

**ZONING RESOLUTION OF DEERCREEK TOWNSHIP,
PICKAWAY COUNTY, OHIO**

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PART ONE
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ARTICLE I
Authorization and Purpose

1.01	Title	1.04	Interpretation and Consistency
1.02	Purpose	1.05	Separability
1.03	Applicability and Limitations		

1.01 TITLE

This Resolution shall be known and may be cited as the: “Zoning Resolution of Deercreek Township, Pickaway County, Ohio.” Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Resolution as those governing the interpretation of the Ohio Revised Code.

1.02 PURPOSE

The Board of Township Trustees hereby find it necessary, advisable, and beneficial to the residents of Deercreek Township to provide for the division of the unincorporated area of the Township into Zoning Districts. This Resolution is adopted to promote and protect the public health, safety, and general welfare by the following as permitted by the provisions of Chapter 519 of the Ohio Revised Code:

- Regulating the use of land areas and the construction, restoration, and/or alteration of Buildings and Uses therein;
- Restricting the area dimensions of land, yards, and Open Spaces so as to secure adequate light, air, and safety from fire and other dangers;
- Controlling the bulk, height, density, and location of Buildings;
- Protecting and preserving existing natural resources; and
- Assuring the orderly growth and development of lands.

1.03 APPLICABILITY AND LIMITATIONS

- a) Pursuant to Section 519.21 of the Ohio Revised Code, the zoning authority of the Township shall be limited as follows:
- 1) Except as otherwise provided below and under Section 519.21 of the Ohio Revised Code, nothing contained herein shall prohibit the Use of any land for agricultural purposes or the construction or Use of Buildings or Structures incidental to the Use for agricultural purposes of the land on which such Buildings or Structures are located, and no Zoning Certificate shall be required for any such Use, Building, or Structure. However, the Township may allow the conversion of an Agricultural Use to another Permitted Use in its respective Zoning District.
 - 2) Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or

- enlargement of any Building or Structure of any public utility or railroad, whether publicly or privately owned, or the Use of land by any public utility or railroad for operation of its business. For purposes of this Resolution, Telecommunication Towers are not considered as a public utility.
- 3) Nothing contained in this Resolution shall be interpreted to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, or restaurant is permitted.
 - 4) Nothing contained in this Resolution shall be interpreted to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas drilling or production activities or location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.
- b) Section 519.21(B) of the Ohio Revised Code allows a township zoning resolution or an amendment thereof, to regulate Agricultural Uses within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more Lots approved under Section 711.131 of the Ohio Revised Code, that are contiguous to one another or 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 public road.
- 1) Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry, or similar animals shall not be permitted on Lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
 - 2) Dairying and animal and/or poultry husbandry shall not be permitted on Lots greater than one (1) acre but not greater than five (5) acres if such Lots meet the standards of ORC 519.21(B) above, and if at least thirty-five (35) percent of the Lots in the subdivision are developed with at least one (1) Building, Structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five (35) percent of the Lots are developed, any existing animal and/or poultry husbandry operation shall be considered a Nonconforming Use pursuant to [Article V – Nonconformities](#) – of this Resolution.
 - 3) Permanently Sited Manufactured Homes, as defined in [Article II – Definitions](#) – shall be considered a Permitted Use in any Zoning District that permits One-Unit Dwellings.

1.04 INTERPRETATION AND CONSISTENCY

The provision of this Resolution shall be held to be as the minimum requirements and shall apply uniformly to each class or kind of Building, Structure, or land. Where the provisions of this Resolution impose greater restrictions upon Buildings, Structures, or land, than required by other

codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, resolution, or regulation of the Township, or part thereof, not specifically repealed, amended, modified, altered, or changed herein.

1.05 SEPARABILITY

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.

ARTICLE II Definitions

2.01 Interpretation

2.02 Definitions

2.01 INTERPRETATION

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

Terms related to specific Articles or Sections may be defined within the specific portions of this Resolution where these general requirements are found.

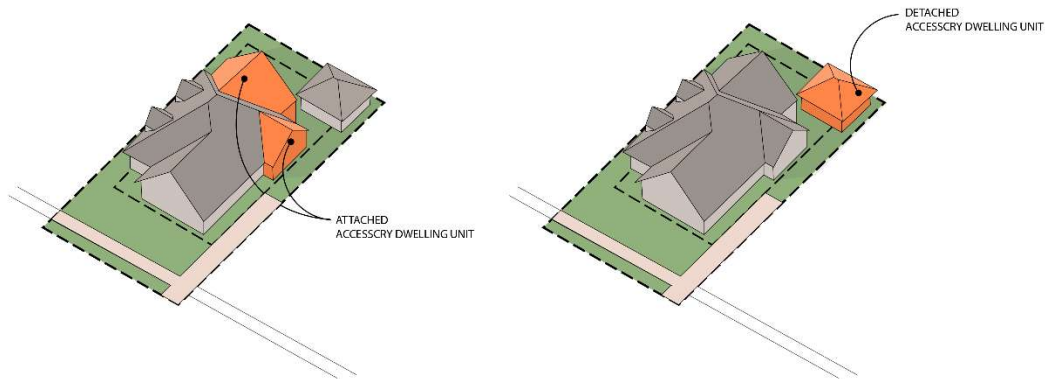
2.02 DEFINITIONS

ACCESS POINT – The connecting area of a Lot where a vehicle gains egress and ingress from a driveway to a public roadway.

ACCESSORY DWELLING UNIT (ADU) – A smaller, secondary Dwelling Unit on the same Lot or within a primary Dwelling Unit. An ADU is an independent Dwelling Unit that provides the basic requirements of shelter, heating, cooking, and sanitation.

ADU, ACCESSORY SUITE (ATTACHED) – An ADU that is adjacent and connected to or located completely within the primary Dwelling Unit including, but not limited to, the basement, attic, attached garages, or an addition to the primary Structure.

ADU, DETACHED – An ADU located in a Structure that is detached from the primary Dwelling Unit including, but not limited to, a detached garage or a newly constructed Structure.



ACCESSORY STRUCTURE, OR USE – A Use or Structure subordinate to the primary Use of a Building on the Lot or Tract and serving a purpose incidental to the Use of the primary Building. Accessory Structures are located on the same Lot as the primary Structure and are not designed for human occupancy as a Dwelling Unit or Commercial Use. Examples of Accessory Structures are detached private garages; storage or garden sheds; metal storage Buildings; hot tubs; and other similar types of Buildings and Uses. This definition does not include gardens, patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished Grade. Private Swimming Pools are regulated by [15.21 – Swimming Pools](#).

ADEQUATE BUFFERING – Means a combination of landscaping and other buffering materials as established in [15.13 – Landscaping](#)– that provide one hundred (100) percent opacity between the ground level to effectively screen the buffered area on a year-round basis to protect the adjoining property owners from noise, glare, dust, and visual disturbances.

ADULT BOOKSTORE – A commercial establishment where at least fifty-one (51) percent of its interior area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, and other periodicals or digital presentations whose dominant themes is actual or simulated Specified Sexual Activities, display or exhibition of specified anatomical areas, removal of articles of clothing or total nudity.

ADULT CABARET – A restaurant, coffee house, bar, or cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers who provide Adult Entertainment for commercial purposes.

ADULT ENTERTAINMENT – Any motion picture, live performance, display, or dance of any type whose dominant theme is actual or simulated Specified Sexual Activities, display or exhibition of anatomical areas, removal of articles of clothing, or total nudity, offered for commercial purposes.

ADULT ENTERTAINMENT BUSINESS – Any Adult Bookstore, Adult Cabaret, Adult Mini-Theater, or Adult Motion Picture Theater.

ADULT MINI-THEATER – An enclosed Building with a capacity of less than fifty (50) persons used for displaying Adult Entertainment through films, video, or other motion pictures for commercial purposes.

ADULT MOTION PICTURE THEATER – A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of Specified Sexual Activities or specified anatomical areas are regularly shown to more than five (5) individuals for any form of consideration.

AGRICULTURAL USE – Means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; algaculture; 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, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

AGRICULTURAL BUILDING – A Structure on agricultural land designed, constructed, and owned in association with an Agricultural Use and/or to facilitate said Agricultural Use that is used by the Owner, lessee, or sub-lessee, or their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products grown or raised on the premises.

AGRICULTURAL ENTERTAINMENT (AGRITOURISM) – An enterprise at a working farm, ranch, or agricultural plant conducted for the enjoyment of visitors that generates income for the Owner. Agritourism refers to the act of visiting a working farm or any Agricultural operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation that also adds to the economic viability of the site. Agritourism may include, but is not limited to: country-themed stores for the sale of goods and souvenirs, dining, tours (self-guided or guided), wagon rides, trail rides, corn mazes, pick yourself operation, classes (gardening, cooking, crafts, etc.), fishing, and other Agricultural-themed activities guests can participate in.

AGRICULTURAL RELATED BUSINESS – Feed mills, dairy supplies, and creameries, veterinarians, and other businesses supporting local Agriculture (this does not include commercial auction yards for automobiles, furniture, antiques, and other non-agricultural goods).

AIRPORT – Means any complex of runways and Buildings for the takeoff, landing, and maintenance of civil aircraft that is approved and/or properly licensed by the Federal Aviation Administration (FAA), or applicable agency.

AIRPORT HAZARD – Any Structure, tree, or Use of land that would exceed the federal obstructions standards and that obstructs the airspace required for the flight of aircraft in landing or taking off at a runway or is otherwise hazardous to such landing or taking off of the aircraft.

ALLEY – A secondary access way that is public Right-of-Way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

ALTERATION – Any change or rearrangement in the supporting construction of an existing Structure; enlargement, addition, relocation, repair, remodeling; change in number of living units; development of or change in an open area; development of or change in a Sign, by painting or otherwise; or other change in a facility. Alteration does not include painting, except as provided above for Signs; ordinary maintenance for which no Building Permit is required; and demolition or removal of a Structure.

ANIMAL SERVICES FACILITY – Any facility maintained by or for the Use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal Services Facilities may also include animal grooming establishments.

APPEAL – A request by an aggrieved party for a review of any adverse decision by the Zoning Inspector or by the Board of Zoning Appeals.

ASSISTED LIVING FACILITY – A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Facilities exclude Nursing Homes and other special housing facilities as elsewhere defined.

AUTOMOBILE-ORIENTED USES – A Use that includes services rendered directly on, to, or for vehicles or where the patron does not exit the vehicle. Such Uses include but are not limited to car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, and other similar auto service facilities. The sale of vehicles (new and used) is not included in this definition. Any facility that provides a fixed parcel pickup location is not included within this definition. It also does not include [Drive-Thrus](#) and [Pick-Up Or Banking Windows](#), as defined in this Article.

AUTOMOBILE OIL CHANGING FACILITY – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

AUTOMOBILE REPAIR – Any Building or portion of a Building used for the servicing and minor repair of automobiles including, but not limited to, the installation of exhaust systems, and repair of the electrical system, transmission, brake, radiator, and tires.

AWNING – A hood or cover that projects from the wall of a Building and which can be retracted, folded, or collapsed against the face of the supporting Building.

AQUIFER – An underground area with a particularly large concentration of groundwater. Many rural well systems are drawn from Aquifers. For planning purposes, an Aquifer is often evaluated on its recharging rate and cleanliness.

BANK – A financial institution licensed to receive deposits and make loans. Such use may also include financial services including, but not limited to, wealth management, currency exchange, and safe deposit boxes.

BARNDOMINIUM – A barn-stylized Building typically made from metal, steel, or wood that are used for residential purposes. It can either be a barn-to-home conversion or a newly built Structure that appears like a barn.

BASEMENT – The portion of a Building where the floor is not less than two (2) feet below and the ceiling is not more than four (4) feet, six (6) inches above the average Grade.

BED AND BREAKFAST – A Residential Use consisting of one Dwelling Unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate Dwelling Units.

BEVERAGE SALES, ALCOHOLIC – A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages.

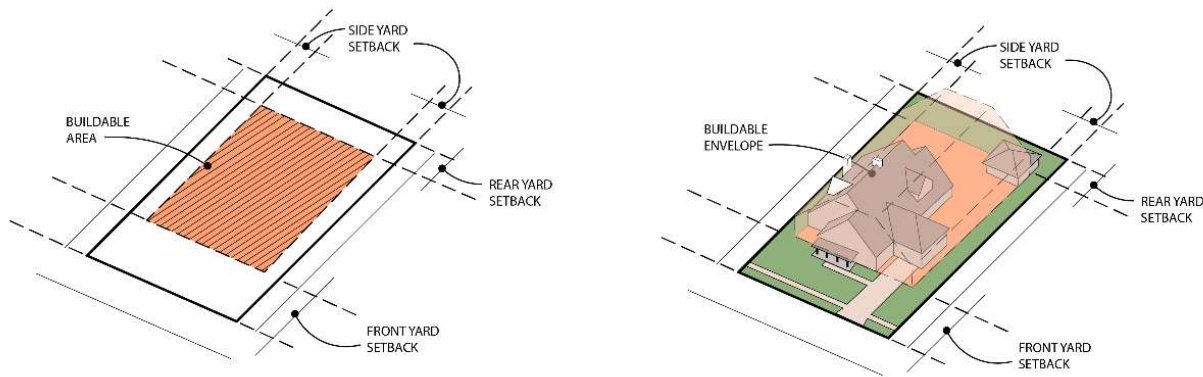
BEVERAGE SALES, MICROBREWERY – A limited production brewery, typically producing specialty beers and selling them on-site or for local distribution.

BIO-TECHNOLOGY FACILITY – A facility designed to manipulate living organisms or their components to produce useful, common commercial products such as but not limited to pest resistant crops, new bacterial strains, and novel pharmaceuticals. This type of use is typically fully enclosed by four solid walls and a roof.

BOARD OF ZONING APPEALS (BZA) – Means the Board of Zoning Appeals established in [Article III – Administrative Bodies and Their Duties](#).

BODY ART ESTABLISHMENT – A Building or portion of a Building in which a practitioner performs body piercing, tattooing, branding, or application of permanent cosmetics.

BUILDABLE AREA (BUILDING ENVELOPE) – The area of a Lot, exclusive of the required Front, Side, and Rear Setbacks, where a Building can be constructed.



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 LINE – A line parallel to the Right-of-Way and at a distance there from equal to the required depth of the Front Setback (as determined by the applicable Zoning District) and extending across the full width of the Lot.

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

BUSINESS, RETAIL – A Use primarily engaged in the selling of merchandise including but not limited to clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that is incidental to the sale of goods.

BUSINESS, LARGE-RETAIL – A Retail or Wholesale Business that is up to twenty thousand (20,000) square feet or larger in area.

BUSINESS, MEDIUM-RETAIL – A Retail or Wholesale Business that is five thousand (5,000) square feet up to twenty thousand (20,000) square feet in area.

BUSINESS, SMALL-RETAIL – A Retail or Wholesale Business that is less than five thousand (5,000) square feet in area and typically services nearby neighborhoods.

BUSINESS, WHOLESALE – A Use that generally sells commodities in large quantities or by single items to the general public, business members, retailers, or other wholesale establishments.

CAMPGROUNDS – Any tract of land upon which two or more portable camping units are placed, and includes any roadway, building, Structure, vehicle or enclosure used or intended for use as a part of the facilities of such camp. A tract of land which is subdivided for lease or other contract of the individual lots is a campground if two or more portable camping units are placed thereon for temporary habitation. A "Campground" does not include any Tract of land used solely for the storage or display for sale of portable camping units.

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

CERTIFICATE OF ZONING COMPLIANCE – A certificate issued by the Zoning Inspector confirming that the requirements of this Resolution have been met.

CO – LOCATION – The use of a Telecommunication Tower by more than one (1) telecommunications provider.

COMMUNITY GARDEN – An area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family generally organized and managed by a public or not-for-profit organization.

COMMENCEMENT OF WORK – The time at which physical improvements begin to be made to a property or Structure so that it may be utilized for its intended purpose stated in the Zoning Certificate.

COMMERCIAL RECREATIONAL FACILITY – A facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user/public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades.

COMMERCIAL RECREATIONAL FACILITY, SMALL – Less than 5,000 square feet.

COMMERCIAL RECREATIONAL FACILITY, LARGE – 5,000 square feet or larger.

COMMERCIAL RECREATIONAL FACILITY, OUTDOOR – A facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation

of the user/public in a sports related activity and includes but is not limited to fields for soccer fields, football, baseball, and lacrosse as well as for tennis and other racquet courts.

OUTDOOR COMMERCIAL RECREATIONAL FACILITY, SMALL – Less than 5,000 square feet.

OUTDOOR COMMERCIAL RECREATIONAL FACILITY, LARGE – 5,000 square feet or larger.

COMMUNICATION FACILITIES – A lot or an area of a lot that includes a telecommunication tower, radio tower, or other similar communication tools including any associated appurtenances.

COMMUNITY SERVICES – Institutional uses that include but are not limited to community centers, museums, galleries, libraries, and other similar facilities.

CONDITIONAL USE(S) – 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.

CONTRACTOR OFFICE – A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen and tradesmen, and may include accessory offices related to such activities.

CONVICT PRE-RELEASE CENTERS/CORRECTIONAL COMMUNITY – Secure facilities designed to facilitate an individual's transition back into the community from prison.

COUNTY – Means Pickaway County, Ohio.

COUNTY ENGINEER – Means the Professional Engineer who is employed by the County and authorized by the County to act within the specifications of this Resolution.

DATA CENTER – Real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.

DAY-CARE CENTERS – Any place in which child day care or publicly funded child day 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 counting children for purposes of this Resolution, 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.

DAY-CARE HOME, LARGE FAMILY – A permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare 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 division, 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 Type A home shall be counted. “Type A Family Day-Care Home” and “Type A home” do not include any child day camp (ORC Section 5104.01(RR)). 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.

DAY-CARE HOME, SMALL FAMILY – A permanent residence of the provider in which childcare 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 division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. “Type B Family Day-Care Home” and “Type B home” do not include any child day camp (ORC Section 5104.01(SS)). 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.

DENSITY, NET – The number of Dwelling Units permitted to be developed on a net acre of land. A net acre of land is the total acreage minus any wetlands, water bodies, public parks, open spaces, roads, or other public Rights-of-Way.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to Buildings or other Structures, mining, dredging, filling, grading, paving excavation or drilling operations or storage of equipment or materials located within the area of special Flood hazard.

DRIVEWAY (ACCESS POINT) – A private drive giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multifamily, commercial, or industrial Buildings, which is not dedicated to the Township and for the maintenance of which the Township shall not be responsible.

DRIVE-THRU – A use where a patron places an order on site or in advance and waits for a product to be prepared without the need to exit his/her vehicle. Such uses include but are not limited to drive-through or drive-in restaurants with ordering areas, drive-in movie theaters. A drive-through facility does not include any vehicle repair facility, gas stations, fixed parcel pick up, and Pick Up or Banking Windows.

DWELLING, DUPLEX – A building designed for two dwelling units where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

DWELLING, MULTI-UNIT – A building designed or used primarily as a residence with four (4) or more Dwellings Units.

DWELLING, ONE-UNIT – A building designed exclusively for one detached Dwelling Unit that is situated on a parcel with no other principal Structures and having a Front, Side, and Rear Yard.

DWELLING, TRI-PLEX – A building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

DWELLING UNIT – Any room or group of rooms located within a Structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating, which is designed or used for residential purposes. This definition does not include a cabin, hotel, or motel.

DWELLING UNIT, ACCESSORY – See, [Accessory Dwelling Unit](#).

DWELLING UNIT, ONE BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains only one bedroom.

DWELLING UNIT, STUDIO – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that combines a number of different types of rooms, such as living room, bedroom and kitchen, into a single room.

DWELLING UNIT, THREE BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains three bedrooms.

DWELLING UNIT, TWO BEDROOM UNIT – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains two bedrooms.

