area designated by the Health Department for the placement of leach fields.

10.4 PRIVATE SWIMMING POOLS

- A. No private swimming pool shall be allowed in residential districts except as an accessory use, and it must comply with the following conditions and requirements:
1. The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property.
 2. The pools shall be located to the side or rear of the principal structure and no closer than fifteen (15) feet to any lot line of the property on which it is located.
 3. The swimming pool or the entire lot on which it is located shall be walled or fenced by a four (4) foot or higher structure so as to prevent uncontrolled access by children from the street or from adjacent properties.
 4. An enclosed swimming pool shall be considered an accessory structure and shall comply with the requirements of Section 10.3. An existing pool shall not be enclosed unless it complies with the requirements of Section 10.3.

10.5 HOME OCCUPATIONS

- A. If a home occupation complies with the following criteria, it shall be permitted as an accessory use in residential districts.
1. A home occupation shall be conducted entirely within a dwelling unit and shall be clearly subordinate to the use of the dwelling unit. Home occupations shall not be conducted within accessory structures, such as garages or sheds, on the lot.
 2. The appearance of the dwelling unit in which a home occupation is conducted shall not be altered or the occupation within the dwelling shall not be conducted in a manner which would cause the premises to differ from its residential character either by colors, materials, construction, or lighting.
 3. The home occupation shall not generate traffic greater in volume than normal for a residential neighborhood.
 4. The home occupation shall not include wholesale or retail sales.
 5. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises.
 6. The home occupation shall not occupy more than twenty (20) percent of the livable floor area of the dwelling unit.
 7. The home occupation shall be operated by a person who is a resident of the dwelling unit in which the home occupation is conducted. There shall be no more than one employee of the home occupation who does not reside within the dwelling unit in which the home occupation is conducted.
 8. No more than three vehicles, used by customers of the home occupation, may be parked at the location of the home occupation at any one time.
 9. There shall be no outside storage of any kind related to a home occupation, including the storage of vehicles used for the home occupation. Accessory structures shall not be used for storage of materials related to the home occupation.
 10. Signs shall be permitted as regulated for the district in which the home occupation is located.

10.6 RECREATIONAL VEHICLES

- A. Parked and stored camping equipment and recreational vehicles as defined by Article III shall not be connected to water, gas, or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes.

- B. If the camping equipment or recreation vehicles is parked or stored outside of a garage, it shall be parked or stored to the side or rear of the house.

10.7 SIGNS

- A. General Sign Regulations. All signs shall comply with the following general regulations and the size, height and setback standards for the applicable zoning district, as specified in Section 10.7B.

- 1. Sign Lighting.

- a. Sign lighting shall be consistent, understated, and properly disguised. One of the following methods of lighting may be employed:
 - i. A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way.
 - ii. A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
- b. The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign can be viewed.
- c. Light fixtures shall be screened from view by site grading or evergreen shrubs.

- 2. Moving Signs. Moving signs are prohibited.

- 3. Pennants and/or Streamers. No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.

- 4. Roof Signs. Roof signs are prohibited.

- 5. Temporary Signs. Temporary signs are permitted in all districts provided such signs are less than sixteen (16) square feet in area and four (4) feet in height, provided such signs are not displayed for more than sixty (60) calendar days within any 180-day period. Such signs must also be located at least six (6) feet from the right-of-way line. Temporary signs that are seven (7) square feet in area or less and three (3) feet in height or less shall not be subject to the 60 day time limit.

- 6. Subdivision Identification Signs. Permanent signs identifying a residential subdivision shall be limited to wall mounted signs only,

with placement on walls entrance columns or similar landscape features used to denote the entrance to the subdivision. There shall be no more than one subdivision identification sign per development entrance. Each sign shall not exceed eight (8) feet in height and twenty (20) square feet in area. Each sign shall be setback a minimum of 15 feet from the right-of-way.

7. Construction - All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard.

B. On-Premise Signs Size, Height, and Setback Requirements. All on-premise signs shall comply with the size, height and setback requirements for the district in which the sign is located. These requirements are listed in the following table:

District	Permitted Types	Max. # of Signs	Max. Height (Ft.)	Max. Sign Area (Sq. Ft.)*	Min. Setback from R.O.W (Free Standing)
R – R					
Permitted Uses	Wall or Freestanding	1	20 (Wall) 6 (Freestanding)	4	10
Conditional Uses**	Wall or Freestanding	1	25 (Wall) 10 (Freestanding)	20	10
MR	Wall or Freestanding	1	25 (Wall) 10 (Freestanding)	20	10
MHP	Wall	1	12	4	NA
B – 1***	Wall or Freestanding	2 with no more than 1 freestanding sign	35 feet (Wall) 15 feet (Freestanding)	60	20
I -1 ***	Wall or Freestanding	2 with no more than 1 freestanding sign	35 feet (Wall) 15 feet (Freestanding)	60	20
PUD	Per Approved Development Plan				
F-P	Per Underlying Zoning District				

*Maximum Sign Area applies to each permitted sign and shall be measured in accordance with Section 10.7D.

**These sign requirements shall apply to a conditional use within the district, unless otherwise further restricted by the associated conditional use requirements in Article XI.

***In addition to permitted on-premise signs, outdoor advertising signs (Billboards) are permitted in the B – 1 and I – 1 districts per the regulations in Section 10.7C.

- C. Outdoor Advertising Signs (Billboards). Outdoor advertising signs (Billboards) shall be permitted only in the B – 1 and I – 1 districts in addition to any on-premise signs permitted in Section 10.7B. All outdoor advertising signs (Billboards) shall comply with the following requirements:
1. The maximum height of an outdoor advertising sign shall be 35 feet.
 2. All outdoor advertising signs shall comply with the setback requirements for the district in which such sign is located.
 3. The maximum sign area for each face of an outdoor advertising sign shall be three hundred sixty (360) square feet.
 4. No outdoor advertising sign shall be located within one thousand (1,000) feet of a residential zoning district or one thousand (1,000) feet from any other outdoor advertising sign.
- D. Measurement of Signs. For purposes of this Resolution, the measurement of sign area shall comply with the following standards:
1. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
 2. Where an on-premise sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
 3. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.

10.8 OFF-STREET PARKING AND LOADING SPACES.

- A. Off Street Parking Requirements. In all districts, every industrial, business, institutional, recreational, and residential or any other use shall provide at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this section.
1. Off-Street Parking Design Standards: All off-street parking facilities shall be in accordance with the following standards and specifications:
 - a. Parking Space Dimensions: Each off-street parking space shall be at least nine (9) feet in width and eighteen (18) feet in length. All drive aisles shall be a minimum of twenty-four (24) feet in width.

- b. There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not have access to a public street, there shall be provided an access drive, of not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the parking or storage areas, or loading or unloading spaces, required hereunder, in such manner as to secure the most appropriate development of the property in question. Such access drive must be located within an easement of access. Easements of access established in the R-R district shall only serve those uses permitted in the R-R district.
 - c. All off street parking spaces, except those required for single-family dwelling units, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street shall be traveling in a forward motion.
- 2. Parking spaces for all types of uses may be provided either in garages or parking areas conforming to the provisions of this Resolution.
- 3. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such facility is required to serve.
 - a. For single-family or multi-family dwellings, on the same lot with the building they are required to serve.
 - b. For uses permitted and located in a B-I District and those uses listed as conditional uses in the R-R and MR districts, not more than three hundred (300) feet from the building they are required to serve.
 - c. For uses other than those specified above, not more than eight hundred (800) feet from the building they are intended to serve.
- 4. For the purpose of this section, "floor area" in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used, or intended to be used, by tenants; or by services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores, or buildings; for toilet or restrooms; for utilities, or for dressing rooms, fitting, or alteration rooms.
 - a. In hospitals, bassinets shall not be counted as beds.
 - b. In stadiums, sports arenas, churches, and other places of assembly; in which patrons or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining facilities under this Resolution.

- c. When units of measurement, determining number of required parking spaces, result in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
5. Whenever, in any building, there is a change in use, or an increase in floor area, or other unit of measurement specified hereinafter; for the purpose of determining the number of required off-street parking spaces, and such change or increase creates a need for an increase of more than ten (10) percent in the number of off-street parking spaces, as determined by the requirements in this section additional off-street parking spaces shall be provided on the basis of the increased requirement of the new use, or on the basis of the increase in floor area, or other unit of measurement. However, in the case where a change or changes in use creates a need for an increase of less than five (5) off-street parking facilities since the effective date of this Resolution, no additional space shall be required.
6. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.
7. Nothing in this section shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses; provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided, also, that the requirements set forth in A3 of this section as to maximum distances between parking facilities and buildings, or uses served, shall apply to each establishment participating in the collective provision of parking.
8. Not more than fifty (50) percent of the off-street parking facilities required under this section for a church, theater, bowling alley, dance hall; or an establishment for the sale and consumption of food, alcoholic beverages or refreshments; may be supplied by off-street parking facilities provided by other types of buildings or uses as specified in A9 of this section which are not normally open, used, or operated during the principal operating hours of theaters, churches, or other aforesaid establishments, provided that a properly drawn instrument is executed by the parties concerned for the joint use of the off-street parking facilities, which instrument duly approved as to form and manner of execution by the Township's Legal Representative shall be filed with the application for a zoning permit. Buildings or uses not normally open, used, or operated during the principal operating hours of theaters, churches, or other aforesaid establishments; are defined as banks, business offices, retail stores, personal service shops, clothing, or shoe repair, or service shops, manufacturing buildings, and similar uses.
9. The number of off-street parking facilities required shall be as set forth in the following table. In the case of a use not specifically mentioned in the table, the requirements for off-street parking of a similar use shall be utilized, as determined by the Zoning Inspector.