EARLY CHILDHOOD EDUCATION CENTER – An education establishment that provides learning space to children prior to beginning their compulsory education. This facility may also provide for the extended care of infants and young children.

ELDERLY/RETIREMENT HOUSING – A residential complex containing Multi-Unit Dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

EMERGENCY AND PROTECTIVE SHELTER – A facility which provides room and board for the protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

ENCROACHMENT – The intrusion on another person’s property or public Right-of-Way, intentional or unintentional.

ENVIRONMENTALLY SIGNIFICANT RESOURCES – The naturally occurring substances that are considered valuable in their relatively unmodified (natural) form. These may include but are not limited to sources of water, timber, geological formations, mineral deposits, and wildlife.

EQUIPMENT REPAIR, LARGE – A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contactor’s equipment, heavy machinery, repair equipment, motor vehicles or trucks.

EQUIPMENT REPAIR, SMALL – A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

FAÇADE – The face of a building, especially the principal front that looks onto a street or open space.

FAMILY – A family is a group of two (2) or more people that are connected by either genetics or the legal system. This might include biological parents, children, siblings, or any extended blood relatives. Those not connected by consanguinity might become family through legal methods such as marriage, adoption, or fostering.

FAMILY HOMESTEAD – The designation of a one hundred fifty (150) acre tract or larger of continuous land within the (FR) Farm Residential Zoning District for Use of multiple Dwellings inhabited by the members of the Lot owner’s Family.

FARM MARKET – Markets from which fifty percent (50%) or more of the gross income received is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – Means the agency with the overall responsibility for administering the National Flood Insurance Program, including the local Pickaway County Flood Plain Administrator.

FENCE – Any Structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

FENCE, OPEN – Any fence that has sixty (62) percent or more of its vertical surface area open to light or air. An example of this type of fence is a Kentucky 3-Board Fence.

FENCE, PARTIALLY OPEN – Any fence that has at least fifty (50) percent of its vertical surface area open to light or air. An example of this type of fence is a picket fence.

FENCE, PICKET – A partially open fence made of upright poles or slats where the space between the poles/slats is greater than the width of the poles/slats.

FENCE, SOLID – Any fence that is designed to inhibit public view and provide seclusion, when viewed at right angles, and having more than fifty (50) percent of its vertical surface area closed to light and air.

FENCE, WROUGHT IRON – A fence constructed of metal, including aluminum, iron or steel, pipe, tubes, or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

FIRE DEPARTMENT – Means the Southwest Pickaway Fire District.

FIRE LANE – Locations determined by the Fire Department that services the applicable Lot and shall be properly signed and striped.

FLEA MARKET – An outdoor commercial activity, not including shopping centers, individual retail operations, or sales conducted by a non-profit or charitable organization, that is open to the general public and composed of five or more semi-enclosed or outdoor stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

FLEX-OFFICE LABORATORIES – A space for a combination of office and laboratory uses that has built out capabilities to meet individual needs.

FLEX-OFFICE RETAIL – A space with store fronts with small rear warehousing that has built out capabilities to meet individual needs.

FLEX-OFFICE WAREHOUSES – A space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

FLOOD OR FLOODING – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland waters; and/or
- The unusual and rapid accumulation or runoff of surface water from any source.

FLOOD, BASE – The Flood chance equaling or exceeding a one (1) percent chance in any given year. The Base Flood may also be referred to as the 100-Year Flood.

FLOODWAY FRINGE – The portion of the regulatory floodplain outside the floodway.

FLOOD INSURANCE RATE MAP (FIRM) – An official map on which FEMA has delineated both the areas of special Flood hazards and the risk premium zones applicable to the Township.

FLOOD INSURANCE STUDY (FIS) – The official report provided by FEMA that includes Flood profiles, Floodway boundaries, and the water surface elevation of the Base Flood.

FLOOD PROTECTION ELEVATION – The elevation not less than one- and one-half feet above the Base Flood elevation to which uses regulated by the Special Flood Hazard Regulations are required to be elevated or Flood proofed to compensate for the many unknown factors that could contribute to Flood elevations greater than that calculated for a base Flood. In areas where no base Flood Protection Elevations exist from any authoritative source, the Flood Protection Elevation can be based upon historical Flood elevations or upon Base Flood elevations determined and/or approved by the Floodplain administrator.

FLOODPLAIN ENCROACHMENT – Any Floodplain development that could obstruct Flood flows, such as fill, a bridge, or other development.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

FLOOR AREA – The sum of the gross horizontal areas of 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 Basements, 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 6 feet in height be considered a Livable Floor Area.

FOOD CART – A small, wheeled vehicle typically pushed by hand, bicycle, or in some similar human-propelled manner to move it from place to place in order to offer already prepared or prepackaged food or frozen desserts to the public. Any vehicle that is capable of preparing food within it shall not be included in the definition of a Food Cart.

FOOD TENT – An open–aired, Temporary Structure with four legs and a canvas top used to prepare and sell food at special events where large groups of people are situated in a park, parade, fraternal organization, or other similar venue.

FOOD TRUCK – A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-contained or towed by another vehicle and must be licensed in the state of Ohio.

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 each side of the lot abutting a public Right-of-Way shall be considered to the front of a lot and both must comply with the minimum frontage and front setback requirements as observed in the applicable District’s “Lot Area, Setback, Height, and Lot Coverage Requirements” table. Property Lines that abut limited access roads shall not be construed to be included within any calculation of Lot Frontage.

FUNERAL SERVICES FACILITIES – A Building, or part thereof, used for human funeral services. Such Building may contain space and facilities for:

- embalming and the performance of other services used in the preparation of the dead for burial;
- the storage of caskets, funeral urns, and other related funeral supplies; and
- the storage of funeral vehicles. Funeral services facilities exclude crematoriums.

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.

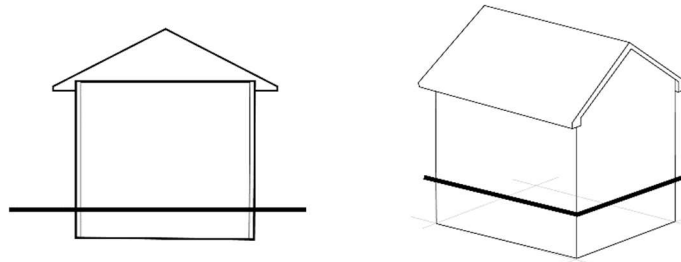
GARAGE, PUBLIC – A Building, or portion of a Building, in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried out.

GOVERNMENTAL SERVICES – Any service provided by a governmental agency including but not limited to fire and safety protection services and other administrative services associated with a governmental agency.

GRADE – The elevation of the ground at any given point.

GRADE, FINISHED - The elevation of the finished surface of the ground adjoining the base of all exterior walls of a Building or the elevation of the finished surface of the ground at the base of a Structure, exclusive of any artificial embankment at the base of such building

or Structure. If the ground is not entirely level, the finished grade shall be determined by averaging the Grade of the ground at each corner of the Building or Structure.

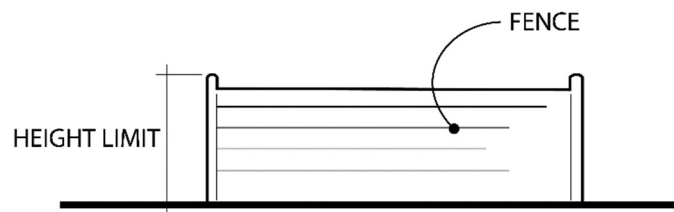


HABITABLE – Any room designed and used for living, sleeping, eating, cooking, or combinations thereof. The following are not to be considered habitable: bathrooms, toilet compartments, closets, halls, storage rooms, unfinished Basements, laundry and utility rooms, garages, and similar areas.

HEALTH CARE FACILITIES – General and specialized hospitals and associated clinics providing health related services and involving the overnight or long-term stay of patients.

HEIGHT, BUILDING – The vertical distance between the Finished Grade of the Building and the highest point of the roof.

HEIGHT, FENCE – The vertical distance between the highest point of the fence and the Finished Grade.



HEIGHT, SIGN – See, [Article XVII – Signs](#).

HOME DAY-CARE FAMILY, LARGE – See, [Day-Care Home, Family Large](#).

HOME DAY-CARE FAMILY, SMALL – See, [Day-Care Home, Family Small](#).

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 his 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 Use as listed in the applicable zoning district.

HOME OCCUPATION, MAJOR – See, [Section 15.12\(d\)](#).

HOME OCCUPATION, MINOR – See, [Section 15.12\(c\)](#).

HOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A hotel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture. Ingress and egress to and from all rooms is made through an inside lobby.

HOTEL, BOUTIQUE – A small hotel with less than fifty (50) rooms that is located in a pedestrian oriented business area. These hotels typically have a strong artisan sense and focus on the design of the building and rooms.

IMPERVIOUS SURFACE – All areas of a lot that have been, or are proposed to be paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

IMPROVEMENTS – Means any addition to the natural state of land which increases its value or utility, including Buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, Landscaping, street lighting, street trees, public utilities, paved parking areas, and other appropriate items.

IMPROVEMENTS, SITE – Means the Improvements made to the land outside the exterior limits of a Structure or Structures.

IMPROVEMENTS, PUBLIC – Means all Improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement, or deed of transfer.

INDUSTRIALIZED UNIT - A Building or assembly of closed construction fabrication in an off-site facility, which 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 this Resolution.

INSTITUTIONAL USES – Those uses organized, established, used, or intended to be used for the promotion of public, civic, educational, charitable, cultural or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed building.

KENNEL, AGRICULTURE - Any enclosure, premises, building, Structure, lot, area of one ownership where six (6) or more dogs are kept for breeding purposes. There shall be no boarding, training, housing, or grooming services provided to the general public. These services may only be provided for those animals involved in the breeding business.

KENNEL, COMMERCIAL – Any building or Structure, including the surrounding fenced land, used for the care and board of five (5) or more domesticated dogs or cats more than four (4) months of age that is open to the public for let, hire, board, training, grooming, or other use on a commercial basis and for compensation. The function of the business is not the breeding of dogs or cats.

LANDSCAPE/HARDSCAPE BUSINESS – A place where employees are housed and/or vehicles, machinery and materials such as trees, shrubs, flowers or other living vegetation, as well as irrigation systems, stone, brick pavers or other non-living components of a landscape design are stored. Typically, workers are dispatched from this site and said materials are transported to another location for installation.

LANDSCAPING – The Improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

LEGAL DESCRIPTION – The geographical description of real estate that identifies the precise location, boundaries, and easements for the purpose of a legal transaction, such as a transfer of ownership. A Legal Description can include either a metes and bounds description or a subdivision plat.

LIGHT TRESPASS – Unwanted light illuminating an area or property with excessive brightness in the standard field of vision.

LIGHTING, EVENT – An outdoor illuminating device, outdoor lighting or reflective surface, lamp, or similar device, permanently installed or portable, used for illumination or decoration within the Temporary Entertainment Use.

LIGHTING, OUTDOOR – An outdoor illuminating device; outdoor lighting or reflective surface; lamp; or similar device, permanently installed or portable, used for illumination or decoration. Such devices shall include but are not limited to lights used for buildings and Structures, recreational areas, parking lot lighting, landscape lighting, architectural lighting, product display lighting, building overhangs, canopy lighting, and security lighting.

LIGHTING, SECURITY – Lighting that is intended to reduce the risk of personal attack; discourage intruders, vandals, or burglars; and facilitate active surveillance for an area by designated surveillance personnel or by remote camera. Said lighting is fully shielded and located in a specific area such as doors, entrances, parking lots, etc.

LIGHTING, SPORTS STADIUM – Sport stadium lights are powerful, mounted fixtures at tall heights with small beam angles usually between 12-60 degrees. Due to these smaller beam angles, higher light intensity allows bright light to reach the ground from the elevated fixture. These lights are focused inward within the sports stadium area to provide lighting for playing fields, bleachers, concession stands, and aisles. The fixtures are designed and are installed to restrict light and glare beyond the outer limits of the stadium.

LIFE CARE RETIREMENT CENTER – A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an Intermediate Care Facility or a Skilled Nursing Center.

LOADING SPACE, OFF-STREET – An Off-Street Loading Space or berth on the same Lot with a Building or contiguous to a group of Buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a Street, Alley, or other appropriate means of access.

LOGISTICS CENTER – A large building where material, products, or other manufactured goods are acquired, stored, and transported to their final destination. There is no production, processing, assembling, or packaging of products or materials in these buildings.

LOT – A division of land separated from other divisions for purposes of sale, lease, or separate use, described on a recorded subdivision plat, recorded map or by metes and bounds.

LOT, CORNER – A lot situated at the intersection of two streets, or which fronts a street on two or more sides forming an interior angle of less than 135 degrees. (Also, see, [Lot Line, Front.](#))

LOT, COVERAGE – The total area of those portions of a lot that are covered by a building or Structures, paved areas, and other impervious surfaces.

LOT, INTERIOR – A lot that abuts no more than one street and that fronts a street on not more than one side.

LOT, MINIMUM AREA – The area of a lot computed exclusive of any portion of the Right-of-Way or any public thoroughfare.

LOT LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Property Line.

LOT LINE, FRONT - The property line fronting a public roadway Right-of-Way. For purposes of a corner lot, both Property Lines abutting a public Right-of-Way shall be considered a Front Lot Line (See, [Section 9.09 – Rules Of Measurement](#)).

LOT LINE, REAR – The lot line that is opposite the front lot line and farthest from it.

LOT LINE, SIDE – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

LOT OF RECORD – Any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder’s Office prior to the effective date of this Resolution.

LOT WIDTH – The horizontal distance between the Side Lot Lines measured at right angles to the Lot Depth.

LOT WIDTH, MINIMUM – The smallest Lot Width, as defined herein, that is permitted within an applicable Zoning District.

LOT WIDTH, ESTABLISHED – The Lot Width measured at the Right-of-Way Line. This distance may be greater than the Minimum Lot Width required by the applicable Zoning District, but it shall not be less than the required minimum, unless a Variance is granted by the Board of Zoning Appeals.

LUMBER YARD – A building where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale and may include storage inside of the building. Any components of this use that include the outdoor storage of said materials shall fall within the definition of an outdoor service facility.

MACHINE SHOP – A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

MAKER SPACE, LARGE – A facility that is 5,000 square feet or larger and serves as shared co-working space for independent craftsmen to produce woodworking, furniture, pottery, glass, or other related items. The facility can also have shared office space.

MAKER SPACE, SMALL – A facility that does not exceed 5,000 square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass, woodworking, or other related items. No odor, fumes or excess noise may be produced at the facility.

MANEUVERING AISLE – A paved area in an off-street parking lot or loading area which provides access to parking, stacking, or loading spaces, exclusive of driveways and is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space. This area is not used as space for the parking or storage of motor vehicles or for loading or unloading.

MANUFACTURED HOME – A building unit or assembly of closed construction fabricated in an off-site facility, which conforms 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 certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME COMMUNITY – Any tract of land upon which three (3) or more manufactured 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. A tract of land which is subdivided and the individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

MANUFACTURED HOME, PERMANENTLY SITED – A manufactured home, as defined herein, that meets all the following criteria:

- The Structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
- The Structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
- The Structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
- The Structure was manufactured after January 1, 1995.



- The Structure is not located within a manufactured home park.
- Otherwise complies with the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

MANUFACTURING - Any industry that makes products from raw materials using manual labor or machinery. This definition also includes the compounding, processing, assembling, and packaging of goods.

MEDICAL MARIJUANA – As defined in ORC Section 3769.01(A), effective September 8, 2016.

MIXED USE BUILDING – A building that contains retail, office or entertainment uses on the ground floor and residential units on the upper floors.

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, which 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 in this Resolution. A mobile home shall not be considered to be a single-family detached dwelling for the purposes of this Resolution.

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

MOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

MOTOR VEHICLE – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

MURAL – See, [Sign, Wall Display, Mural](#).

MURAL, GHOST – A type of sign that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a Structure.

MURAL, ORIGINAL ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a Structure. Original Art Mural does not include:

- Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; or
- Murals containing electronic or mechanical components; or

- Changing mural images.

MURAL, VINTAGE ART – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon or affixed directly to an exterior wall of a Structure prior to the date of adoption of this Resolution.

MULTI-FAMILY BUILDING – A building that is designed for and used exclusively for four or more dwelling units.

NONCONFORMING STRUCTURE – Any building or Structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.

NONCONFORMING USE – Any use that was lawfully conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.

NOXIOUS WEED – Means shatter cane (*Sorghum Bicolor*), Russian thistle (*Salsola Kali var. tenuifolia*), or any plant designated a prohibited noxious weed by the Ohio Department of Agriculture.

NURSING HOME – A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm. or convalescent patients who are not related to the owner or administrator of the facility.

ODOT – The Ohio Department of Transportation.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, LARGE – A building that is 5,000 gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, SMALL – A building that is less than 5,000 gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFF-STREET PARKING GARAGE – A public or private Structure that is principally utilized for the parking or storage of motor vehicles to meet the minimum parking requirements in this Zoning Code.

OPEN SPACE – An area required to be reserved in accordance with this Resolution for passive or active recreational purposes, an area for conservation of natural resources, reserved space for future school buildings, or some other similar green space. Such open space may include any required central green space utilized for the community. That part of a zoned property, including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to

all tenants upon the zoning property. Open Space shall be limited to terrestrial features and shall not include ponds, stormwater retention facilities, or other water features.

OUTDOOR CONCERT FACILITY – A facility, including performance areas, seating, concessions, restroom facilities, and parking, for the public performance of music and/or dancing in an outdoor venue.

OUTDOOR RECREATION FACILITY – See, Commercial Recreational Facility, Outdoor.

OUTDOOR SEASONAL BUSINESS – A use that is conducted on a temporary basis and is outside of a fully enclosed building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

OUTDOOR SERVICE FACILITY – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold or stored. For the purposes of this Resolution, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, and garden stores. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

OWNER – Owner of record according to records contained in the office of the county recorder.

OVERLAY ZONE – Zoning Districts that extend on top of more than one base Zoning District and are intended to protect certain critical features and resources. Where the standards of the Overlay Zone and base Zoning District are different, the more restrictive standards shall apply.

PARCEL – A piece of real estate described by metes and bounds in the deed of the land and recorded in the office the county recorder.

PARK, COMMUNITY OR REGIONAL – A park that is 20 acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

PARK, NEIGHBORHOOD – A park that is up to 20 acres in size, serving an area one to two miles in diameter and serving a population of less than 5,000 persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.



Photo: Metzger Preserve – A 52-acre park operated by the Pickaway County Parks District.

Source: <https://pickawaycountyparks.org/metzger-preserve/>

PARKING AISLE – The traveled path through an off-street parking or facility between one or two rows of parked vehicles.

PARKING BAY – A row of parking spaces typically separated by a parking island or some other feature used to break up large spans of asphalt used for the parking surface.

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.

PENNANT – A flag or banner longer in the fly than in the hoist, usually tapering to a point.

PERMANENT SUPPORTIVE HOUSING – Community-based, long-term housing and supportive services, as appropriate, for homeless individuals with disabilities.

PERMITTED USE(S) – A use that is permitted within a District that is allowable by a matter of right when designated as such in a District, provided said use complies with all applicable setback and development standards and is issued a Zoning Certificate from the Zoning Inspector, or their designee.

PERSONAL SERVICES – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

PICKAWAY COUNTY PLANNING COMMISSION (PCPC) – The planning commission of Pickaway County, Ohio.

PICK-UP OR BANKING WINDOW – A window used to pick up food, a prescription or other another similar product, parcel pick up, or where banking or financial services are conducted without a patron needing to exit his/her vehicle. Food orders and prescriptions are typically placed ahead of time online via the web or mobile device, and these windows are typically not utilized for placing and waiting for orders on site.