REQUIRED OFF STREET PARKING SPACES

Use	Number of Parking Off Street Spaces	Use	Number of Off Street Parking Spaces
Automobile or Machine Sale Service	One (1) space for each eight hundred (800) square feet of floor area	Dwellings	Two (2) spaces for each family or dwelling unit
Banks, business, and professional offices except medical and dental offices or clinics	One (1) space for each four hundred (400) square feet of floor area	Funeral Home, Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area, whichever is greater
Bowling Alleys	Five (5) spaces for each alley plus the necessary space as set forth in this section for affiliated uses such as bars, restaurants, and the like	Furniture and Appliance Stores, Household Equipment, or Furniture Repair Shop, over on thousand (1,000) square feet of floor area	Four (4) spaces plus one (1) space for every four hundred (400) square feet of floor area over one thousand six hundred (1,600) square feet
Churches and Schools	One (1) space for each eight (8) seats in an auditorium or one (1) space for each six (6) seats in places of worship or one (1) space for each seventeen (17) classroom seats, whichever is greater	Hospitals, Nursing Homes, Adult Care, Residential Care, and Residential Facilities, Homes for the Aging, and other similar uses.	One (1) space for every two (2) beds
Dance Halls and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms in conjunction with auditoriums	One (1) space for each one hundred (100) square feet of floor area used for assembly or dancing	Hotels, Boarding Homes, Lodging Houses, Motels, Tourist Homes	One (1) space for each bedroom
		Libraries, Museums, or Galleries	One (1) space for each six hundred (600) square feet of floor space

Use	Number of Off Street Parking Spaces
Manufacturing Plants, Research or Testing Laboratories, Assembly Plants	One (1) space for each one thousand two hundred (1,200) square feet of area
Medical and Dental Offices or Clinics	One (1) space for each one hundred (100) square feet of floor area
Restaurants, Bars, and Night Clubs	One (1) space for each one hundred (100) square feet of floor area
Retail Stores, Shops, Etc.	One (1) space for each two hundred (200) square feet of floor area
Sports Arenas, Auditoriums, Assembly Halls, other than Schools	One (1) space for each six (6) seats
Wholesale Establishments or Warehouses	Five (5) spaces plus one (1) space for every three thousand (3,000) square feet of floor area over five thousand (5,000) square feet

- B. Loading Space Requirements. Loading spaces shall be provided and maintained in the same premises in accordance with the specifications within this Section.
1. Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with public use of the streets or alleys.
 2. Loading and unloading space shall not be occupied or considered as any part of the required off-street parking.
 3. Each loading space shall be a 10-foot by 25-foot loading space with a 14-foot height clearance. The number of loading spaces for a particular use shall be as follows:
 - a. Buildings used for manufacturing, storage, warehouses, goods display, retail stores, hospital, dry cleaning, or other similar uses.

Square Feet	Number
3,000 – 20,000	1 space
Each additional 20,000	1 space
 - b. Buildings used for offices or hotel.

Square Feet	Number
3,000 - 149,999	1 space
150,000 -399,999	2 spaces
400,000 - 649,999	3 spaces
Each additional 250,000	1 space
 - c. All other uses.

Square Feet	Number
1,000- 9,999	1 space
10,000- 39,999	2 spaces
40,000 or more	3 spaces
	(plus one space for each 30,000 square feet over 40,000 square feet of building area.)

10.9 REAR DWELLINGS.

Rear dwellings shall be prohibited and considered nonconforming uses subject to the requirements of Article V.

10.10 PORTABLE HOME STORAGE UNITS.

- A. Portable home storage units shall be permitted as accessory uses within any residential district, provided the following regulations are met. A zoning permit shall be obtained for any portable home storage unit greater than sixty-four (64) square feet in area.
1. Portable home storage units shall be prohibited from being located within any right-of-way.
 2. Portable home storage units shall be kept in the driveway of the property at the furthest accessible point from the street.
 3. Only two (2) portable home storage units shall be permitted on any residential property at any one time.
 4. Portable home storage units shall be permitted for 180 calendar days within any 365 calendar day period.
 5. Portable home storage units shall not be utilized for living purposes.

ARTICLE XI

CONDITIONAL USE REGULATIONS

11.1 Commercial Mines, Quarries, and Gravel Pits.

- A. Intent. The intent of this section is to create standards for commercial mines, quarries, and gravel pits when such uses are listed as conditional uses. The Board of Zoning Appeals may permit a commercial mine, quarry, or gravel pit in any district where it is listed as a conditional use, upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties provided the following conditions and the general conditions of Section 7.3D are guaranteed by the applicant.
- B. Submission of Additional Information. Two (2) copies of the following information shall be submitted with the application.
1. Name of the owner or owners of the land from which removal is to be made.
 2. Name of the applicant making request for such permit.
 3. Name of the person or corporation to be conducting the actual operations.
 4. Location, description, and size of area from which the removal is to be made.
 5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the processor or any other firm, person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise, in so far as reasonably possible.
 6. Type of resources or materials to be removed.
 7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
 8. General description of the equipment to be used.
 9. Method of rehabilitation and reclamation of the mined area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with the contour lines at intervals of five (5) feet or less.
- C. Development Standards:
1. All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practicable noise, vibration, or dust, which would injure or annoy persons living in the vicinity. Accessways or roads within the premises shall be maintained in a dust free condition through

surfacing or such other treatment as may be specified by the Board of Zoning Appeals.

2. No mining or sand and gravel removal shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Zoning Appeals, where such is deemed necessary for the protection of adjacent property, especially when such use is located adjacent to a residential district. However, the above specified 50-foot setback may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
3. In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way, except as may otherwise be provided for by Section 4153.11 of the Ohio Revised Code.
4. Any excavated area adjacent to a right-of-way of any public street or road shall be back filled for a distance of one hundred fifty (150) feet from the right-of-way.
5. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
6. Quarrying shall not be carried out closer than fifty (50) feet to any adjoining property line unless the written consent of such adjoining property(s) has first been obtained.

D. Rehabilitation Requirements. All depleted areas shall, within a reasonable length of time as determined by the Board, be reclaimed and rehabilitated. A rehabilitation plan, that complies with the requirements of the following subsections, shall be submitted:

1. All excavations shall be made either to a water producing depth plus five (5) feet below the water mark, or shall be graded and back-filled with non-toxious, non-combustible, and non-flammable solids to assure:
 - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or
 - b. That the graded or back-filled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.
2. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line on the pit bottom, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in subsection D3 below.

3. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
4. Proper drainage shall be provided for the mined area.
5. All equipment and structures shall be removed from the depleted area within six (6) months of the completion of operations therefrom.
6. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public.
7. Due to the inherent difficulties in reclaiming and rehabilitation areas where stone has been quarried, the Board is hereby empowered, in the issuance of a Conditional Use Permit for the quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest without restricting the operations of the owner.

11.2 Free-Standing Telecommunication Towers

- A. Intent. The intent of this section is to regulate the placement and construction of telecommunication towers in residential districts in order to protect the public health, safety, and morals without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage co-location of antennas on existing towers in order to minimize tower locations and to protect residential areas through the use of height, setback, and lot area requirements.
- B. Applicability. The following regulations shall apply, through the conditional use process, to free-standing telecommunication towers located within a residential zoning district, unless otherwise exempted by Section 11.2 D. These regulations shall not apply to telecommunication towers proposed in zoning districts that list such structures as permitted uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit when a proposed free-standing telecommunication tower in a residential district complies with all of the conditions listed below. When measuring setbacks and lot area, the dimension of the entire lot shall control, even though the tower may be located on a leased area within such lot.
 1. The minimum lot area shall comply with the minimum lot area for the applicable zoning district.
 2. The minimum setback shall be a 1:1 ratio (for every foot in tower height there shall be one foot of distance from the tower base to the nearest lot line). No new residential structures shall be permitted within this setback area.
 3. The maximum height of the telecommunication tower shall be two hundred (200) feet from the existing grade to the highest point of the tower.
 4. All towers shall be of a non-corrosive monopole design, as opposed to a lattice design, and shall be non-contrasting gray or similar color. A galvanized steel

finish will also be permitted. Alternative tower designs that camouflage the tower and/or antenna, such as man-made trees, may also be permitted as approved by the Board of Zoning Appeals.

5. A fence (minimum six (6) feet in height) shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider.
6. A landscaped buffer of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the tower and any adjacent public right-of-way and any adjacent properties. The 15-foot buffer shall consist of hardy evergreen shrubbery, not less than six (6) feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional landscaping upon review of an individual application. All required landscaping shall be continuously maintained and promptly restored, if necessary.
7. No signage shall be permitted anywhere on the telecommunication tower, antenna, fence, etc., except for a sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language shall be attached to the gate of the required fence. Any other signage required by Federal Regulations shall be permitted.
8. No lighting shall be permitted, except as required by Federal regulations.
9. One point of access from a public road to the free-standing telecommunications tower shall be provided. The Board of Zoning Appeals may require review by the Township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
10. The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
11. The applicant shall demonstrate that co-location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.) Engineer, inventorying all existing telecommunication towers in Rushcreek Township. If the applicant cannot demonstrate that co-location is not feasible, the Board of Zoning Appeals may deny the conditional use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if co-location is not feasible:
 - a. Written documentation from the owner of the existing tower(s) refusing to allow co-location;
 - b. The proposed antenna would exceed the structural capacity of the existing tower, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer.

- c. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer.
 - d. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably as documented by a qualified R. F. engineer.
 - e. Co-location would violate Federal, State, County or Township regulations.
- 12. The tower shall be removed within 180-days after the use of the tower is discontinued.
 - 13. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna to the extent possible.
 - 14. Any other conditions as warranted by the Board of Zoning Appeals.
- D. Exemptions. In the event, a telecommunication tower is proposed within a residential district, the telecommunication tower may be exempt from all telecommunication tower regulations and may be considered to be a permitted use, if criteria listed in 1 and 2 below have been met:
- 1. The telecommunication provider provides each of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the County Auditor's then current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the telecommunication tower is proposed to be constructed, stating all of the following in clear and concise language:
 - i. The person's intent to construct the tower.
 - ii. A description of the property sufficient to identify the proposed location;
 - iii. That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that the telecommunication regulations of the Rushcreek Township Code apply to the proposed location of the tower.
 - b. Written notice to the Board of Township Trustees of the information specified in 11.2 D (1) (a) (i) and (ii). The notice to the Board shall also include verification that the person has complied with the Section 11.2 D(1) (a) of the Rushcreek Township Zoning Resolution. Within 15 days of a telecommunications provider mailing the notices, a Township

Trustee may object to the proposed location of the telecommunications tower.