PLACES OF ASSEMBLY, LARGE – Any facility or business where 300 or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLACES OF ASSEMBLY, SMALL – Any facility or business where less than 300 individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

PLANTS, ASPHALT – A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements. This includes any combination of dryers; systems for screening; handling; storing and weighing dried aggregate; systems for loading; transferring; and storing mineral filler; systems for mixing; transferring and storing asphalt concrete; and emission control systems within a stationary source.

PLANTS, CONCRETE – The production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement and/or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

PORTABLE HOME STORAGE UNIT – 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.

PRACTICAL DIFFICULTY – A standard utilized to determine whether an area variance should be granted. It is based on a number of criteria that are weighed against one another to determine if granting the variance will provide a reasonable use of the land without altering the essential character of the area.

PRESERVE OR PRESERVATION – The process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the Structure and provide structural safety without changing or adversely affecting the character or appearance of the Structure.

PRIVATE CLUB OR LODGE – A nonprofit association of persons, who are bona-fide members paying annual dues, which owns, hires, or leases a building or portion thereof, and the use of such premises is restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room, for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages complies with applicable local, state, and federal laws.

PRIVATE LANDING STRIP – A long flat piece of land from which private aircraft can take off and land that is properly licensed by the Federal Aviation Authority or applicable agency. It can be constructed of either grass or pavement.

PRIVATE FAMILY SWIMMING POOL – See, [Swimming Pool, Private Family](#).

PROPERTY LINE – A line bounding or demarcating a plot of land or ground. May also be referred to as a Lot Line.

PUBLIC PROTECTION FACILITY – A facility operated by a public agency for the purposes of public safety including but not limited to fire stations, police stations, public safety dispatch facilities, civil defense, storm shelters, and other similar uses.

RECONSTRUCTION – The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, Structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its environmental, historic, architectural, and cultural values.

REHABILITATION CENTERS – The collection of facilities that require Conditional Use Permits by the Township and are categorized as follows: [Large Residential Facilities](#); [Emergency and Protective Shelters](#); [Transitional Living Centers](#); and [Permanent Supportive Housing](#), as defined herein and regulated under [Section 15.14 – Large Residential Facilities, Emergency And Protective Shelters, Transitional Living Centers, And Permanent Supportive Housing](#).

RESEARCH AND DEVELOPMENT – A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

RESIDENTIAL FACILITY – A publicly or privately operated home or facility that is further categorized as:

RESIDENTIAL FACILITY CLASS 1 – A facility that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults within mental illness or one or more unrelated children with adolescents with severe emotional disturbances.

RESIDENTIAL FACILITY CLASS 2 – A facility that provides accommodations, supervision and personal care services to any of the following:

- One or two unrelated persons with mental illness.
- One or two unrelated adults who are receiving payments under the residential state supplement program.
- Three to sixteen unrelated adults.

Residential facilities exclude hospitals, facilities licensed under ORC 5123.19, an institution subject to certification under ORC 5103.03, hospice care programs, nursing homes,

residential care facilities, homes for the aging, a facility operating an opioid treatment program, a terminal care facility for the homeless, a facility approved exclusively for the placement and care of the veterans per Section 104(a) of the Veterans Health Care Amendments of 1983, or the residence of a relative or guardian of a person with mental illness.

RESIDENTIAL FACILITY, LARGE – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to six to sixteen unrelated persons. (See, ORC 5119.341)

RESIDENTIAL FACILITY, SMALL – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to one to five unrelated persons. (See, ORC 5119.341)

RESIDENTIAL – OFFICE, ADMINISTRATION, BUSINESS, AND MEDICAL – A small office for administrative, business or medical services as defined in this section but located within a Structure that was existing at the time of the effective date of this Resolution.

RESIDENTIAL – RETAIL – A small business retail as defined in this section but located within a Structure that existed at the time of the effective date of this Resolution.

RESIDENTIAL TREATMENT FACILITY – A Residential Facility – Class 1 (ORC 5119.34) providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly Structured environment for its residents for alcoholism, drug abuse, or behavioral and/or mental disorders.

RESOLUTION – This describes this Zoning Resolution of Deercreek Township, Pickaway County, Ohio.

RESPONSIBLE PARTY – The owner of the property as determined by the County Auditor’s Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

RESTAURANT – An establishment which offers food and/or drinks to the public, guests, or employees. The food may be prepared and consumed either on or off site.

RIGHT-OF-WAY – A strip of land occupied or intended to be occupied by transportation facilities, public utilities, street drainage ditches or other special public uses.

RURAL TOURISM FACILITY – A Business which attracts visitors to rural areas and/or to celebrate the rural culture of the Township and surrounding area using the rural outdoor environment for attractions that include, but are not limited to, retreats, Wedding Venues, receptions, educational events, and holiday celebrations. These Rural Tourism Facilities shall not be utilized for overnight stays.

RURAL TOURISM EQUIPMENT RENTAL – A Business that provides customers with the ability to navigate the area’s natural environment by renting reactional equipment such as, but not limited to, bicycles, canoes, and kayaks.

RURAL ZONING COMMISSION – The Township body composed of personnel as described in [Section 3.02 – Rural Zoning Commission](#) – who oversee the implementation of this Resolution.

SCHOOL, HIGH SCHOOL – A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades 9 – 12.

SCHOOL, POST-SECONDARY – A public or private institution providing educational or training services to individuals who have completed high school.

SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE – A public or private institution providing educational services to children in kindergarten through the eighth grade.

SCHOOL, TECHNICAL – A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

SELF SERVICE STORAGE FACILITY – An individual compartment or stall used for the storage of customer’s goods or wares.

SERVICE ROAD, OR ACCESS ROAD – Means a minor Street parallel to a thoroughfare to afford abutting property owners’ access to the thoroughfare at limited points.

SETBACK – A required distance between a lot line and a principal Structure established by the Zoning District in which the principal Structure is located.

SETBACK, AVERAGE FRONT – The distance between a Front Lot Line and principal Building that is established by averaging the front setbacks of two existing Structures on adjacent lots. In no case shall an average front setback exceed any applicable maximum setback requirement.

SETBACK, MAXIMUM – The largest distance permitted between a lot line and a principal Structure. The Zoning Inspector shall not administratively approve the location of a principal Structure that is more than this required distance.

SETBACK, MINIMUM – The smallest distance permitted between a lot line and a principal Structure established by the Zoning District in which the principal Structure is located. The Zoning Inspector may not administratively approve the location of a principal Structure that is less than this required distance but may administratively approve the location of a principal Structure that is more than this required distance. In such cases, the area between the required minimum setback and the principal Structure is considered to be “yard” space as defined in this Resolution.

SEXUAL CONDUCT – Acts of sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight. Any penetration of the vagina or anus, however slight, by an object. Any contact between persons involving the sex organs of one person and the mouth or anus of another. Masturbation, manual or instrumental, of oneself or of one person by another. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

SHIPPING CONTAINER – A Structure designed for use as an individual shipping container designed to be mounted on a rail car as freight or designed as an enclosed truck trailer. These containers are typically prefabricated metal Structures but also include other similar type containers such as shipping crates, boxes, or trailers constructed with other types of material.

SHOOTING RANGE, INDOOR – The use of a Structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR – The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this type of use shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

SHORT-TERM RENTAL – Renting a home, or a space in a home, with five guestrooms or less that is reserved/rented wholly or partly for compensatory fee for less than thirty (30) consecutive days.

SIGHT TRIANGLE – The triangular area formed by a diagonal line connecting two points located on intersecting street Rights-of-Way or a Right-of-Way and the edge/curb of a driveway (See, Section 17.18).

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. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are excluded from the regulations of this Article. This definition includes all signs visible from any public Right-of-Way or adjacent property, including interior signs oriented towards the exterior façade of any Building or Structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign Structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization, or business.

SIGN, ANIMATED – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

SIGN, BILLBOARD – A type of free-standing sign that is mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than 200 square feet.

SIGN, ENTRY FEATURE – A sign intended to provide the identity of a residential development or commercial development with more than one lot or tenant.

SIGN, FLASHING – A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

SIGN, FREESTANDING – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any Building or guy-line support.

SIGN, GAS INFLATABLE – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or Structure and used on a permanent or temporary basis to attract attention to a product, event, or business.

SIGN, GROUND MOUNTED – A type of Free-Standing Sign that is supported by a monument style base and does not include any poles, pillars, or posts.

SIGN, PERMANENT – A sign intended to be erected, displayed or used, or in fact which is used for time period in excess of 30 days within any 180-day period.

SIGN, POLE – A type of free-standing sign that is supported by pole(s), pillars, posts or other free-standing support and is less than 200 square feet.

SIGN, PROJECTING – A sign which extends outward perpendicular to the building face.

SIGN, ROOF – Any sign erected upon or completely over the roof of any building.

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, feathered flags, 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, TRAILER – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

SIGN, WALL – A wall display that is less than 125 square feet.

SIGN, WALL DISPLAY, MURAL – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings or awnings.

SIGN, WAY FINDING – Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

SIGN, WINDOW – A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

SOLAR, ARRAY – A mechanically integrated assembly of modules or panels with a support Structure and foundation, tracker and other components as required to form a direct-current power producing unit.

SOLAR ENERGY – Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY SYSTEM (SES) – An energy system that consists of one or more solar collection devices, solar energy-related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.

SOLAR ENERGY SYSTEM, INTEGRATED – An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other Structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED – An SES where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.

SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM (SMALL SCALE SES) – A ground mounted SES that produces less than 1 MW of power or is less than five (5) acres.

LARGE SCALE GROUND MOUNTED SOLAR ENERGY SYSTEM (LARGE SCALE SES) – A ground mounted SES that produces less than 50 MW of power and is between five (5) and two hundred and fifty (250) acres.

SOLAR ENERGY SYSTEM, ROOF MOUNTED – An SES mounted to the roof of a building or Structure. Roof-mount systems are accessory to the primary use of a property.

SPECIFIED SEXUAL ACTIVITIES – Simulated or actual display of human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus and fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

STAGING AREA – A physical location used to store equipment and materials related to the setup, construction, operation, and/or tear down of an activity or event.

START OF CONSTRUCTION – The first placement of permanent construction of a Structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main Structure. For a Structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the Structure or any part thereof on its piling or foundation. For Mobile Homes within Mobile Home Communities, “Start Of Construction” is the date on which the Mobile Home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities.

STREET – A paved public vehicular Right-of-Way which provides access to abutting properties from the front.

STREET, EXPRESSWAY OR INTERSTATE – Highways which convey high volumes of traffic at high speeds, typically controlled access provided at interchanges. This classification acknowledges existing highways that are generally state or federally designed, funded, and maintained.

STREET, MAJOR ARTERIAL – Means a Street which conveys county to county or city to city travel at relatively higher speeds and typically tightly regulated access. These Streets are typically US highways or state routes.

STREET, MINOR ARTERIAL – Means a Street which is used for intra-county and city corridor travel that links Major Arterials, Interstates, and Expressways with substantial areas of development, and/or conveying substantial traffic volumes.

STREET, MAJOR COLLECTOR – Streets which connect Major and Minor Arterials to population and employment centers, serving more localized trips.

STREET, MINOR COLLECTOR – Streets which predominantly connect local streets with higher classification routes.

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.

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, but not limited to, outdoor advertising signs, (billboards), and farmers’ street-side stands. Structure does not include Fences.

SUBSTANTIAL IMPROVEMENT/ALTERATION – Any repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds 50% of the market value of the Structure either before the improvement or repair is started, or if the Structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether or not that alteration affects the external dimensions of the Structure. The term does not, however, include any project for improvement of a Structure to comply with existing state or local health, sanitary, or safety Code specifications which are solely necessary to assure safe living conditions, or any alteration of a Structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the Structure’s designation as a historic Structure.

SUBSTANTIALLY COMPLETE – The stage in which the work, described in the Zoning Certificate, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

SWIMMING POOL, COMMUNITY – A body of water in an artificial or natural receptacle or another 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 family 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, apartments and condominiums, and community associations.

SWIMMING POOL, PRIVATE FAMILY – 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, STORABLE – A pool capable of holding water to a maximum depth of forty-two inches (42") and is constructed of non-metallic, molded polymeric or fabric walls supported on a rigid frame or by an inflatable ring and entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.

TELECOMMUNICATION TOWER – A Structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition.

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.

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

TEMPORARY ENTERTAINMENT USE – A use for providing amusement or enjoyment in an indoor facility, outdoor facility, or outdoor area on private property through an activity that provides a leisure activity either for profit or not for profit and for a specified limited duration not to exceed ninety (90) days (three months). Said use and any associated parking, vehicle or pedestrian queueing, or storage does not occur within the public Right-of-Way. Each Temporary Entertainment Use requires a Conditional Use Permit as detailed in this Resolution.

TEMPORARY STRUCTURE, CONSTRUCTION TRAILER/OFFICE – Any Structure that is not permanent and is located on a construction site for purposes of storing materials and tools or for offices for construction management.

TEMPORARY TENT – See, [Section 15.23 – Temporary Structures/Construction Trailers](#).

TOWNSHIP – Refers to Deercreek Township, Pickaway County, Ohio.

TRAFFIC MANAGEMENT PLAN – A Traffic Management Plan, or "TMP," is a plan developed and established to anticipate, prepare for, manage, and control vehicular traffic in a manner that maintains the functionality, capacity, traffic flow, and safety of the public roadway. The TMP identifies, coordinates, and manages the needs and actions of several agencies responsible for road traffic management and safety on a given road network. This may include the Township Road Superintendent, Pickaway County Engineer, Ohio Department of Transportation, Pickaway County Sheriff's Office, and the State Highway Patrol. The purpose of this approach is to limit the effects of events that can lead to serious deterioration of traffic conditions, including functionality, capacity, traffic flow, and safety. The objective is coordinated action by the various authorities and services that participate in the operation of the roadway. To anticipate the arrangements for controlling and guiding traffic flows in real-time and for informing road users about the traffic situation in a consistent and timely way before and during their trip. The situations covered can be unforeseeable (incidents, accidents) and/or predictable (recurrent or non-recurrent events). The measures are always applied temporarily – although "temporary" may be lengthy, such as an event, construction, or long-term maintenance activity. The TMP determines the placement of barricades, warning lights, signs, off-street parking, and/or personnel for the duration of the event or incident that impedes the normal traffic flow for the roadway.

TRAFFIC QUEUEING – A line of motor vehicles awaiting their turn to be attended to or to proceed.

TRANSITIONAL LIVING CENTER – A facility that provides short-term room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.

TREE, LARGE – Any tree species which normally attains a full-grown height above 60 feet.

TREE, MEDIUM – Any tree species which normally attains a full-grown height between 30-60 feet.

TREE, SMALL – Any tree species which normally attains a full-grown height of under 30 feet.

TRUCK SERVICE CENTER – A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

TRUSTEES, BOARD OF TOWNSHIP – The three-member board elected at the general elections in off-numbered years for terms of four years. Two Trustees are elected the year after presidential elections, and one trustee the year following gubernatorial elections.

UNNECESSARY HARDSHIP – A standard utilized to determine whether a use variance should be granted. It is based on the deprivation of an owner's right to the beneficial use of property that is caused by the strict enforcement of this Resolution. It must involve unique characteristics of the property itself and does not include economic difficulties of the owner/applicant.

USE – The purpose for which a Building or land may be arranged, designed, or intended to be occupied or maintained.

VARIANCE – A modification of the strict terms of this Resolution due to the strict enforcement of these regulations resulting in a practical difficulty or unnecessary hardship and where such modification will not be contrary to the public interest.

VARIANCE, AREA – A type of variance that is from a regulation based on the dimensions or physical requirements of applicable zoning regulations such as setbacks, height, or other similar requirement. This type of Variance is typically reviewed using a Practical Difficulty standard, as described in [Section 7.03 –Variances](#).

VARIANCE, USE – A type of variance to allow a use that is otherwise prohibited within the district. This type of Variance is typically reviewed using an Unnecessary Hardship standard, and is prohibited within the Township.

VEHICLE, CHARGING STATION – The design and construction of a parking space with Electric Vehicle Supply Equipment that supplies electric energy for the recharging of electric vehicles.

VEHICLE, RECREATIONAL – Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to all-terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats and jet skis.

VEHICULAR SALES, EQUIPMENT – An open area or building used for the display, sale or rental of farm, construction, or other similar machinery.

VEHICULAR SALES, MOTORCYCLES – An open area or building used for the display, sale, or rental of new or used motorcycles and where only incidental repair work is done.

VEHICULAR SALES, NEW AND USED CARS – An open area other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition and where only incidental repair work is done.

VEHICULAR SALES, RECREATIONAL – An open area or building used for the display, sale, or rental of new or used recreational vehicles and where only incidental repair work is done.

WALL, DECORATIVE – An architecturally designed wall that is intended to prohibit public view and provide seclusion, has more than 50 percent of its vertical surface area closed to light and air, and is not designed for purposes of retaining soil.

WALL, RETAINING – An engineered wall that is designed and intended to support soil laterally so that it can be retained at different levels on the two sides.

WALLSCAPE – A type of wall display that greater than 125 square feet and is mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached to the side of a building.

WATER, WASTEWATER, TRANSPORTATION AND OTHER GOVERNMENTAL SERVICES – Government services concerning the extraction, transportation, and treatment of water and wastewater within the Township.

WEDDING VENUE – An event space that shall be considered as a [Place of Assembly](#) and may be used in combination with an [Agritourism](#) Use or [Rural Tourism Facility](#), as defined herein, to celebrate marriage

WIND ENERGY CONVERSION SYSTEM – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL – A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, an aggregate rated capacity of not more than 100 kilowatts and is intended to primarily reduce on-site consumption of utility power.

WIND ENERGY CONVERSION SYSTEM TOWER – The support Structure to which the nacelle and the rotor are attached.

WIND ENERGY CONVERSION SYSTEM TOWER, HEIGHT OF – The distance from the rotor blade at its highest point to the top surface of the tower foundation.

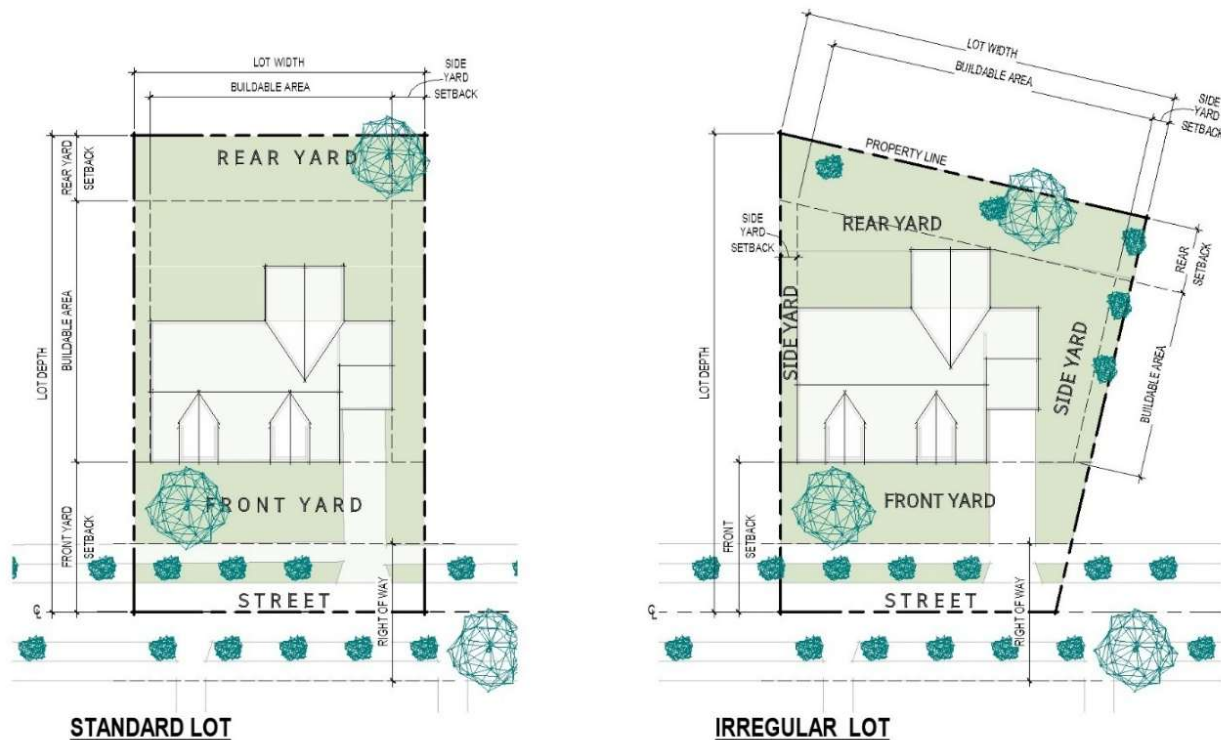
WIND FARM, SMALL – A Wind Energy Conversion System consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of 100kW or more, but less than 50 megawatts and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is 5 megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Resolution.

YARD – An open space on a lot with a building that is unoccupied and unobstructed by any portion of a principal Structure. Fences and Accessory Structures may be permitted within a yard as regulated in this Resolution.

FRONT YARD – The horizontal distance between the Right-of-Way line and the nearest foundation or structural appurtenance of the principal Structure.

REAR YARD – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal Structure.

SIDE YARD – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.



ZONING CERTIFICATE – A document issued by the zoning administrator authorizing the construction or alteration of a building, Structure, or use consistent with this Resolution.

ZONING DISTRICT – Any section of the Zoning Map and/or legal description in which the zoning regulations are uniform.

ZONING INSPECTOR – The authorized representatives appointed by the Trustees to issue Zoning Certificates and perform other duties as specified in this Resolution.

ZONING MAP – A map of Deercreek Township, Pickaway County, Ohio that legally denotes the boundaries of the Zoning District as they apply to the properties within the Township. The official zoning map shall be kept on file in the administrative offices.

ARTICLE III
Administrative Bodies and Their Duties

3.01 Zoning Inspector	3.06 Administrative Procedures for
3.02 Rural Zoning Commission	Overlay Districts
3.03 Board of Zoning Appeals	
3.04 Board of Township Trustees	
3.05 Powers of Zoning Inspector, Board of	
Zoning Appeals, and Board of	
Township Trustees on Matters of	
Appeal	

3.01 ZONING INSPECTOR

- a) Office of Zoning Inspector Established. The Zoning Inspector, appointed by the Board of Township Trustees, shall enforce this Resolution. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, or apparent violations as described in this Resolution. The Township Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code unless the Board of Township Trustees has procured for the Zoning Inspector an employee dishonesty and faithful performance duty policy of insurance in lieu of bond, pursuant to Section 3.061 of the Ohio Revised Code.
- b) Relief from Personal Liability. The Zoning Inspector, acting in good faith and without malice in the discharge of their duties during enforcement of this Resolution, is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. The Zoning Inspector shall not be held liable for the costs in any action, suit, or proceeding that may be instituted against them as a result of the enforcement of this Resolution.
- c) Duties of the Zoning Inspector. For the purposes of this Resolution, the Zoning Inspector shall have the following duties:
 - 1) Enforce this Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
 - 2) Investigate all complaints received from residents alleging illegal activity, provided such complaints are filed in writing, and report findings to the Board of Township Trustees.
 - 3) Issue Zoning Certificate(s) when the provisions of this Resolution have been met or refuse to issue same in the event of non-compliance.

- 4) Collect designated fees, as established by separate resolution, for Zoning Certificates, Appeals, Variances, and Conditional Uses.
 - 5) Make and keep all records necessary and appropriate to the office, including records of issuance and denial of Zoning Certificates and receipt of complaints of violations of this Resolution and actions taken on the same.
 - 6) Inspect any Buildings, Structures, or lands to determine whether any violations of this Resolution have been committed or exist.
 - 7) Advise the Rural Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments of this Resolution.
- d) Removal from Office. As an employee of the Township, the Zoning Inspector, the Zoning Inspector may be removed by the Board of Township Trustees for non-performance of duty, misconduct in office, or other just cause.

3.02 RURAL ZONING COMMISSION

- a) Rural Zoning Commission Established.
- 1) Pursuant to Section 519.04 of the Ohio Revised Code, a Rural Zoning Commission is hereby established by the Township. This Rural Zoning Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms of the members shall be of such lengths and so arranged that the term of one (1) member will expire each year.
 - 2) For the purposes of this Resolution, the members of the Rural Zoning Commission existing on the effective date of this amended Resolution shall remain in office. However, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Rural Zoning Commission shall be filled by the Board of Township Trustees, consistent with the provisions of Section 519.04 of the Ohio Revised Code.
- b) Removal of Members. Members of the Rural Zoning Commission shall be removed for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees. A public hearing shall be held regarding such charges no longer than sixty (60) days after the charges are filed against the Rural Zoning Commission member. In such a case, a copy of such charges shall be served to the member at least ten (10) days prior to the hearing, either personally or by registered mail. The member shall be given an opportunity to be heard and answer all such charges.
- c) Proceedings.
- 1) The Rural Zoning Commission shall elect a chairperson and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the chairperson, and at such other times as deemed appropriate by the Commission, as determined by a majority vote. All

meetings shall be open to the public. For the purpose of taking action, the concurring vote of at least three (3) members of the Commission shall be required for action on any specific business.

- 2) The Rural Zoning Commission shall keep minutes of proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public record and shall be immediately filed in the office of the Rural Zoning Commission.
- d) Powers and Duties. For the purposes of this Resolution, the Rural Zoning Commission shall have the following powers and duties:
- 1) Initiate and receive amendments to this Resolution, pursuant to [Article VI – District Changes and Amendments](#).
 - 2) Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees as specified in [Article VI – District Changes and Amendments](#).
 - 3) Review all proposed changes to the official Zoning Map and make recommendations to the Board of Township Trustees.
 - 4) Review all development plans submitted for the Rural Mixed-Use Overlay District and make recommendations to the Board of Township Trustees as provided in [Article XII – \(RMU\) Rural Mixed-Use Overlay District](#) and [Article XIII – \(PEC\) Planned Employment Center Overlay District](#).

3.03 BOARD OF ZONING APPEALS

- a) Establishment.
- 1) There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 and 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.
 - 2) The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporate territory of the Township. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until their successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.
- b) Removal of Members. Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after notification and a public hearing held no more than sixty (60) days after the charges are filed against the person, following the procedures specified for the members of the Rural Zoning Commission in [Section 3.02\(b\) – Removal of Members](#), above.

c) Proceedings.

- 1) The Board of Zoning Appeals shall organize annually and elect a chairperson. Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at other such times as the Board shall determine. The Fiscal Officer, as established below, shall be responsible for keeping minutes and performing other administrative duties for the Board as required. The Board of Appeals shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Resolution. All meetings of the Board shall be open to the public.
- 2) The Board of Zoning Appeals shall have the power to subpoena witnesses, administer oaths, and may require the production of documents, under such rules as it may establish.

d) Powers and Duties. In exercising its duties, the Board of Zoning Appeals 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, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variation in the application of this Resolution. For the purposes of this Resolution, the Board of Zoning Appeals has the following responsibilities:

- 1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector, in accordance with [Article VII – Appeals and Variances](#) – of this Resolution.
- 2) Authorize such Variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in Practical Difficulties in accordance with the provisions of this Resolution.
- 3) To grant Conditional Use Permits as specified in [Article VIII – Conditional Uses](#) – and any supplemental material as found in [Article XV – General Development Standards](#) – and [Article XVIII – Extraction of Natural Materials](#) – and such additional safeguards as will uphold the intent of this Resolution.
- 4) To interpret the Zoning Map and this Resolution upon appeal of the Zoning Inspector’s decision.
- 5) Authorize the substitution or extension of Nonconforming Uses, as specified in [Article V – Nonconformities](#).
- 6) To consider applications for determinations of Uses as “Similar” to Permitted Uses, in accordance with [Section 9.05 – Similar Uses](#).

- 7) Authorize extensions of time for completion of work specified in the Zoning Certificates, in accordance with [Section 4.03 - Approval of Zoning Certificates](#).
- 8) Declare Zoning Certificates void, pursuant to [Section 4.09 – Void Zoning Certificate](#) – of this Resolution.
- 9) Where the streets or Lot layout on the ground, or as recorded, differs from the streets and lot lines as shown on the zoning map, the Board of Zoning Appeals, after written notice to the owners of the property or properties concerned, and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Resolution. In case of any questions as to the location of any boundary line between zoning districts, or where there is uncertainty as to the meaning and intent of a textual provision a question may be made to the Board of Zoning Appeals and a determination shall be made by said Board.

3.04 BOARD OF TOWNSHIP TRUSTEES

- a) The powers and duties of the Board of Township Trustees pertaining to this Resolution are as follows:
 - 1) Appoint members to the Rural Zoning Commission and the Board of Zoning Appeals.
 - 2) Initiate and/or act upon suggested amendments to the Resolution text or Zoning Map.
 - 3) Override a written recommendation of the Rural Zoning Commission on a text or map amendment as described in [Section 6.06 - Recommendation by the Rural Zoning Commission](#).
 - 4) May appoint a Fiscal Officer, who shall record the minutes of the Rural Zoning Commission and Board of Zoning Appeals, confirm the information on zoning applications, maintain zoning records, assist the Zoning Inspector, and perform other such duties relating to this Resolution as deemed appropriate by the Board of Township Trustees. The Fiscal Officer shall be compensated at rates established from time to time by the Board of Township Trustees.

3.05 POWERS OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, AND BOARD OF TOWNSHIP TRUSTEES 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, or their designee, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, or their designee, and that recourse from the decisions 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 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 section and this Resolution. Under this Resolution the Township Trustees shall have only the duties of considering the adopting, modifying, 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 4.08 Schedule Of Fees, Charges, And Expenses](#) – of this Resolution.

3.06 ADMINISTRATIVE PROCEDURES FOR OVERLAY DISTRICTS

a) Pre-Application Meeting.

- 1) The developer along with any contracted landscape architect or engineer with the developer seeking to submit a development plan may meet with the Zoning Inspector and up to two (2) members of the Rural Zoning Commission prior to submitting the development plan. The purpose of this meeting is to informally discuss the purposes of this Section, its criteria and standards, other provisions of this Article, and the drainage, water, and sewer location and capacities to service this site.
- 2) No statement or action taken by any community official during these informal consultations shall be construed to be a waiver of any legal obligation of the Applicant or of any procedure of formal approval required by the community's statutes or rules.
- 3) Ohio's Open Meeting Laws (Section 121.22 of the Ohio Revised Code) apply to all meetings involving a meeting of a majority of the members of the Rural Zoning Commission or the Board of Township Trustees.
- 4) The Zoning Inspector may request that any County agency or committee such as, but not limited to, the Pickaway County Planning Commission, Pickaway County Engineer's Office, Pickaway County General Health District, and Pickaway County Soil and Water Conservation District for the submission of comments for consideration at the Rural Zoning Commission hearing described in [Section 3.06\(c\)\(2\) – Development Plan Contents](#), below.

b) Zoning Map Amendment. Prior to submitting a Planned Employment Center (PEC) Overlay District Development Plan, the applicant must apply for a Zoning Map Amendment following the procedures found in [Article VI – District Changes and Amendments](#). If the applicant for the Zoning Map Amendment meets the criteria therein and the tract matches the designated "growth area" as found on the Future Land Use Map adopted separately by the Township, the applicant may proceed to the next step to submit either its Conditional Use Permit or formal Development Plan, as applicable.

c) Formal Development Plan Application. After the conclusion of the Pre-Application Meeting, an Applicant may file three (3) paper copies and one (1) electronic PDF copy of a formal application with a development plan and supplemental materials to the Zoning Inspector prior to the Submittal Due Date as prescribed by the Rural Zoning Commission. The Zoning Inspector shall transmit the complete application package to the Rural Zoning Commission and other parties as deemed appropriate for review and comment. The development plan must cover the entire contiguous ownership of the Applicant unless the Applicant specifically stated in writing they do not intend to develop the withheld portion

of the Tract for at least five (5) years. At a minimum, the application must include the following requirements below.

- 1) Application Contents.
 - i) Name, address, email address, and phone number of the Applicant;
 - ii) Paid fee as prescribed in the separately adopted schedule of fees;
 - iii) Legal description of property;
 - iv) A schedule for the development of Buildings to be constructed in progression and description of the design principles for Buildings and streetscapes; tabulation of the number of acres on the proposed project for various Uses, the number of Housing Units proposed; estimated residential population; estimated nonresidential population; anticipated timing for each Building; and population density and public improvements proposed for each unit of the development whenever the Applicant proposes an exception from standard Zoning Districts or other resolution governing development;
 - v) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, and street improvements;
 - vi) A letter from the Pickaway County General Health District or Ohio Environmental Protection Agency, as applicable, indicating the proposed on-site water and septic systems are sufficient to serve the proposed Use(s);
 - vii) Site plan, showing Building(s), various functional use areas, circulation, and their relationships;
 - viii) Architectural renderings and accompanying narrative to discuss in detail the design treatment of all Buildings and Structures where applicable;
 - ix) Plans for landscaping and Signs;
 - x) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the Tract to be developed;
 - xi) A grading plan drawn to scale of 1" = 100', or to another scale acceptable to the Zoning Inspector, and a contour interval of two (2) feet showing all information pertaining to surface and subsurface drainage for the Tract;
 - xii) An explanation of the method/structure and proposed documentation and instruments to be used to perpetually own, maintain, and preserve the required Open Space. The location, size, and proposed use(s) of all Open Space shall be detailed;
 - xiii) A Traffic Analysis when required by and in accordance with ODOT Location and Design Manuals;
 - xiv) If planned – as applicable: Deed restrictions, protective covenants, and other legal statements or devices to be used to control the Use, development, and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained; and

- xv) A development plan containing the materials as found in Section 12.02(c)(2) below.
- 2) Development Plan Contents. A development plan drawn to scale of at least 1" = 100', or to another scale acceptable to the Zoning Inspector, with a minimum of 2-foot contour intervals, prepared by a registered architect, registered engineer, and/or registered landscape architect, registered engineer, and/or registered landscape architect, containing the following:
 - i) Proposed name of the development and its location;
 - ii) Names and address of the applicant, owners, and developers;
 - iii) Date and north arrow;
 - iv) A list, description, and location of the precise uses proposed for the development and phases of construction;
 - v) Boundary Lines of the proposed development and the total acreage of the proposed project;
 - vi) The adjoining lines of adjacent Tracts, Parcels, or Lots, with the layout, numbering, and dimensions of the Lots, if more than one, and labels for the existing Zoning Districts for the Tract and adjacent Parcels;
 - vii) Site Line Diagram for adjacent Residential Districts;
 - viii) Locations, widths, and names of all existing and proposed public streets or other public rights-of-way, railroad and utility rights-of-way or easements, parks and other public open spaces, and section and corporation lines within the Tract;
 - ix) Existing sewers, water mains, culverts, and other underground facilities within the Tract, adjacent to the Tract or that will be used or are proposed to be used in developing the Tract, indicating pipe sizing, grades, and locations;
 - x) Existing ground configuration, drainage channels, wooded areas, watercourses, and other significant physical features within the Tract. An exhibit demonstrating environmentally sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than twenty percent (20%);
 - xi) Any stream or wetland delineations and mitigation setbacks required by the Army Corps of Engineers or Ohio Environmental Protection Agency;
 - xii) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications;
 - xiii) The proposed provisions for water, fire hydrants, sanitary sewer, all underground utilities, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Preliminary water, sanitary sewer, and storm sewer line sizes and location, detention basins and drainage structures shall be drawn. Detailed engineering is not required;
 - xiv) Proposed street grades and preliminary sewer size slope;
 - xv) Building Setback Lines with dimensions;

- xvi) Layout, location, dimensions of any existing and proposed structures. Any existing structures to be demolished when developing the Tract must be labeled as “to be removed;”
- xvii) Building locations depicting the bulk, height, and spatial relationships of building masses with adjacent development;
- xviii) Preliminary drawings for buildings to be constructed, including preliminary floor plans, exterior elevations, and sections;
- xix) Color renderings of proposed and existing Structures (except those that are “to be removed”), complete with a listing of all colors referenced by the Pantone Color Reference System (latest edition) or if Pantone is not available, the manufacturer’s reference/serial number with samples and materials to be used;
- xx) Intended measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers, and loading zones from view;
- xxi) A parking study detailing the required number of parking spaces prepared by an architect, landscape architect, and/or professional engineer registered in the State of Ohio.
- xxii) Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks, and lane improvements on existing public roads;
- xxiii) Accommodation and access for emergency and fire-fighting apparatus;
- xxiv) A detailed Exterior Lighting Plan;
- xxv) A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliber, height, and numbers of each plant, shrub, or tree, its name, its size at planning and rendering(s) of how that section of the development would look in elevation;
- xxvi) If there is a divergence from the development standards:
 - A) An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan;
 - B) Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in this Article, generally, and the applicable standards found in [Article XV – General Development Standards](#).
- xxvii) Any other information, as may be required by the Zoning Commission and/or Board of Trustees, to determine compliance with this Zoning Resolution; and
- xxviii) All drawings that are a part of the Development Plan shall respectively bear the seals of the preparing architect, landscape architect, and/or

professional engineer. The respective professional attaching their seal to the drawings must be licensed to practice in the state of Ohio.

- d) Development Plan Review – Rural Zoning Commission and Board of Township Trustees Action.
- 1) After receipt of the completed application materials and required fees, the Zoning Inspector shall forward the materials to the Rural Zoning Commission.
 - 2) Within thirty (30) days from the submittal date of a completed application for a development plan, the Rural Zoning Commission shall schedule a public hearing and post proper notice pursuant to the same method as found in [Section 6.05 – Public Hearing by Rural Zoning Commission](#) – of this Resolution.
 - 3) No later than thirty (30) days after the public hearing, the Rural Zoning Commission shall recommend to the Board of Township Trustees to approve, approve with modification, or not approve the development plan.
 - 4) Upon receiving the Rural Zoning Commission’s recommendation on the development plan, the Board of Township Trustees shall schedule a hearing on said development plan. Within thirty (30) days of its hearing, the Board of Township Trustees shall approve the development plan as submitted, approved the application subject to modification, or not approve the application. The Board of Township Trustees shall also provide a ten (10) day notice of its public hearing. The notice requirements shall be the same as [Section 6.07 – Public Hearing By The Board Of Township Trustees](#) – of this Resolution.
 - 5) After the Board of Township Trustees approves the development plan, no changes to said plan shall be permitted without approval according to [Section 3.06\(h\) – Amendment of the Development Plan.](#)
- e) Condition of Approval. Unless otherwise excluded by resolution approved by the Township Trustees, no real property shall be included in an Application and Development Plan unless the Application and Development Plan provides the Applicant’s intent and commitment to enter into a development agreement with the Township containing terms satisfactory to the Township (the “Economic Development Agreement”). Such Economic Development Agreement terms may include, but are not limited to, the voluntary involvement and participation in one or more economic development program, such as and without limitation, a New Community Authority, Joint Economic Development District, and/or Tax Increment Financing District for the property and Uses involved in the Application. No Application and Development Plan shall be approved unless this condition of providing the Applicant’s intent and commitment to enter into an Economic Development Agreement is met at the time of filing the complete Application. No Zoning Certificates or Certificates of Zoning Compliance shall be issued by the Rural Zoning Commission until such time that all real property that is part of an Application has fulfilled this condition by the preparation, finalization, and execution of such an Economic Development Agreement. In the event that the Economic Development Agreement has not been finalized and/or executed at the time the Township Trustees are considering taking action on the Application and Development Plan, the Township Trustees in their

sole and absolute discretion may approve the Application and Development Plan subject to the negotiated condition(s), which may include, but are not limited to, a condition that the Economic Development Agreement shall be finalized and executed within six (6) months following such approval.

f) Criteria for Approval. In determining whether to approve an application and development plan, the reviewing authorities shall consider the following:

- 1) Whether the application and proposed development plan are consistent in all aspects with the purpose, criteria, intent, and standards of the RMU, improved arrangements and design of the proposed development;
- 2) Whether the application and proposed development plan meet all the design features required in this Article;
- 3) Whether the application and proposed development plan are compatible with the character of existing land use, consistent with the intent and purpose of the overlay standards of this Article and are in keeping with the intent of the most recently adopted Deercreek Township Comprehensive Plan and other applicable public plans for the area;
- 4) Whether the proposed development will be adequately served by essential public facilities and services including without limitation, roads, walkways and bike paths, police and fire protection, drainage features, potable water and centralized sanitary sewers, and on-site water and sewer systems;
- 5) Whether the application and proposed development plan promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of all types of development;
- 6) Whether the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
- 7) Whether an adequate funding source for the construction and long-term maintenance of the required Open Space and community improvements have been provided;
- 8) Whether the proposed development is designed in such a way as to minimize any unreasonable adverse impact on the surrounding areas of the Township;
- 9) Whether the drainage plan is designed to not negatively impact surrounding properties; and
- 10) In approving the application and development plan, the Board of Township Trustees may impose such conditions, safeguards, and restrictions deemed necessary to carry out the purpose and intent of the overlay district.

g) Consulting Services and Additional Fees.