2. If the Board of Township Trustees receives no notice from a notified property owner nor an objection from a Township Trustee is provided within 15 days of a provider mailing the notices, then the proposed telecommunication tower is exempt from all telecommunication regulations within the Rushcreek Township Zoning Resolution.
3. If a notice from a notified property owner or an objection from a Township Trustee is made, then all applicable telecommunication tower regulations within the Rushcreek Township Zoning Resolution shall apply. The Township Fiscal Officer, within 5 days of receiving the first objection from a property owner or Trustee, shall notify the telecommunications provider that the telecommunication regulations within the Rushcreek Township Zoning Resolution apply.
4. If a provider fails to send proper notices, then the regulations within this section shall apply.

11.3 Adult Group Homes, Residential Facilities – Type B, Nursing Homes, Residential Care Facilities – Types A and B, and Homes for the Aging.

- A. Intent. The intent of this section is to create standards for adult group homes, residential facilities–type B, nursing homes, residential care facilities–types A and B, and homes for the aging when such uses are proposed in a district where permitted only as conditional uses. Given the size and intensity of these uses, it is important to provide development standards for these uses when located in certain areas of the township to ensure that these uses are designed in a manner that integrates them into the overall character of their surrounding area.
- B. Applicability. These standards shall apply when such uses are proposed in a district where they are listed as conditional uses. These standards shall not apply in districts where such uses are listed as permitted.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for an adult group home, residential facility–type B, nursing home, residential care facility–type A and B, or a home for the aging, if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3D:
 1. The proposed use must be located on a minimum of two (2) acres.
 2. The proposed facility is located no closer than thirty (30) feet from a side lot line and no closer than fifty (50) feet from a rear lot line.
 3. A fifty (50)-foot front yard depth, measured in accordance with Section 10.2A, has been provided.
 4. Adequate ingress/egress has been provided for the facility and the proposed facility will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the district in which the use is proposed.

5. The proposed architecture is compatible with the surrounding neighborhood.
6. The proposed signage complies with the sign regulations for the applicable district.
7. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
8. Sufficient evidence has been provided indicating that all required licenses and certificates from the State of Ohio have been obtained.
9. Sufficient evidence has been provided that any necessary on-site water and septic systems have been approved by the applicable governing agency.
10. In the case of proposed residential facilities–type B, there is no other type B-residential facility within one thousand (1,000) feet of the proposed facility.
11. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

11.4 Kennels and the Boarding of Dogs or Other Small Animals

- A. Intent. The intent of this section is to create standards for kennels and the boarding of dogs and other small animals to minimize the impact of such uses on the surrounding areas.
- B. Applicability. These standards shall apply when such uses are proposed in a district where they are listed as conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a kennel or the boarding of dogs and other small animals, if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3D.
 1. All buildings shall be located at least one hundred (100) feet from any lot line.
 2. Adequate ingress/egress shall be provided to the proposed site.
 3. Outdoor pens shall be prohibited. All outdoor exercise runs shall be enclosed by a solid wall or fence.
 4. Adequate waste disposal methods shall be established to ensure that odor is not noticeable off-site.

5. Adequate soundproofing techniques shall be provided to help reduce the impact of noise on the surrounding neighborhood. These can include landscaping, fencing, special building materials, etc.
5. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

11.5 Cemeteries.

- A. Intent. The intent of this section is to create standards for cemeteries where permitted as conditional uses.
- B. Applicability. These standards shall apply to cemeteries when listed as a conditional use.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a cemetery, if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3D.
 1. The proposed cemetery shall be located on at least forty (40) acres and shall have direct access to a public road that is sufficient to handle the traffic generated by the cemetery. Existing cemeteries may be smaller than forty (40) acres.
 2. All buildings, including mausoleums, and all graves/burial lots shall be located no closer than one hundred (100) feet from any lot line.
 3. Sufficient evidence shall be provided to the Board of Zoning Appeals ensuring that the grounds will be properly maintained.
 4. Any other conditions as warranted by the Board of Zoning Appeals.

11.6 Type A Family Day-Care Homes and Child Day-Care Centers.

- A. Intent. It is the intent of this section to create standards for Type A Family Day-Care Homes and Child Day-Care Centers to ensure the use is compatible to the surrounding neighborhood in which the use is located.
- B. Applicability. These standards shall apply when a Type A Family Day-Care Home is proposed within a district where considered to be a conditional use.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a Type A Family Day-Care Home, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 1. Parking and circulation shall be designed to reduce congestion, promote safety, and reduce the impact on the residential character of the area. The site layout shall provide for the separation of ingress and egress vehicles during high volume periods and shall provide safe drop-off point(s) for children that will not impede other traffic.