- 1) Along with the application fee as prescribed by the Schedule of Zoning Fees the applicant shall be responsible for all reasonable and necessary expenses incurred by the Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, legal counsel, landscape architects, planners, and engineers utilized by the Township in reviewing the development plan and related application materials.
 - 2) As soon as reasonably practicable following the submission of an application for approval of a development plan, the Rural Zoning Commission Chairperson and Zoning Inspector shall decide if it needs a professional consultant(s) to assist it in reviewing the application.
 - 3) If the Rural Zoning Commission Chairperson and Zoning Inspector decide the application needs professional consulting services, they shall designate the person(s) to consult and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Inspector shall provide the applicant with notice of its initial estimate of expenses. This initial estimate will be reviewed, and may be revised, during the review process. If such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Inspector shall send the applicant written notice of the revised estimate of fees and charges.
 - 4) Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Fiscal Officer, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission Chair and Zoning Inspector shall consider the reasonable commercial rates of qualified professionals and reasonable estimates of time to complete the review.
 - 5) Any unused portion of the estimated amount received to cover the professional consulting fees and charges shall be returned to the applicant as soon as practicable following the final disposition of the application, along with a summary of the fees and charges expended for such services.
- h) Amendment of the Development Plan. After the Board of Township Trustees approves a development plan, no changes to the plan shall be permitted without further approval as set forth below.
- 1) Minor Amendments.
 - i) Within thirty (30) days of the submittal of a written application specifically detailing the changes requested along with a revised Development Plan, the Zoning Inspector may administratively approve a minor amendment. Minor amendments are limited to the following:

- A) An encroachment of five (5) feet or less into a side or rear setback as shown on the approved Development Plan, provided such setback abuts property having the same or similar use, as determined by the Zoning Inspector (changes to the Right-of-Way setbacks have more impact to utilities and the overall design intent of the Mixed-Use Overlay District and shall be considered a major amendment);
 - B) A change in the sign face that does not alter the size, height, or setback of the sign; and
 - C) An increase of no more than three (3) feet in the maximum building height as shown on the approved Development Plan.
 - ii) Anyone aggrieved by the decision of the Zoning Inspector on a proposed minor amendment may appeal said decision to the Board of Township Trustees within thirty (30) days of said decision by the Zoning Inspector. The Board of Township Trustees shall hear said appeal within thirty (30) days of receiving the appeal. The Board of Township Trustee's action is final and is subject to appeal pursuant to Chapter 2506 of the ORC.
 - 2) Major Amendments.
 - i) All other proposed amendments, other than the three identified in Section 3.06(h)(1)(i)(A-C), above, shall be considered major amendments and must be approved by the Zoning Commission before a final decision by the Township Board of Trustees.
 - ii) Major Amendments to an approved Development Plan shall follow the same procedure in [Article VI – District Changes and Amendments](#).
 - 3) Any minor or major amendment that is approved shall apply only to the proposed development plan for which the amendment application has been submitted and shall not apply to any other property subject to the RMU or PEC.
- i) Development Plan Approval Period. The approval of the development plan shall be effective for a period of five (5) years to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a Zoning Certificate. If no plat has been recorded within this approval period (or if platting is not required, if construction has not commenced), the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be made unless either an extension has been approved in accordance with this Section 3.06 – Administrative Procedures of Overlay Districts, or an application accompanied by a new development plan has been filed with and approved by the Board of Township Trustees using the same procedure and criteria as established for the approval of the initial development plan.
- j) Plat Extension of Time. An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Township Board of Trustees upon application of the owner(s), provided the Township Board of

Trustees determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of reasonable effort in recording the plat and the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the application submitted and at the discretion of the Board of Township Trustees. A request for an extension shall be filed prior to the expiration of the approval period.

- k) Effect of Approval. The Board of Township Trustees' action on an application and proposed development plan under this Article shall not be considered to be an amendment to this Resolution for purposes of Section 519.12 of the Ohio Revised Code but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code. If the Board of Trustees determines that an application and Development Plan comply with the requirements of the overlay standards and approve said application, upon such approval the Zoning Map shall be changed to remove any other zoning district that applied to the tract subject to the application. The removal of the prior zoning district from the Zoning Map is a ministerial act and shall not be considered to be an amendment to the this Resolution for the purposes of Section 519.12 if the Ohio Revised Code.

Overlay District Approval Timeline

For General Audiences Only – Timeline Not to be Used for Regulatory Purposes – Resolution Language Controls

OVERLAY DISTRICT APPROVAL PROCEDURE	
STEP 1: Pre-Application Meeting between Applicant, Engineer/Architects, Township officials, and any applicable County personnel (Section 3.06(a))	
PLANNED EMPLOYMENT CENTER OVERLAY APPLICANTS ONLY: Applicant shall submit a Zoning Map Amendment to bring the Neighborhood Planned Employment Center tract into conformity with the Future Land Use Map (Section 3.06(b)).	
STEP 2: Applicant shall submit any applicable Conditional Use Permits for Uses designated as Conditional in the Combined Use Table found in Section 10.02 - Combined Use Table. The Conditional Use Permit shall follow the criteria found in Article VIII - Conditional Uses and any additional requirements as found in Article XV – General Development Standards.	
STEP 3: Submit the Formal Development Plan (Section 3.06(c)), which contains the list of all required documents.	

STEP 4:

The Township shall begin review the Development Plan ([Section 3.06\(d\)](#)).

- Within 30 days of the submittal date of a completed application for a development plan, the Zoning Commission shall schedule a public hearing and with public notice pursuant to [Section 6.05 – Public Hearing by Rural Zoning Commission](#).
- Approval is conditioned upon the intent and commitment of the Applicant to enter into an Economic Development Agreement as described in [Section 3.06\(e\)](#).
- Look to [Section 3.06\(f\) – Criteria of Approval](#) – for further guidance concerning the judgment of a Development Plan application.

STEP 5:

No later than 30 days after the public hearing, the Zoning Commission shall recommend to the Township Board of Township Trustees to approve, approve with modification, or not to approve the Development Plan ([Section 3.06\(d\)\(3\)](#)).

STEP 6:

Upon receiving the Zoning Commission's recommendation, the Board of Township Trustees shall schedule a public hearing with 30 days' notice ([Section 3.06\(d\)\(4\)](#)).

STEP 7:

Within 30 days following said hearing, the Board of Township Trustees shall approve the Development as submitted, approved subject to modification, or not approved ([Section 3.06\(d\)\(4-5\)](#)).

ARTICLE IV Enforcement and Penalty

4.01	Zoning Certificate Required	4.06	Expiration of Zoning Certificates
4.02	Application for Zoning Certificate	4.07	Certificate of Zoning Compliance
4.03	Approval of Zoning Certificate	4.08	Schedule of Fees, Charges, and Expenses
4.04	Submission to the Department of Transportation	4.09	Void Zoning Clearance
4.05	Record of Zoning Certificates	4.10	Violation and Penalty

4.01 ZONING CERTIFICATE REQUIRED

- a) A Zoning Certificate is required for any of the following and is subject to the limitations of Section 519.211 of the Ohio Revised Code:
 - 1) Construction, structural alteration, or enlargement of any Building or Structure, including Accessory Structures and Temporary Structures.
 - 2) Change in the Use of an existing Building, Structure, or land to a Permitted Use in the Zoning District where the Building is located.
 - 3) Occupying or using vacant land.
 - 4) Demolishing any Building or Structure.
- b) The failure to obtain a Zoning Certificate shall be considered a violation of this Resolution and shall be punishable in accordance with this Article.
- c) Declaration of Intent – Agricultural Exemption Form. With no associated cost, an “Agricultural Exemption Form” shall be provided upon request by the Zoning Inspector to the Township showing that the Building is an Agricultural Use and falls under the agricultural exemption rules of Section 519.21 of the Ohio Revised Code.

4.02 APPLICATION FOR ZONING CLEARANCE

- a) The responsible party or applicant shall submit three (3) copies of an application for a Zoning Certificate to the Zoning Inspector and shall include the following information:
 - 1) Name, address, phone number, and email address of the applicant.
 - 2) Address and parcel number of the property subject to the application.
 - 3) Legal description of the property as recorded in the County Recorder’s office. If there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant to supply a survey of the property by a registered surveyor in the State of Ohio.
 - 4) Existing and proposed Uses.
 - 5) The Zoning District in which the property is located.

- 6) Plans and/or drawings to approximate scale showing:
 - i) The dimensions of the property.
 - ii) The dimensions of existing and proposed Buildings or Structures on the property.
 - iii) The distance between the Property Lines and the existing and proposed Structures.
 - iv) The dimensions and number of existing and proposed parking spaces.
 - v) Any existing or proposed signage (not required for One-Unit Dwelling certificates).
 - vi) The height of existing and proposed Buildings.
 - vii) Number of proposed Dwelling Units, if applicable.
 - viii) The property owner is required to sign the application, or an affidavit authorizing a representative to sign and serve as the contact on behalf of the owner must be submitted.
 - ix) Any other information as determined by the Zoning Inspector to determine compliance with this Resolution.
 - x) A copy of any required approvals including, but not limited to, any necessary Variances or Conditional Use Permits.
- b) The Zoning Inspector may increase or decrease the requirements for the application when the scope and scale of the proposed request warrants. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the Lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

4.03 APPROVAL OF ZONING CERTICATES

- a) The Zoning Inspector shall approve or deny the Zoning Certificate application within thirty (30) days after the receipt unless the provisions of [Section 4.04 – Submission to the Department of Transportation](#), below – are applicable.
- b) If a Zoning Certificate is approved:
 - 1) The Zoning Inspector shall mark the Zoning Certificate as approved, sign, date, and return the approve Zoning Certificate to the applicant.
 - 2) The applicant shall Commence Work within one (1) year of the date of Zoning Certificate approval unless an extension is granted by the Zoning Inspector. The Zoning Inspector may grant a one-time extension of up to six (6) months due to unexpected delays that are not a result of any action of the applicant and provided there are no changes in area conditions, as determined by the Zoning Inspector. Otherwise, the Zoning Certificate shall be considered null and void and a new Zoning Certificate must be obtained.

- 3) The work described in the Zoning Certificate must be completed and a Certificate of Zoning Compliance must be issued within two (2) years of the date of the Zoning Certificate approval. Any work described in the Zoning Certificate that has not been completed within this two (2) year period or as extended by the Zoning Inspector shall not proceed unless a new Zoning Certificate is obtained.
- c) If a Zoning Certificate is denied:
- 1) The Zoning Inspector shall mark the Zoning Certificate as denied; sign, date, and provide a list of reasons for denying the Zoning Certificate; and return it to the applicant.
 - 2) The applicant shall have thirty (30) days from the date the Zoning Inspector denied the Zoning Certificate to file an appeal application to the Board of Zoning Appeals.

4.04 SUBMISSION TO THE DEPARTMENT OF TRANSPORTATION

Before any Zoning Certificate is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Department of Transportation, the Zoning Inspector shall give notice, by registered or certified mail, to the Department of Transportation. The Zoning Inspector shall not issue a Zoning Certificate for one hundred and twenty (120) days from the date the notice is delivered to the Department of Transportation. If the Department of Transportation notifies the Zoning Inspector shall proceed to acquire the land need, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if the notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Certificate.

4.05 RECORD OF ZONING CERTIFICATES

A record of all Zoning Certificates shall be kept on file in the Office of the Zoning Inspector, or their designated agent, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the Building or land affected.

4.06 EXPIRATION OF ZONING CERTIFICATES

If the work described in any Zoning Certificate has not Commenced work within one (1) year from the date of issuance thereof or has not been completed within two (2) years from the date of issuance thereof, said Zoning Certificate shall expire. For the purposes of these regulations, a Building or Structure shall be considered complete when a Certificate of Zoning Compliance, pursuant to Section 4.07, below, has been issued. In cases where a Zoning Certificate has expired, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired Zoning

Certificate shall not proceed unless and until a new Zoning Certificate has been obtained or extension granted by the Board of Zoning Appeals.

4.07 CERTIFICATE OF ZONING COMPLIANCE

- a) It shall be unlawful to use or occupy or permit the use or occupancy of any Building or Structure hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its Use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Inspector, stating that the proposed Use of the Building or land, as completed, conforms to the requirements of this Resolution. A Certificate of Zoning Compliance may be processed as an indication of final approval on the Zoning Certificate.
- b) An applicant shall apply for a Certificate of Zoning Compliance after completing the work described in an approved Zoning Certificate. The application shall be submitted to the Zoning Inspector. After the completion of the excavation for any new Buildings and prior to the commencement of construction of the footers or foundation for any new Buildings, the applicant shall request an inspection from the Zoning Inspector to determine that all approved Setbacks are being adhered to.
- c) No Building or Structure shall be occupied or utilized in any manner until such time a Certificate of Zoning Compliance has been issued by the Zoning Inspector. The Certificate of Zoning Compliance shall state:
 - 1) The proposed Use is in conformance with the approved Zoning Certificate; and
 - 2) The Building(s) and/or Structure(s) have been constructed in accordance with the approved Zoning Certificate.
 - 3) If there are any Non-Conforming Uses or Structures located on said property, the Certificate of Zoning Compliance shall note the existing Non-Conforming Use status.
- d) A Certificate of Zoning Compliance shall not be issued until a signed letter from the applicable water and sewer authority has been provided stating that water and sanitary sewer systems (on-site or central) have been installed and approved by said authority.
- e) The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance.
- f) The Zoning Inspector is authorized to issue a Temporary Certificate of Zoning Compliance that does not exceed six (6) months provided:
 - 1) All completed work complies with the approved Zoning Certificate when the Temporary Certificate of Zoning Compliance is issued.
 - 2) The reason the unfinished work has not been completed is due to circumstances beyond the applicant's control, such as the weather.

- 3) That the temporary occupancy of a Building does not impair public health and safety.

4.08 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for Zoning Certificates, Certificates of Zoning Compliance, Appeals, and other matters pertaining to this Resolution. Copies of the schedule of fees shall be retained by the Zoning Inspector and posted in the Township offices and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

4.09 VOID ZONING CERTIFICATE

- a) A Zoning Certificate shall be void if any of the following conditions exist:
 - 1) The Zoning Certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
 - 2) The Zoning Certificate was issued based upon a false statement by the applicant.
 - 3) The Zoning Certificate has been assigned or transferred.
- b) When a Zoning Certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to the applicant and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the Building(s), Structure(s), or land cease unless, and until, a new Zoning Certificate has been issued.

4.10 VIOLATION AND PENALTY

- a) Construction and Uses to be Provided in Applications, Plans, and Certificates. Zoning Certificates or Certificates of Zoning Compliance issued based on plans and applications approved by the Zoning Inspector authorize only the use and arrangement of the plans, applications, or amendments. Any use, arrangement, or construction not in conformance with the authorization shall be deemed a violation of this Resolution and punishable, as provided in Section 4.10(c), below.
- b) Complaints Regarding Violations. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint to the Zoning Inspector, stating in full the violation and providing evidence to support the claim. The Zoning Inspector shall immediately investigate the alleged violation and take appropriate action as provided by this Resolution.

- c) Penalties for Violation. Violations 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 be assessed as a civil fine of not more than five hundred dollars (\$500) for each offense. The fees shall be collected by filing a civil action in the Pickaway County Court of Common Pleas. The complaint may combine a cause of action for collection under this section with a cause of action for injunction, abatement, mandamus, or other appropriate relief under Section 4.10(d), below. Each day the violation continues from the date of judgment granting relief under this Section shall constitute a separate offence.

- d) Availability of Special Counsel. Under the regulations of Section 519.24 of the Ohio Revised Code, in case any Building is or is proposed to be erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is proposed to be used in violation of this Resolution or of any regulation or provision adopted by the Township, such Board of Township Trustees, the Pickaway County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Article.

ARTICLE V
Non-Conformities

5.01	Intent	5.05	Non-Conforming Structures
5.02	Grace Period	5.06	Non-Conforming Uses
5.03	Conformance Required	5.07	Damage or Destruction
5.04	Lots of Record		

5.01 INTENT

The purpose of this Article is to allow for the continuation of Uses and Structures that were lawfully permitted prior to the enactment of this Resolution or subsequent amendments, but do not conform to the currently adopted regulations.

5.02 GRACE PERIOD

- a) The construction, change, or remodeling of a Use, Structure, or Building that was legally commenced prior to the effective date of this Resolution or amendment thereto but does not conform to these regulations may be continued as long as the following criteria are met:
 - 1) The property was purchased or otherwise legally acquired prior to the effective date of this Resolution or amendment thereto making it Non-Conforming.
 - 2) Said work has been completed within two (2) years of the effective date of this Resolution or amendment making it Non-Conforming.

5.03 CONFORMANCE REQUIRED

Unless otherwise specifically permitted by this Article, all Buildings, Structures, and Uses shall comply with the regulations for the Zoning District in which they are located.

5.04 LOTS OF RECORD

- a) A Lot of Record is any Lot or Parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.
- b) Any Lot of Record existing on the initial effective date of this Resolution may be used for any One-Unit Dwelling when such use is permitted in the Zoning District, regardless of the width or area of said Lot, provided all the following criteria are met:
 - 1) The Side Setback for any Lot of Record shall not exceed ten (10) percent of the width of the Lot, but in no case shall a Side Yard be less than ten (10) feet.

- 2) The Rear Setback for any Lot of Record shall not exceed twenty (20) percent of the depth of the Lot, but in no case shall the Rear Yard be less than ten (10) feet.
 - 3) Accessory Structures shall comply with all Side and Rear Setback requirements in the applicable Zoning District regulation.
- c) In any Zoning District where Dwellings are not listed as a Permitted Use, a Lot of Record may be used for any Permitted Use in the Zoning District in which it is located, provided the following criteria are met:
- 1) The Side Setback shall be a minimum of ten (10) percent of the Lot Width.
 - 2) The Rear Setback shall be a minimum of twenty (20) percent of the Lot Depth.
 - 3) All other regulations for the Zoning District including, but not limited to, the impervious surface ratio, shall apply as stated in the applicable Zoning District.
- d) Any Lot of Record that contains a Structure that complies with the regulations in this Section shall be considered to be in compliance with this Resolution.