2. All outdoor play areas shall be fully enclosed by a minimum four (4) foot tall fence, shall be located to the rear of the principal structure, and shall be screened from adjacent parcels by the use of hardy evergreen shrubs. The fence shall not exceed six (6) feet in height.
3. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
4. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.

11.7 Automotive Service Stations, Automobile Repair Shops, Automobile Oil Changing Facilities, Drive-Through Facilities, and Commercial Parking Lots.

- A. Intent. It is the intent of this section to create standards for automotive service stations, automotive repair shops, automotive oil changing facilities, drive-through facilities, and commercial parking lots to ensure proper controls are in place to protect the surrounding area from any potential impacts on access, circulation, etc. generally associated with such uses. It is further the intent of this section to ensure that adequate buffers are provided around these auto-oriented uses.
- B. Applicability. These standards shall apply when an automotive service station, automotive repair shop, automotive oil changing facility, drive-through facility, or commercial parking lot is proposed within a district where considered to be a conditional use.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for an automotive service station, automotive repair shop, automotive oil changing facility, drive-through facility, or commercial parking lot if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 1. The proposed use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed use. The Board of Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed use.
 2. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of use proposed and shall be located in accordance with appropriate access management principles. The Board of Zoning Appeals may require the proposed site plan to be reviewed by the Fairfield County Engineer's office to ensure adequate access is proposed.
 3. The proposed use shall include proper on-site circulation within the development, including appropriate stacking areas.
 4. Stacking spaces for gas pumps, service bays, drive-through facilities, etc. shall be provided to prevent encroachment of vehicles into parking areas and/or

adjacent road networks. There shall be at least one (1) stacking space for each gas pump, service bay etc. Each drive-through facility shall have a minimum of three (3) stacking spaces between any ordering area and pick-up window(s), in addition to at least three (3) stacking spaces behind the ordering area. Each stacking space shall be nine (9) feet wide and twenty-two (22) feet deep. The Board of Zoning Appeals may require additional stacking areas when needed to ensure proper on-site circulation.

5. Sufficient landscaping around the perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with auto-oriented uses. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
6. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, access points and buffering from adjacent uses.

11.8 Churches, Schools, Parks, Recreation Fields (Ball Fields, etc.), Recreational and Community Centers, Golf Courses, Country Clubs, Commercial Swimming Pools, Libraries, Museums, and Art Galleries.

- A. Intent. It is the intent of this section to create standards for uses involving the assembly of people and/or community, recreational, educational, or cultural activities that will be conducted in areas where such uses are listed as conditional uses. Such uses may require some additional restrictions above and beyond those standards found within the zoning district in which they will be located. These additional standards are being required to ensure such uses will not negatively impact their surrounding areas.
- B. Applicability. These standards shall apply when a church, school, recreation field (i.e. ball field), recreational or community center, golf course, country club, commercial swimming pool, library, museum or art gallery is proposed within a district where they are listed as a conditional use.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for church, school, park, recreation field (i.e. ball field), recreational or community center, golf course, country club, commercial swimming pool, library, museum, or art gallery, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 1. All buildings and structures shall have a minimum setback of one hundred (100) feet from any residential district boundary. Any outdoor activities shall be located a minimum of 200 feet from any residential district boundary.
 2. Music, loudspeakers, and other sound-emitting devices that are not located within a fully enclosed building shall be prohibited within two hundred (200) feet of any residential district boundary.
 3. Sufficient evidence shall be provided that all off-street parking spaces have been provided in accordance with Section 10.8 and that any on-street parking will be prohibited.

4. A site plan shall be submitted as part of the conditional use application to demonstrate that adequate ingress/egress will be provided and that the sufficient on-site circulation patterns are proposed.
5. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping. The Board of Zoning Appeals shall ensure no lighting will create a nuisance to adjoining residential uses and/or impair safe movement of traffic on any street or highway.
6. All facilities shall meet any applicable Local, County, and/or State of Ohio health, building, electrical, or any other applicable codes.
7. Sufficient evidence has been provided that any necessary on-site water and septic systems have been approved by the applicable governing agency.
8. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, and access points that will reduce any traffic impacts such uses may have on the adjacent residential road network.

11.9 Riding Academies and Commercial Stables.

- A. Intent. It is the intent of this section to create standards for Riding Academies and Commercial Stables to ensure the uses are compatible to the surrounding neighborhood in which the use is located.
- B. Applicability. These standards shall apply when a Riding Academy or Commercial Stable is proposed within the R-R District, where it is considered to be a conditional use.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a Riding Academy or Commercial Stable, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 1. All riding areas, barns, and similar uses shall not be less than two-hundred (200) feet from a lot line.
 2. The areas around a building and horse grooming and exercise areas shall be graded so that water does not stand in pools. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
 3. Adequate fencing shall be provided to ensure the animals are contained within the premises.
 4. Animal waste shall be handled in such a manner as to eliminate or minimize the detection of offensive odors by surrounding property owners.

5. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
6. Any other conditions as warranted by the Board of Zoning Appeals.

11.10 Boarding Homes and Tourist Homes (including Bed and Breakfast Establishments)

- A. Intent. It is the intent of this section to create standards for Boarding Homes and Tourist Homes (including Bed and Breakfast Establishments) to ensure the uses are compatible to the surrounding neighborhood in which the use is located.
- B. Applicability. These standards shall apply when a Boarding Home or Tourist Home (including a Bed and Breakfast Establishment) is proposed within a district where they are considered conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a Boarding Home or Tourist Home (including a Bed and Breakfast Establishment), if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 1. The proposed use shall not include more than eight (8) guest rooms. Any similar use having more than eight (8) guest rooms shall be considered a hotel or motel and shall be limited to the districts in which such uses are permitted.
 2. Sufficient off-street parking shall be provided in accordance with Section 10.8 and adequately screened when facing any existing residential structures on adjacent lots.
 3. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
 4. The proposed architecture shall be compatible with the surrounding neighborhood.
 5. Any other conditions as warranted by the Board of Zoning Appeals.

11.11 Bars, Night Clubs, Pool Halls, Bowling Alleys, Dance Halls, Skating Rinks or other similar enterprises.

- A. Intent. It is the intent of this section to create standards for Bars, Night Clubs, Pool Halls, Bowling Alleys, Dance Halls, Skating Rinks and other similar enterprises to ensure such uses are compatible to the surrounding area in which the use is located.

- B. Applicability. These standards shall apply when a Bar, Night Club, Pool Hall, Bowling Alley, Dance Hall, Skating Rink or other similar enterprise is proposed within a district where they are considered to be conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a Bar, Night Club, Pool Hall, Bowling Alley, Dance Hall, Skating Rink, or other similar enterprise, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 - 1. Such use is located a minimum of one hundred (100) feet from any residential district boundary. Any outdoor activities shall be located a minimum of two hundred (200) feet from any residential district boundary.
 - 2. Music, loudspeakers, and other sound-emitting devices that are not located within a fully enclosed building shall be prohibited within two hundred (200) feet of any residential district boundary.

11.12 Airports

- A. Intent. It is the intent of this section to create standards for Airports and other similar enterprises to ensure such uses are compatible to the surrounding area in which the use is located.
- B. Applicability. These standards shall apply when an Airport is proposed within a district where they are considered to be conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for an airport, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 - 1. All structures and runways shall be located at least two hundred (200) feet from any residential district boundary.
 - 2. All signs must comply with the sign regulations for the applicable zoning district.
 - 3. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
 - 4. Such uses should be located along a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation.

11.13 Sexually Oriented Businesses.

- A. It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented business within the Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented

materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

It is recognized that sexually oriented businesses, due to their nature have serious objectionable operational characteristics particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent areas.

The Township Board of Trustees desires to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of urban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.

- B. Applicability. These standards shall apply when a Sexually Oriented Business is proposed within a district where it is considered to be conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit only if it finds in each particular instant that:
 - 1. The proposed sexually oriented business is located more than one thousand (1,000) feet from:
 - a. A church.
 - b. A public or private elementary or secondary school.
 - c. A boundary of a residential district as established by the Township Board of Trustees.
 - d. A public park adjacent to a residential district as established by the Township Board of Trustees.
 - e. The lot line of lot devoted to residential use.
 - f. An already existing sexually oriented business or one that has received a conditional use permit.
 - g. Any structure that contains a residence.
 - 2. The proposed use meets all other requirements of this Resolution.

11.14 Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Materials, Goods or Products; Laboratories; Printing, Publishing and Allied Professions.

- A. Intent. It is the intent of this section to create standards for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Material, Goods or Products; Laboratories; Printing, Publishing, and Allied Professions to ensure such uses do not negatively impact the surrounding areas.
- B. Applicability. These standards shall apply to the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products;

Laboratories; Printing, Publishing and Allied Professions that are proposed in the I-1 and are not listed as a permitted use in Section 9.5B4.

- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products; Laboratories; Printing, Publishing, or Allied Professions, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 - 1. Such uses shall be conducted a minimum of five hundred (500) feet from any residential district boundary and said operations will not be materially injurious or offensive to the occupants of adjacent premises or community by reason of the emission or creation of noise, vibration, electrical or other types of interference, materials, odors, fire, explosive hazards, glare or heat.
 - 2. Sufficient landscaping around the perimeter of the site shall be provided to reduce any potential noise, visual, and environmental impacts associated with the proposed use. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
 - 3. The proposed site shall have adequate ingress/egress for the type of vehicles utilized for transporting such materials, goods, or products, and proper on-site circulation shall be provided within the development, including appropriate loading/unloading areas.