5.05 NON-CONFORMING STRUCTURES

- a) A Non-Conforming Structure is any Building or Structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the Zoning District in which it is located.
- b) A Non-Conforming Structure may continue to exist in accordance with the provisions of this Article.
- c) A Non-Conforming Structure may be enlarged, maintained, repaired, or structurally altered, provided the existing Non-Conformity is not increased or extended, and so no new Non-Conformities are created.
- d) A Non-Conforming Structure shall not be moved in whole or in part for any distance to any other location on the same or any other Lot. If such Structure is moved, the entire Structure shall conform to the regulations of the applicable Zoning District in which it is located. A Zoning Certificate shall be required prior to moving such Structure.
- e) A Non-Conforming Mobile Home located in any Zoning District, once removed shall not be relocated on such Lot, or replaced with another Mobile Home.

5.06 NON-CONFORMING USES

- a) A Non-Conforming Use is any Use that was lawfully being conducted within any Building or on any land on the effective date of these regulations or amendment thereto but is not listed as a Permitted Use of the Zoning District in which it is located.

- b) A Non-Conforming Use may continue to operate in its current location in accordance with the provisions of this Article.
- c) The Board of Zoning Appeals may authorize a Non-Conforming Use to be changed to another Non-Conforming Use, provided the proposed use is equally appropriate or more appropriate to the Zoning District than the existing Non-Conforming Use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Code, which if violated are punishable under [Section 4.10\(c\) – Penalties for Violation](#) – of this Resolution.
- d) Unless otherwise permitted by this Article, a Non-Conforming Use shall not be enlarged, extended, or expanded.
- e) The Board of Zoning Appeals may permit, on a once-only basis, the expansion of a Non-Conforming Use, provided such expansion does not exceed twenty-five (25) percent of the Ground Floor area of the existing Building(s) 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 of Zoning Appeals shall not authorize any enlargement which would:
 - 1) Result in a violation of the provisions of this Resolution with respect to any adjoining premises;
 - 2) Occupy ground space required for meeting the Setback or other requirements of this Resolution.
- f) A Non-Conforming Use which has been replaced or abandoned shall not be returned to a Non-Conforming Use. A Non-Conforming Use shall be considered abandoned when there is intent either express or implied to cease the Non-Conforming Use for a period of two (2) years. Abandonment may be evidenced by an overt act or failure to act indicating that the owner or responsible party has not been using the Non-Conforming Use for said time period. A Non-Conforming Use shall be considered replaced when either one of the following conditions exists:
 - 1) When a Non-Conforming Use has been changed to a Permitted Use in the applicable Zoning District.
 - 2) When the Non-Conforming Use has been changed to another Non-Conforming Use under permit from the Board of Zoning Appeals.

5.07 DAMAGE OR DESTRUCTION

- a) In the event that any Non-Conforming Building, Structure, or 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 Zoning District in which it is located.

- b) If such damage is fifty (50) percent or less of its current fair market value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics and the previous Use may be permitted, if all of the following are met:
 - 1) A Zoning Certificate is obtained;
 - 2) Restoration commences within one (1) year after the date of such destruction; and
 - 3) The restoration is substantially completed within two and a half (2 ½) years from when the Zoning Certificate is issued.

ARTICLE VI
District Changes and Amendments

6.01	Intent	6.07	Public Hearing by the Board of Township Trustees
6.02	Initiation of Zoning Amendments	6.08	Action by the Board of Township Trustees
6.03	Contents of Application	6.09	Criteria
6.04	Submission to the Pickaway County Planning Commission	6.10	Effective Date and Referendum
6.05	Public Hearing by the Rural Zoning Commission		
6.06	Recommendation by Rural Zoning Commission		

6.01 INTENT

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

6.02 INITIATION OF ZONING AMENDMENTS

Amendments to this Resolution or Zoning Map may be initiated in one of the following ways:

- a) By referral of a proposed amendment to the Rural Zoning Commission by the Board of Township Trustees.
- b) By the adoption of a motion by the Rural Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- c) By the filing of an application by at least one (1) owner or tenant of property or their designated agent within the area proposed or affected by said amendment.

6.03 CONTENTS OF APPLICATION

- a) An application for any amendment shall be limited to the Zoning Inspector, or their designee, and shall include 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 Zoning District.
 - 4) Proposed Use and Zoning District.
 - 5) A map drawn to scale showing Property Lines, Streets, existing, and proposed Zoning Districts.

- 6) A list of all property owners within the five hundred (500) feet contiguous to and directly across the Street from the parcel(s) proposed to be rezoned and their current addresses as appearing on the Pickaway County Auditor's tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
 - 7) A statement as to how the proposed amendment will impact adjacent and proximate properties.
 - 8) Any other information requested by the Zoning Inspector to determine conformance with and provide for enforcement of this Resolution.
- b) If the above requirements are met, the Zoning Inspector shall transmit the application to the Rural Zoning Commission. The date of this transmittal is the date of the filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant.

6.04 SUBMISSION TO THE PICKAWAY COUNTY PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Rural Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application according to [Sections 6.02](#) and [6.03](#), above, the Rural Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and map pertaining to the case in question, to the Pickaway County Planning Commission. The Pickaway County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township's Rural Zoning Commission. The recommendation shall be considered at the public hearing held by the Rural Zoning Commission pursuant to Section 6.05, below.

6.05 PUBLIC HEARING BY RURAL ZONING COMMISSION

- a) Date of Public Hearing. The Rural Zoning Commission shall schedule a public hearing after adopting their motion, transmitting a resolution from the Board of Township Trustees, or filing an application pursuant to Sections 6.02-.03, above. The hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.
- b) Township Webpage and Social Media Account Notice. Before holding the required public hearing, notice of such hearing shall be given by the Rural Zoning Commission by one publication at least ten (10) days before the date of said hearing using the website and social media account of the Township.
 - 1) Published Notice, Text Amendment, Amendment to Rezone Greater than 10 Parcels. If the proposed amendment alters the text of this Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- i) The names of the members of the Rural Zoning Commission that will be conducting the public hearing on the proposed amendment.
 - ii) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - iii) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
 - iv) The name of the person responsible for giving notice of the public hearing by publication.
 - v) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
 - vi) Any other information requested by the Rural Zoning Commission.
- 2) Published Notice, Amendment to Rezone 10 or Fewer Parcels. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
 - i) The names of the members of the Rural Zoning Commission that will be conducting the public hearing.
 - ii) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
 - iii) A list of addresses of all properties to be rezoned or redistricted by the proposed amendment, and the names of the owners of these properties, as they appear on the County Auditor's current tax list.
 - iv) The present zoning classification of the property named in the proposed amendment and the proposed zoning classification of such property.
 - v) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
 - vi) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
 - vii) A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Trustees for its action.
 - viii) Any other information requested by the Rural Zoning Commission.
- c) Notice to Property Owners. 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 such hearing shall be mailed by the Rural Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing, to all owners of property within five hundred (500) feet contiguous to and directly across the thoroughfare from the area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Pickaway County Auditor's current tax list, as provided by the applicant in Section 6.03(a)(6). The failure to deliver such notices shall not invalidate any such

amendment. The notices shall contain the same information as required of publishing notices as specified in [Section 6.05\(b\)](#), above.

6.06 RECOMMENDATION BY THE RURAL ZONING COMMISSION

Within thirty (30) days after the public hearing required in [Section 6.05 – Public Hearing by Rural Zoning Commission](#), above, the Rural Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification or denial of the amendment requested.

6.07 PUBLIC HEARING BY THE BOARD OF TOWNSHIP TRUSTEES

Within thirty (30) days from the receipt of the recommendation of the Rural Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in [Section 6.05\(b\) – Township Webpage and Social Media Account Notice](#).

6.08 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing required in [Section 6.05 – Public Hearing by Rural Zoning Commission](#), the Board of Township Trustees shall adopt, adopt with modification, or deny the recommendation of the Rural Zoning Commission. If adopted with modification or denied, a majority vote by the Board of Township Trustees is required pursuant to Section 519.12(H) of the Ohio Revised Code.

6.09 CRITERIA

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

- a) Compatibility of the proposed amendment with the Zoning District and Use of adjacent land and with any land use or comprehensive plans adopted by the Township.
- b) The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage, or public infrastructure in the area.
- c) The effect of the adoption of the proposed amendment upon the public health, safety, and general welfare of the adjacent properties and other residents of the Township.

6.10 EFFECTIVE DATE AND REFERENDUM

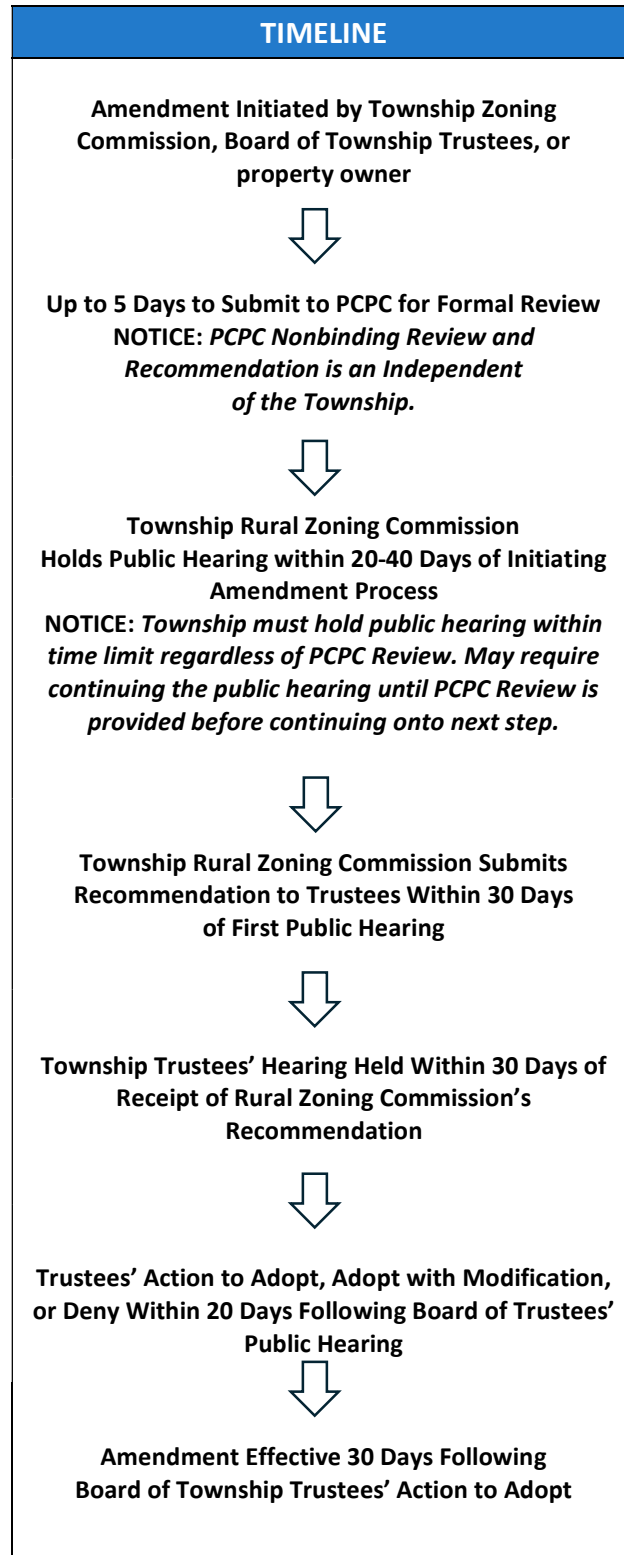
- a) Any amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters

residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to eight (8) percent of the total vote cast for all candidates for the most recent election in which a governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

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

Amendment Timeline

For General Audiences Only – Timeline Not to be Used for Regulatory Purposes – Resolution Language Controls



ARTICLE VII Appeals and Variances

7.01 Appeals 7.02 Appeal Decision by the Board of Zoning Appeals 7.03 Variances 7.04 Application for Appeals and Variances	7.05 Public Hearing by the Board of Zoning Appeals 7.06 Notice 7.07 Action by the Board of Zoning Appeals
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7.01 APPEALS

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

7.02 APPEAL DECISION BY THE BOARD OF ZONING APPEALS

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

7.03 VARIANCES

- a) The Board of Zoning Appeals shall have the power to authorize Variances from the provisions of this Resolution that are not contrary to the public interest. Such Variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in *Practical Difficulty* (Area Variance) or *Undue Hardship* (Use Variance) that would deprive the owner of the reasonable Use and Buildings involved.
- b) Criteria for Approving an Area Variance. The Board of Zoning Appeals may grant an Area Variance upon a finding by clear and convincing evidence of "Practical Difficulty" in meeting this Resolution's requirements. The factors to be considered and weighed by the Board of Zoning Appeals in determining whether a property owner has encountered Practical Difficulties, include, but are not limited to, the following:

- 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial Use of the property without the Variance;
 - 2) Whether the Variance is substantial;
 - 3) Whether the essential character of the neighborhood or surrounding area would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the Variance;
 - 4) Whether the Variance would adversely affect the delivery of governmental services, for example, water, sewer, garbage, etc.;
 - 5) Whether the property owner purchased the property with knowledge of the restrictions as found in this Resolution;
 - 6) Whether the property owner's Practical Difficulty can be eliminated through some method other than a Variance; and/or
 - 7) Whether the spirit and intent behind this Resolution's requirements can be observed and substantial justice can be done by granting a Variance.
- c) Use Variances. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a Use not permissible in the respective Zoning District involved.
- d) Burden of Proof. The burden of proof is on the applicant to present reliable, probative, and substantial testimony and evidence that supports the request for a Variance.

7.04 APPLICATION FOR APPEALS AND VARIANCES

- a) Any responsible party, owner, or their agent may file an application to obtain an Appeal or Variance from the decision of the Zoning Inspector. An application for a Variance shall be filed in triplicate with the Zoning Inspector. The Clerk of the Township shall forward such application to the Secretary of the Board of Zoning Appeals within five (5) days from receipt of the completed application.
- b) The application for a Variance shall contain the following information:
- 1) Name, address, and phone number of the applicant.
 - 2) Legal description of the property, including parcel number, as recorded in the Pickaway County Recorder's office.
 - 3) A map or drawing to approximate scale, showing the dimensions of the Lot and any existing or proposed Building(s).
 - 4) The names and addresses of all property owners within five hundred (500) feet, contiguous to and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.
 - 5) Each application for an Appeal or Variance shall refer to the specific provisions of this Resolution which apply.
 - 6) A narrative statement explaining:
 - i) The use for which the Appeal or Variance is sought.

- ii) Details of the Appeal or Variance that is applied for and the grounds on which it is claimed that the Appeal or Variance should be granted.
- iii) The specific reasons why the Variance is justified, according to Section 7.03, above.

7.05 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within thirty (40) days after receipt of an Appeal or Variance from the Zoning Inspector or an applicant.

7.06 NOTICE

- a) Township Webpage and Social Media Account Notice. Before holding the public hearing required in Section 7.05, above, notice of such hearing shall be given by the regulating authority by one publication at least ten (10) days before the date of said hearing using the website and social media account of the Township. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Notice shall state who placed the notice (such as clerk or chairman of the Board of Zoning Appeals).
- b) Interested Parties. Before holding the public hearing required in Section 7.05, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals by first class mail at least ten (10) days before the day of the hearing to all owners of property within, contiguous to, and directly across the thoroughfare from the parcel to be considered for a Variance or Conditional Use by the Board of Zoning Appeals. The notice shall be mailed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees.

7.07 ACTION BY THE BOARD OF ZONING APPEALS

- a) Within thirty (30) days after the public hearing pursuant to Section 7.05 – Public Hearing by the Board of Zoning Appeals, or sixty (60) days from the date of the application if such hearing is not held, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for Variance. In granting any Variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under this Resolution under Section 7.01 – Appeals – of this Resolution.
- b) If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the Variance and will permit a reasonable Use of the land, Building, or Structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning

Inspector, who shall forward such a copy to the applicant. If the request for Appeal or Variance is denied, the applicant may seek relief through the Court of Common Pleas.

**ARTICLE VIII
Conditional Uses**

8.01 Authority and Purpose	8.05 Public Hearing by the Board of
8.02 Application for Conditional Use	Zoning Appeals
Permits	8.06 Action by the Board of Zoning
8.03 General Standards for Conditional	Appeals
Uses	8.07 Expiration and Revocation of a
8.04 Supplementary Conditions	Conditional Use Permit

8.01 AUTHORITY AND PURPOSE

- a) A Use of property that typically affects an area more intensely than Permitted Uses in the Zoning District in which it is located may nonetheless be desirable and compatible with Permitted Uses if that Use is properly controlled and regulated. Such Uses shall be listed as “Conditional Uses” within the respective Zoning Districts.
- b) The Board of Zoning Appeals may grant conditional approval for Use of the land, Buildings, or other Structures and may allow such a Use to be established where unusual circumstances exist and where the Conditional Use will be consistent with the general purpose and intent of this Resolution.

8.02 APPLICATION FOR CONDITIONAL USE PERMITS

Any person owning or having an interest in property may file an application to use such property for one 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 shall be filed with the Zoning Inspector who shall forward within five (5) days a copy to the Secretary of the Board of Zoning Appeals. The application shall contain the following information:

- a) Name, address, and phone number of applicant.
- b) Legal description of the property, including parcel number, as recorded in the Pickaway County Recorder’s Office.
- c) Present Zoning District.
- d) Description of proposed Conditional Use.
- e) A plan of the proposed site for the Conditional Use showing the location of all Buildings, parking and loading area, utilities, Signs, Yards, and such other information as the Board may require determining if the proposed Conditional Use meets the intents and requirements of this Resolution.
- f) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes, and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the Zoning District.

- g) The names and addresses of all properties within five hundred (500) feet, contiguous to and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list. The applicant may also provide the addresses of property owners within the above referenced boundaries when their addresses differ from the property adjoining to the proposed Conditional Use.
- h) Such other information regarding the property, proposed Use, or surrounding area as may be pertinent to the deliberations of the Board of Zoning Appeals.
- i) Fee(s) as established by the Board of Township Trustees – as adopted separately from this Resolution.

8.03 GENERAL STANDARDS FOR CONDITIONAL USES

In addition to the specific requirements for Conditional Uses as specified in [Section 10.02 - Combined Use Table](#) – the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed Use in terms of the following standards and shall find adequate evidence that such Use at the proposed location meets all the following requirements:

- a) The Use will be designed, constructed, operated, and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity.
- b) The Use will not pose a discernible health hazard to existing adjacent Uses.
- c) The Use will be served adequately by essential public facilities and services such as highways, Streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- d) The Use will not involve Uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of production of traffic, noise, smoke, fumes, glare, or odors.
- e) The Use will be consistent with the objectives of this Resolution and any adopted comprehensive or land use plans for the area.

8.04 SUPPLEMENTARY CONDITIONS

In granting any Conditional Use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformance with this Resolution.

8.05 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals may hold a public hearing within thirty (30) days from the receipt of the application specified in [Section 8.02 – Application for Conditional Use Permits](#). If a public hearing is held, the requirements for public notice and notification of parties of interest shall be in the same as for an Amendment, as specified in [Section 7.06 – Notice](#) – of this Resolution.

8.06 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing pursuant to [Section 8.05 – Public Hearing by the Board of Zoning Appeals](#), above, or sixty (60) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in [Section 8.04 – Supplementary Conditions](#), or disapprove the application as presented. If the application is approved with supplementary conditions, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a Conditional Use Permit listing the specific conditions listed by the Board of Zoning Appeals for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

8.07 EXPIRATION AND REVOCATION OF A CONDITIONAL USE PERMIT

The approval of a Conditional Use Permit issued in accordance with Section 8.06, above, shall become null and void if such Use is not carried out within one (1) year after the date of approval. The Board of Zoning Appeals may revoke the Conditional Use Permit upon written evidence by any resident or official of the Township of violation of this Resolution and/or written terms and conditions upon which approval is based.

PART TWO
ZONING DISTRICTS

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**ARTICLE IX
Standard Zoning District Regulations
And Rules of Application**

9.01	Zoning Districts Established	9.06	Platting Requirement
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9.03	Zoning District Boundary Description and Interpretation	9.08	Types of Encroachments
9.04	Limitations on Land Use	9.09	Rules of Measurement
9.05	Similar Uses	9.10	Calculating Established Lot Width

9.01 ZONING DISTRICTS ESTABLISHED

The Zoning Districts set forth below are hereby established:

- (FR) Farm Residential
- (RR) Rural Residential
- (RMU) Rural Mixed-Use Overlay
- (PEC) Planned Employment Center Overlay
- (FP) Flood Plain

9.02 OFFICIAL ZONING MAP ESTABLISHED

The locations and boundaries of the various Zoning Districts as defined herein shall be established by resolution and shall be shown and delineated on the Zoning Map. The Zoning Map shall be maintained by the Board of Township Trustees and may be divided into parts for identification purposes when adopting or amending the Zoning Map or for any reference to the Zoning Map.

9.03 ZONING DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION

Zoning District Boundary Lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Zoning Map. When a map is used, Zoning District boundary lines shall be established by dimensions, Property Lines, recorded Lot Lines, or the centerline abutting the Street, Alley, or railroad Right-of-Way, as the same were of record at time of adoption. In all cases, if there is doubt as to the exact location of the Zoning District boundary lines, the same shall be determined by the Board of Zoning Appeals.

9.04 LIMITATION ON LAND USE

No person, firm, or corporation shall use or permit to be used any land or Buildings, nor shall any person, firm, or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any Building, Structure, or Improvement, which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the Use, height, area, Yard, Setback, and other requirements established in the District in which such land, Building, Structure, or Improvement is located, except as provided by [Article V – Non-Conformities](#). Nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building, lot or use, where a Zoning Certificate has been lawfully issued prior to the effective date of this Resolution, and pursuant to such permit, construction diligently carried to completion. Upon completion, such Building or Use shall be deemed a legally Nonconforming Use and may continue as regulated by [Article V – Non-Conformities](#).

9.05 SIMILAR USES

- a) On occasion, new Uses of land may arise that may have not been contemplated at the time of this Resolution's adoption. This section sets forth a process to identify the location for such Uses. Since this action is an interpretation matter, the Board of Zoning Appeals shall be the body designated for determining Similar Uses. Determination as to whether a Use is similar to Uses permitted by right shall be considered an expansion of use regulations of the Zoning District and not as a Variance applying to a particular situation. Any Use found similar shall thereafter be considered as a Permitted Use in that Zoning District.
- b) Applications for Zoning Certificates for Uses not specifically listed in the permitted Building or Use classifications of the Zoning District, which the applicant feels qualifies as a Similar Use under the provisions of this section shall be submitted to the Board of Zoning Appeals. Three (3) copies and one (1) digital PDF copy of a completed application shall be submitted. The following information shall be included in the application:
 - 1) Name, address, phone number, and email of the applicant.
 - 2) The address and parcel number of the address in question.
 - 3) If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as their agent for the application.
 - 4) Legal description of the property.
 - 5) The existing Zoning District in which the property is located.
 - 6) A vicinity map drawn at a suitable scale, showing Property Lines, Streets, existing Zoning District designations of surrounding parcels adjacent to and within two hundred (200) feet.
 - 7) The names and addresses of all property owners within one hundred (100) feet of the subject property appearing on the Pickaway County Auditor's tax list.
 - 8) A site plan that shows:
 - i) The lot(s) where the Use is proposed.

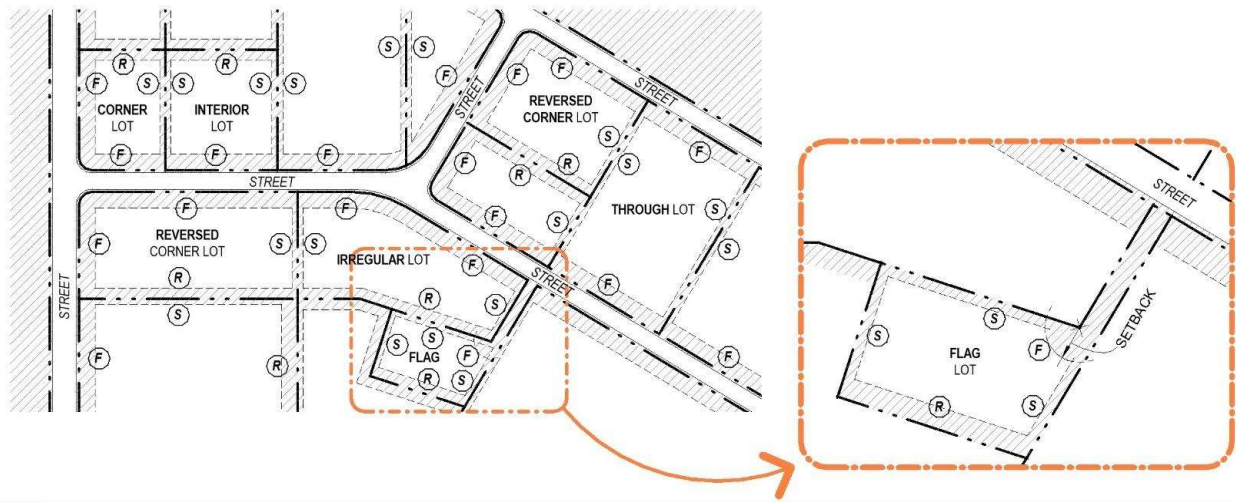
- ii) Any existing and/or proposed Buildings.
 - iii) The square footage of the proposed Use.
 - 9) A narrative explaining:
 - i) The lot(s) where the Use is proposed.
 - ii) The reasons the applicant believes the proposed Use complies with [Section 9.05\(a\)](#).
- c) Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested Use is similar to those Permitted Uses in the specific Zoning District. In order to find that a Use is similar, the Board of Zoning Appeals shall find that all of the following elements exist:
 - 1) Such Use is not listed as a Permitted or Conditional Use in another Zoning District.
 - 2) Such Use conforms to the basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other Zoning District classification.
 - 3) Such Use creates no increased danger to health and safety; creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable nuisances; and does not create traffic congestion to an extent greater than normally resulting from Uses listed in the classification in which it is added.
- d) The notice requirements in [Section 6.05 – Public Hearing by Rural Zoning Commission](#) – under [Article VI – District Changes and Amendments](#) – shall be utilized for a public hearing on a Similar Use.
- e) If the Board of Zoning Appeals takes action to approve a Use as a “Similar Use” in a Zoning District as described in this Section, then said Use shall become a Permitted or Conditional Use within said Zoning District, as determined by the Board of Zoning Appeals, until such time the Board of Township Trustees changes the Zoning District through the amendment process identified in [Article VI – District Changes and Amendments](#).

9.06 PLATTING REQUIREMENT

For the purposes of providing a proper arrangement of Streets and assuring the adequacy of Open Spaces for traffic, utilities, and access of emergency vehicles commensurate with the intensification of Uses customarily incident to a change in Zoning Districts, a platting requirement is established as follows:

- a) If a Plat is required under Section 711 of the Ohio Revised Code, then no Building or Structure shall be constructed until the Plat is approved by the Pickaway County Planning Commission.

9.07 TYPES OF LOTS

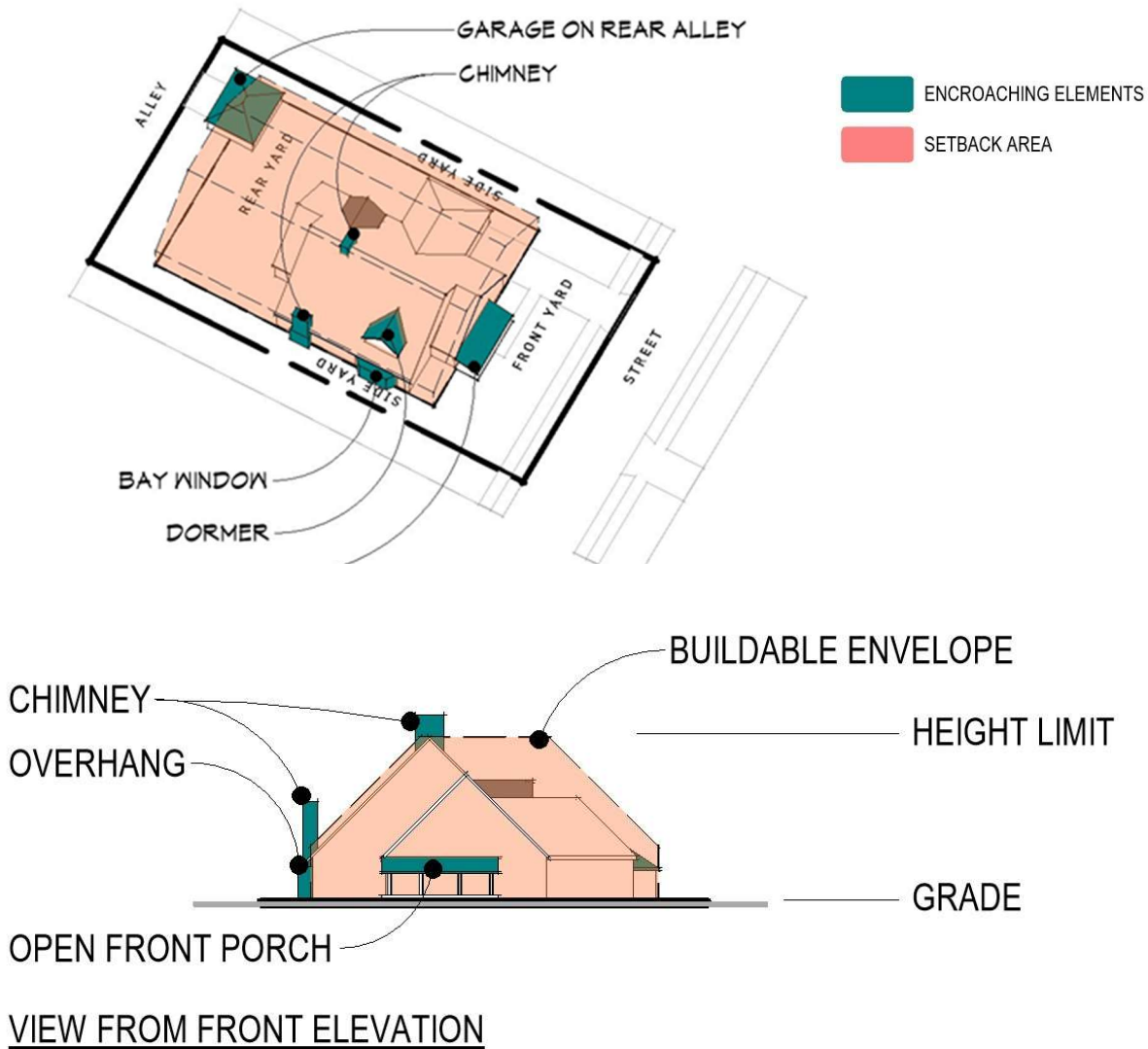
**LEGEND**

- (F) FRONT SETBACK
- (S) SIDE SETBACK
- (R) REAR SETBACK
- AREA OUTSIDE OF BUILDABLE AREA
- PROPERTY LINE

- a) Front, Rear, and Side Setbacks must comply with the requirements of the applicable Zoning District. The purpose of the above graphic is to illustrate which Lot Lines serve as Front, Rear, and Side Lot Lines for each type of Lot.
- b) For a Flag Lot, the Front Yard shall be determined by identifying the midpoint of the terminus of the panhandle (or the terminus of an easement outside of the panhandle) and drawing a semi-circle with a radius that is equal to the minimum setback for the applicable Zoning District.

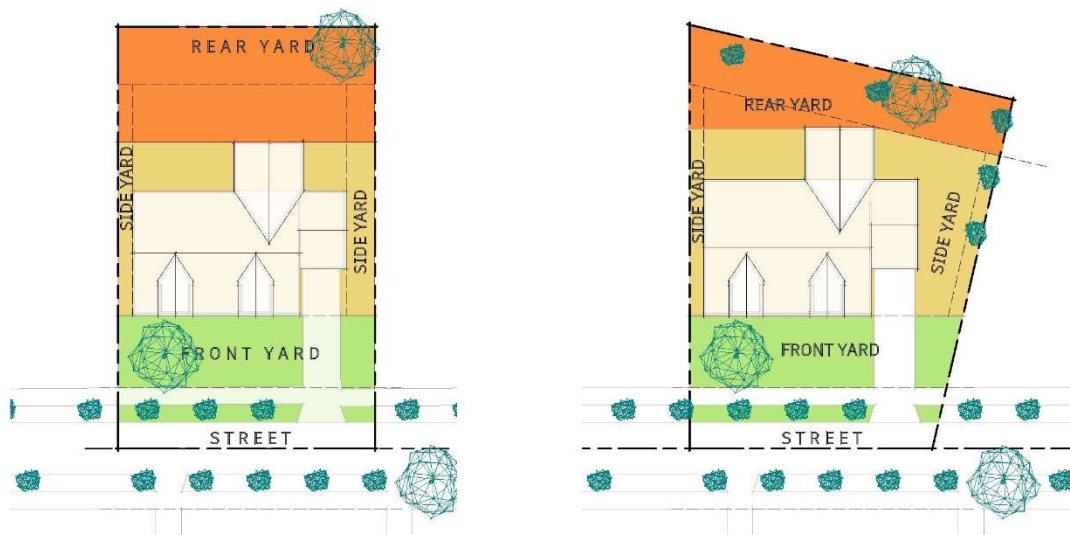
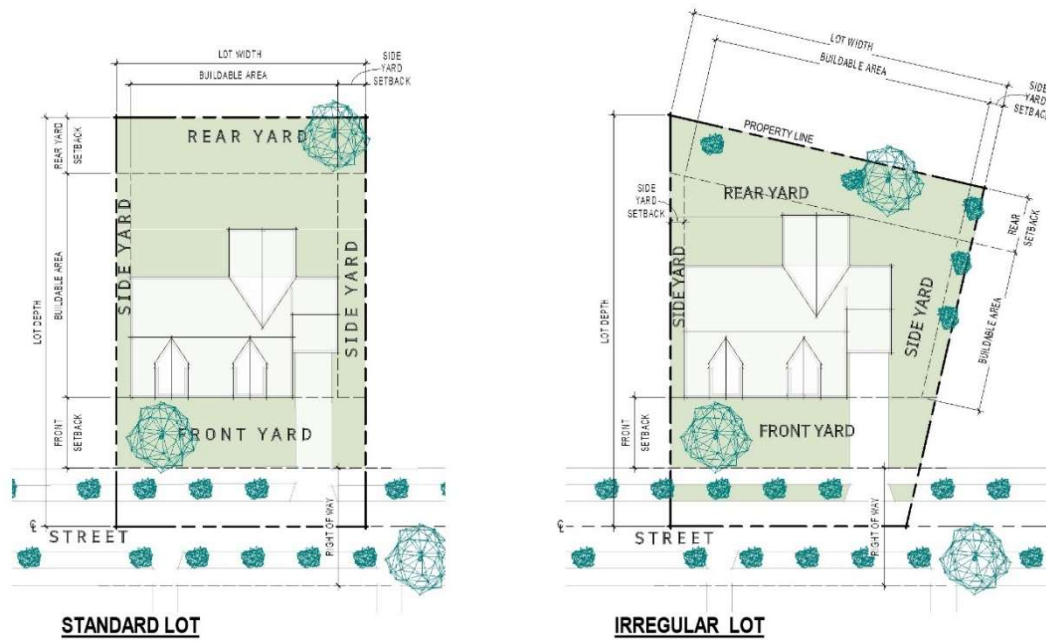
9.08 TYPES OF ENCROACHMENT

Each Zoning District allows various types of encroachments. Refer to the Lot Area, Setback, and Height Tables in each Zoning District to identify the type of permitted Encroachments for said Zoning District.



9.09 RULES OF MEASUREMENT

- a) Front Lot Line is the center line of the roadway.

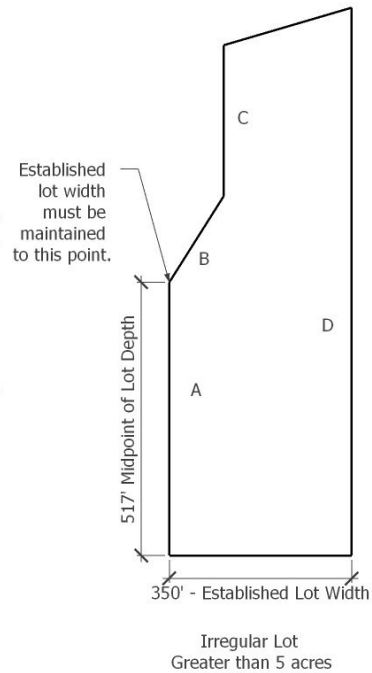
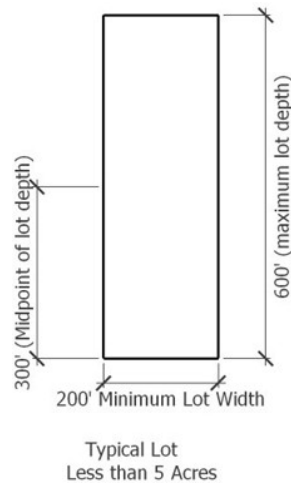


9.10 CALCULATING ESTABLISHED LOT WIDTH

The Established Lot Width, as defined in [Article II - Definitions](#), shall be maintained to the Midpoint of the Lot Depth. See an example calculation below:

	Equation
Lot Depth (LD)	$LD = (A+B+C+D)/2$
Midpoint	$\text{Midpoint} = LD/2$

A = 517 Feet
 B = 210 Feet
 C = 290 Feet
 D = 900 Feet (Maximum Lot Depth District)



$LD = (517 + 210 + 290 + 900)/2 = 958.5$ Feet
 $\text{Midpoint} = 958.5/2 = 479.25$ Feet (rounded) = 479 Feet

ARTICLE X USE TABLE

10.01 Identified Uses

10.02 Combined Use Table

10.01 IDENTIFIED USES

- a) Each Zoning District includes a list of Permitted, Conditional, and Accessory Uses. Listed Uses are to be defined by their customary name or identification, except as specifically defined or limited by this Resolution. If a Use is not listed as a Permitted, Conditional, or Accessory Use in a Zoning District, it shall be considered prohibited in said Zoning District.
- b) Permitted Uses. A Use listed as permitted is allowed by a matter of right when designated as such in a Zoning District, provided said Use complies with all applicable Setbacks and development standards and is issued a Zoning Certificate from the Zoning Inspector, or their designee. Such uses are designated with a “P” in each Zoning District.
- c) Conditional Uses. A Use listed as conditional may be allowed when designated as such in a Zoning District, provided it complies with the criteria in [Section 8.03 – General Standards for Conditional Uses](#) – and a Conditional Use Permit is issued by the Board of Zoning Appeals in accordance with [Article VIII – Conditional Uses](#). Such Uses are designated as “C” in each Zoning District.
- d) Accessory Use. A Use listed as accessory may be allowed when designated as such in a Zoning District, provided it is subordinate to the Permitted Use, complies with the requirements of [Section 15.02 – Accessory Uses and Structures](#), and is issued an Accessory Use Permit from the Zoning Inspector, or their designee. Such Uses are designated with an “A” in each Zoning District.
- e) Development Standards. Each Zoning District has a set of development standards to which each Use and Structure must comply. These standards include, but are not limited to, height, Lot Width, Lot Size, and Front, Side, and Rear Setbacks. In addition to the development standards in each Zoning District, all Uses must comply with any applicable “General Development Standards” listed in [Article XV – General Development Standards](#).