11.15 Storage yards.

- A. Intent. It is the intent of this section to create standards for storage yards to ensure they are properly screened from adjacent rights-of-way and residential districts.
- B. Applicability. These standards shall apply to storage yards when proposed within an I-1 district where storage yards are listed as a conditional use.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a storage yard, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 - 1. Such uses shall be located at least 100 feet from the boundary of any residential district.
 - 2. Sufficient landscaping shall be provided along any adjacent public rights-of-way and along the boundary of any adjacent residential district to reduce the visual impacts of such uses. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
 - 3. Any other conditions as warranted by the Board of Zoning Appeals.

11.16 Junk and Scrap Yards.

- A. Intent. It is the intent of this section to create standards for Junk and Scrap Yards to ensure they do not negatively impact the surrounding areas.
- B. Applicability. These standards shall apply to Junk and Scrap Yards when proposed within an I-1 district they are listed as conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a Junk or Scrap Yard, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 - 1. Such uses shall be located on a minimum of 20 acres and shall be setback a minimum of 500 feet from the boundary of any residential district.
 - 2. The area of use shall be completely enclosed by a fence (minimum of 6 feet in height). Sufficient landscaping shall be provided between the fence and the property line. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
 - 3. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
 - 4. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.
 - 5. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to adjacent residential areas.
 - 6. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
 - 7. There shall be no burning of refuse, garbage, or other waste material.

11.17 Sanitary Landfills.

- A. Intent. It is the intent of this section to create standards for Sanitary Landfills to ensure they do not negatively impact the surrounding areas.
- B. Applicability. These standards shall apply to Sanitary Landfills when proposed within an I-1 district they are listed as conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a Sanitary Landfill, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3D.
 - 1. Such uses should be located on a major thoroughfare and the landfill and associated buildings, structures and equipment shall be no closer than 500 feet from a residential district boundary.

2. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the damage to public streets and prevent hazards and damage to other properties in the community.
3. All equipment used in the operation shall be placed and operated in a manner to minimize noise, vibration, dust, odor, and other potential nuisances. All accessways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be necessary.
4. Vehicle storage, equipment, structures, delivery areas, and processing areas shall be adequately screened from adjacent residential districts and rights-of-way.
5. The area of use shall be completely enclosed by a fence (minimum of 6 feet in height). Sufficient landscaping shall be provided between the fence and the property line. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
6. All applicable State and Federal permits shall be obtained.
7. In order to avoid the creation of unusable land after the landfill operation is completed, to permit, instead, a continued use of the land, to avoid health and safety hazards, and to prevent the depreciation of other property and property values, a plan shall be prepared for reclamation of the area. Such plan shall include a statement of intended future uses of the area and shall show the approximate sequence in which the landfill and reclamation measures are to occur, the approximate timing of the reclamation of the various parts of the area and the measures to be undertaken to prepare the site adequately for its intended future use or uses.

11.18 Rural Residential Businesses.

- A. Intent. The intent of this section is to provide for limited business activity in conjunction with a permitted use within the R-R District. Such activities are typically commercial in nature and are more intense than those uses permitted as home occupations. Such uses are listed in Section 9.1C11 and are hereby referred to as Rural Residential Business(es). The intent of the conditional use process is to ensure this limited business activity will be compatible with the surrounding residential area and to ensure the future enjoyment of nearby residential properties is considered during the development of a Rural Residential Business.
- B. Applicability. These standards shall apply when a Rural Residential Business (as listed in Section 9.1C11 and do not meet the definition and standards for a home occupation) is proposed within the R-R District.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a proposed Rural Residential Business, if such use is listed as a Rural Residential Business in Section 9.1C11 and complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3.

1. The proposed Rural Residential Business Use shall be operated by a resident of the property and such use shall be clearly subordinate and incidental to the use of the premise for residential purposes.
2. The proposed Rural Residential Business is conducted in conjunction with and to the rear or side of the principally permitted use.
3. There shall be no more than three (3) non-resident employees.
4. The proposed Rural Residential Business may be conducted within an accessory structure on the same lot as the principally permitted use.
5. Any outdoor activities shall be located a minimum of 200 feet from a property line.
6. No proposed Rural Residential Business shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious, otherwise objectionable impact on any adjacent land. Such impacts shall include those related to noise, vibration, odor, dust, heat, exterior light and glare, or storm water runoff.
7. Outdoor storage and display of material and equipment incidental to the Rural Residential Business shall be permitted provided effective screening from all adjoining properties within a residential district. A wall or fence that is a minimum of six (6) feet in height, earthen mounds, or a 10-foot wide strip of land planted and maintained with an evergreen hedge or dense plantings of hardy evergreen shrubs not less than four (4) feet in height at the time of planting may be utilized for screening purposes.
8. Signs shall be limited to a four (4) square foot wall or freestanding sign that is a minimum of 10 feet from the right-of-way line. A wall sign shall be limited to twenty (20) feet in height and a free standing sign shall be limited to six (6) feet in height.
9. Evidence shall be provided to the Board of Zoning Appeals that any traffic generated from the proposed Rural Residential Business will not be greater in volume than normal for a residential neighborhood.
10. The Board of Zoning Appeals may place limits on the hours of operation to ensure the residential character of the neighborhood is not impaired by the proposed Rural Residential Business.