10.02 COMBINED USE TABLE

	<u>FR</u> <u>Farm Residential</u>	<u>RR</u> <u>Rural Residential</u>	<u>RMU</u> <u>Rural Mixed-Use Overlay</u>	<u>PEC</u> <u>Planned Employment Center Overlay</u>
Dwelling, One-Unit	P	P	P	
Accessory Dwelling Unit (Subject to Section 15.01)	C	C	C	
Accessory Structures (Subject to Section 15.02)	A	A	A	A
Adult Entertainment Facilities (Subject to Article XIX)				C
Advanced Manufacturing				P
Agriculture	Exempt from Zoning per ORC 519.21		Exempt from Zoning per ORC 519.21	Exempt from Zoning per ORC 519.21
Agritourism (Subject to Section 15.03)	P			
Airports/Private Landing Strips	C			
Animal Service Facilities	C		P	P
Automobile Oriented Uses (includes gas stations and quick lube facilities)				P
Automobile Repair				P
Bank, with Banking Window			P	
Bank, without Banking Window			P	
Bed and Breakfast Facilities	C	C		
Beverage Sales, Alcoholic			P	
Beverage Sales, Microbrewery			P	
Biotechnology				C
Body Art Establishments			P	
Business, Retail Medium (No Pick-Up			P	

	<u>FR</u> <u>Farm Residential</u>	<u>RR</u> <u>Rural Residential</u>	<u>RMU</u> <u>Rural Mixed-Use Overlay</u>	<u>PEC</u> <u>Planned Employment Center Overlay</u>
Windows, No Drive-Thrus)				
Business, Retail Medium (With Pick-Up Windows, No Drive-Thrus)			P	
Business, Retail Small (No Pick-Up Windows, No Drive-Thrus)			P	
Business, Retail Small (With Pick-Up Windows, No Drive-Thrus)			P	
Campgrounds (Subject to Section 15.04)	C			
Cemeteries	P	P	P	P
Commercial Recreation Facilities, Large				P
Commercial Recreation Facilities, Outdoor	C		P	P
Commercial Recreation Facilities, Small			P	P
Community Gardens (Subject to Section 15.07)	P	P	P	
Community Services	C	C	P	P
Data Center (Subject to Section 15.08)				C
Day-Care Home, Large Family	C	C	C	
Day-Care Home, Small Family	A	A	A	
Emergency and Protective Shelter (Subject to Section 15.14)			C	
Equipment Repair, Small				P
Equipment Repair, Large				P

	<u>FR</u> <u>Farm Residential</u>	<u>RR</u> <u>Rural Residential</u>	<u>RMU</u> <u>Rural Mixed-Use Overlay</u>	<u>PEC</u> <u>Planned Employment Center Overlay</u>
Family Homestead	C			
Farm Market	P	P	P	
Governmental Services	P	P	P	P
Home Occupation, Major (Subject to Section 15.12(d))	C	C	C	
Home Occupation, Minor (Subject to Section 15.12(c))	A	A	A	
Kennel, Agricultural	P			
Kennel, Commercial			P	
Life Care Retirement Center			P	
Logistics Center				P
Maker Space, Large				P
Maker Space, Small	C		P	P
Manufactured Home, Permanently-Sited	P	P	P	
Mining and Quarrying (Subject to Article XVIII)				C
Nursing Home			P	
Offices, Administration, Business, Medical, or Professional, Large			P	P
Offices, Administration, Business, Medical, or Professional, Small			P	P
Off-Street Parking and Garages as a Principal Use (Subject to Article XVI)			P	P
Outdoor Service Facility			P	
Park, Neighborhood	C	P	P	P
Park, Community or Regional	C	P	P	P

	<u>FR</u> <u>Farm Residential</u>	<u>RR</u> <u>Rural Residential</u>	<u>RMU</u> <u>Rural Mixed-Use Overlay</u>	<u>PEC</u> <u>Planned Employment Center Overlay</u>
Permanent Supportive Housing (Subject to Section 15.14)			C	
Personal Services			P	
Pick-Up Window			P	
Places of Assembly, Large	C		P	P
Places of Assembly, Small	C		P	P
Portable Home Storage Units (Subject to Section 15.16)	A	A	A	
Plants for mixing and/or processing concrete and/or asphalt				P
Public Protection Facility			P	P
Residential Facility, Large (Subject to Section 15.14)				
Residential Facility, Small (Subject to Section 15.14)	P	P	P	
Residential Treatment Facility (Subject to Section 15.14)			P	
Restaurant (No Pick-Up Window)			P	
Restaurant (With Pick-Up Window, No Drive-Thru)			P	
Rural Tourism Facility (Subject to Section 15.18)	C		P	
Rural Tourism Equipment Rental			P	
School, Primary, Intermediate, or Middle	C	C	P	P

	<u>FR</u> <u>Farm Residential</u>	<u>RR</u> <u>Rural Residential</u>	<u>RMU</u> <u>Rural Mixed-Use Overlay</u>	<u>PEC</u> <u>Planned Employment Center Overlay</u>
School, High or Technical	C	C	P	P
School, Post-Secondary	C	C	P	P
Self-Storage Facilities				P
Short-Term Rentals (Subject to Section 15.19)	C	C	C	
Solar Energy Systems	(Subject to Section 15.20)		(Subject to Section 15.20)	(Subject to Section 15.20)
Telecommunication Tower, Attached (Subject to Section 15.22)	P	P	P	P
Telecommunication Tower, Free-Standing (Subject to Section 15.22)	C	C	P	P
Temporary Structures (Subject to Section 15.23)			P	P
Transitional Living Center (Subject to Section 15.14)			C	
Vehicle Charging Stations	A	A	A	A
Vehicular Sales, Equipment				C
Vehicular Sales, Motorcycles				C
Vehicular Sales, New and Used Cars				C
Vehicular Sales, Recreational Vehicles				C
Water and Wastewater Facilities				C
Wind Energy Systems (Subject to Section 15.25)	C	C	C	C

ARTICLE XI
Residential Districts

11.01 (FR) Farm Residential District

11.02 (RR) Rural Residential District

11.01 (FR) FARM RESIDENTIAL DISTRICT

a) Purpose

- The FR District is established to secure the continued agricultural activity within the Township.
- To protect streamside and groundwater quality and other natural resources of lands most suitable for farming.
- To stabilize the agricultural economy by controlling Uses that are incompatible with farming.

b) Target Areas



c) **Permitted, Conditional, and Accessory Uses**

See, [Section 10.02 – Combined Use Table](#).

d) **Lot Area, Setback, Height, and Lot Coverage Requirements**

Development Standards	(FR) Farm Residential
Minimum Lot Size (Acres)	5.74
Maximum Density (Utilize Net Acres)	1 Dwelling Unit per 5.74 acres
Maximum Dwelling Units per Residential Lot	1
Maximum Depth-to-Width Ratio (see, Section 9.10)	1:1
Minimum Frontage (Feet)	500
Minimum Front Setback (Feet)	130 (County or Township Road) 150 (Federal or State Highway)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	25
Minimum Rear Setback (Feet)	40
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	N/A

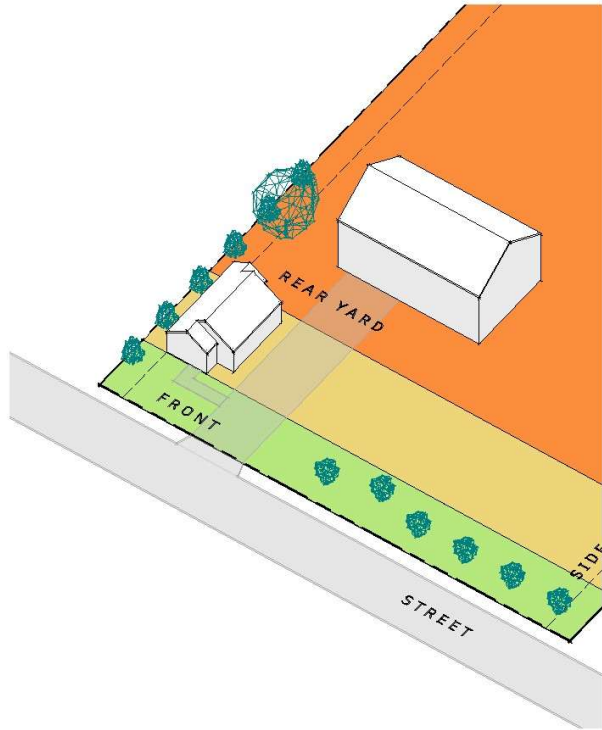
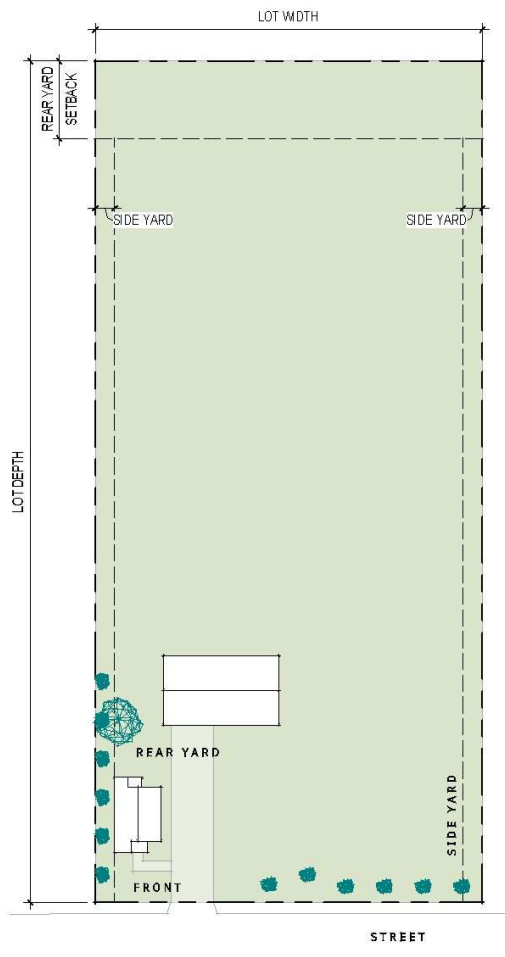
Projection into required Setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay windows, porch, stoop, or other similar architectural features may project into a required Setback up to two (2) feet.

Exemptions from required Side and Rear Setbacks

Accessory Structures; Swimming pools; tennis courts; clotheslines; barbeque pits; playground equipment; portable or permanent dog run, house, or kennel; and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum Side or Rear Setback, but in no case shall such uses be closer than ten (10) feet from a Side or Rear Lot Line.

e) **Example Lot Layout and Rendering**



f) **General Development Regulations**

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 15.02	Detached Accessory Structures may encroach a Side or Rear Setback but shall be no closer than ten (10) feet from the Side or Rear Lot Line. Accessory Structures shall also comply with all other requirements in Section 11.01(d) .
Agricultural Use Exemption	Y	Section 4.01(c)	A free permit required by request of the Zoning Inspector to show conformity with the Agricultural Use Exemptions of Section 519.21 of the Ohio Revised Code.
Fences	Y	Section 15.10	Fences and walls may be placed within the required minimum Setback provided they comply with Section 11.01(d) .
Floodplain	Y	Article XIV	In the scenario that the Lot is located within the Floodplain as designated by the County, the Owner should consult with and follow the procedures listed within the Flood Damage Prevention Regulations for Pickaway County, Ohio as referenced in Article XIV .
Frontage Requirement	Y	Section 11.01(d)	All new Lots shall comply with the minimum Frontage requirements for the Zoning District in which it is located. Said Frontage must be on an acceptable dedicated and improved Right-of-Way.
Landscaping/ Buffering	Y	Section 15.13	Plant material and berms may be placed within any required minimum Setback provided they do not constitute a nuisance as defined by the Township by separate Resolution.
Parking	Y	Article XVI	Parking must be provided in accordance with Article XVI .
Signs	Y	Article XVII	Signs, provided they comply with Article XVII , may be located within a Front Setback.

11.02 (RR) RURAL RESIDENTIAL

a) Purpose.

- To allow One-Unit Residential Dwellings on larger residential Lots as currently zoned as Rural Residential within the Township.
- To allow for minimal non-Residential Uses, such as Schools and Parks, which are compatible with and maintain the overall residential character of the area.

b) Target Areas.



c) **Permitted, Conditional, and Accessory Uses.**

See, [Section 10.02 – Combined Use Table.](#)

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

Development Standards	(RR) Rural Residential
Minimum Lot Size (Acres)	3
Maximum Density (Utilize Net Acres)	1 dwelling unit per 3 acres
Maximum Dwelling Units per Residential Lot	1
Maximum Depth-to-Width Ratio (see, Section 9.10)	3:1
Minimum Frontage (Feet)	250
Minimum Front Setback (Feet)	130 (County or Township Road) 150 (Federal or State Highway)
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	25
Minimum Rear Setback (Feet)	40
Maximum Building Height (Feet)	35
Maximum Lot Coverage (Percent)	35

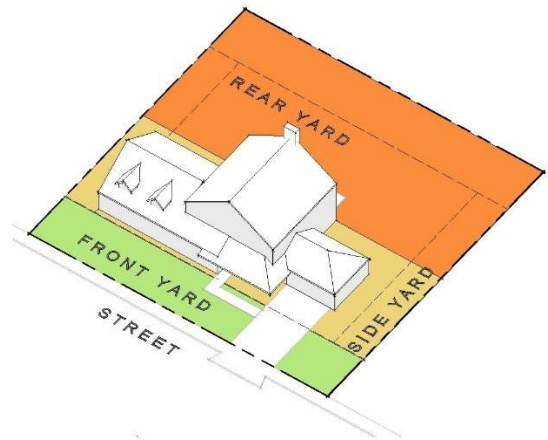
Projection into required setback

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay windows, porch, stoop, or other similar architectural features may project into a required setback up to two (2) feet.

Exemptions from required Side and Rear Setbacks

Swimming pools; tennis courts; clotheslines; barbeque pits; playground equipment; portable or permanent dog run, house, or kennel; and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than ten (10) feet from a side or rear lot line.

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations**

	Applicable	Section Reference	Notes
Accessory Structures	Y	Section 15.02	Detached Accessory Structures may not encroach a Side or Rear Setback Accessory Structures shall also comply with all other requirements in Section 15.02
Fences	Y	Section 15.10	Fences and walls may be placed within the required minimum Setback provided they comply with Section 11.02(d) .
Floodplain	Y	Article XIV	In the scenario that the Lot is located within the Floodplain as designated by the County, the Owner should consult with and follow the procedures listed within the Flood Damage Prevention Regulations for Pickaway County, Ohio as referenced in Article XIV .
Frontage Requirement	Y	Section 11.01(d)	All new Lots shall comply with the minimum Frontage requirements for the Zoning District in which it is located. Said Frontage must be on an acceptable dedicated and improved Right-of-Way.
Landscaping/ Buffering	Y	Section 15.13	Plant material and berms may be placed within any required minimum Setback provided they do not constitute a nuisance as defined by the Township by separate Resolution.
Parking	Y	Article XVI	Parking must be provided in accordance with Section XVI .
Signs	Y	Article XVII	Signs, provided they comply with Article XVII , may be located within a Front Setback.

ARTICLE XII (RMU) Rural Mixed-Use Overlay District

12.01 Purpose and Overlay Established 12.02 Procedure 12.03 Lot Size; Residential; and Commercial Lot Requirements	12.04 Permitted and Prohibited Uses 12.05 RMU General Development Standards
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12.01 PURPOSE AND OVERLAY ESTABLISHED

- a) Purpose. The (RMU) Rural Mixed-Use Overlay District is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of residential, retail, and commercial development. The RMU encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified strategy that:
- 1) Encourages projects that exhibit creative planning and design in ways that cannot be achieved through a standard Zoning District through architectural design and are consistent with the Deercreek Township Comprehensive Plan.
 - 2) Preserves unique or sensitive natural resources by integrating Open Space with developments.
 - 3) Plans the appropriate amount of infrastructure, including paved surfaces and utility easements necessary for development.
 - 4) Reduces erosion and sedimentation by minimizing land disturbances.
 - 5) Provides an opportunity for transitioning a mixture of Uses from the Village of Williamsport into the Township.
 - 6) Enables an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development.
 - 7) Assures compatibility between proposed land uses through appropriate development controls.
 - 8) Preserves the streetscape along the roadways, maintaining the character of a rural community.
 - 9) Enhances the welfare and economy of the Township by making available a variety of employment opportunities as well as providing housing for the Township residents.
- b) Overlay Established. The RMU encompasses and includes all areas within the crosshatched area of the Zoning Map. This regulations and the Zoning Districts in existence at the time of the effective date of the RMU rezoning shall continue to apply to all property within the RMU, unless the Board of Township Trustees, in accordance with

Section 12.02 – Procedure – approves an application submitted by a property owner and/or their agent (the “Applicant”), to subject their property to the provisions of the RMU. Such an application shall be made in accordance with the provisions of this Article and all other applicable Articles of this Resolution.

12.02 PROCEDURE

The Applicant shall follow the development plan application procedures outlined in Section 3.06 – Administrative Procedures for Overlay Districts.

12.03 LOT SIZE; RESIDENTIAL; AND COMMERCIAL LOT REQUIREMENTS

- a) Minimum Tract Size Per Development Plan. The minimum Tract size per Development Plan shall be twenty-five (25) acres.
- b) Ownership. Any land area proposed for development shall be under one owner or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall plan and complying with all requirements of this Article.
- c) Open Space. The Development Plan shall designate at least fifty (50) percent of the Gross Tract Acreage as permanent open space. “Gross Tract Acreage” is defined as all of the acreage in the proposed development, including features such as wetlands and steep slopes, to be considered as Open Space.
 - 1) Open Space locations and uses shall be identified on the development plan and shall be subject to the approval of the Rural Zoning Commission.
 - 2) Open Space shall be owned, administered, and maintained as identified on the development plan.
 - 3) Uses of land transferred to the community for public purposes must be approved as a part of the development plan and may include, but not limited to, trails and active recreation.
 - 4) The decision whether to accept an Applicant’s offer to dedicate Open Space for public uses shall be at the discretion of the Board of Township Trustees. Open Space may be maintained by a private entity. Land dedicated for public purposes may count towards the Open Space requirement if approved on the development plan.
 - 5) Funding generated through a New Community Authority or a Joint Economic Development Plan, as applicable, or similar funding mechanisms may be used to build and maintain the required open space.
- d) Residential Density Requirements. The maximum density of any portion of a Tract devoted to One-Unit Dwellings shall be limited to two (2) Dwelling Units per gross acre.
- e) General Layout Requirements.

- 1) In general, mixed-use developments that share both residential and commercial Buildings and Structures shall be located along Arterial or Collector Streets.
- 2) Streets shall be interconnected to meet the requirements found in [Section 12.05\(d\) - Access, Connectivity, and Visibility](#).
- 3) The use of cul-de-sacs should be minimized within the RMU. When the use of a cul-de-sac is necessary, then its length shall not exceed four hundred (400) feet.
- 4) Sidewalks shall extend from the multi-use paths and/or sidewalks required in [Section 12.05\(d\) - Access, Connectivity, and Visibility](#) to the front building entrances, parking areas, open space areas, and any other area that generates pedestrian activities.

f) Lot Area, Setback, Height, and Lot Coverage Requirements.

	Commercial – Office	Single-Family Dwellings with central water and sewer	Single-Family Dwellings with on-site water and sewer systems
Minimum Lot Size	10,000 sq. ft.	7,500 sq. ft.	As determined by Health Department
Minimum Lot Width	70 feet	60 feet	60 feet
Minimum Building and Parking Setback from Arterial right-of-way line*	50 feet	80 feet	80 feet
Minimum Building and Parking Setback from Collector Road future right-of-way line*	40 feet	25 feet	80 feet
Minimum Building and Parking Setback from Local Road future right-of-way Line*	30 feet	25 feet	80 feet
Minimum Side Setback	20 feet**	7.5 feet	15 feet
Minimum Rear Setback	30 feet**	30 feet	30 feet
Tract Boundary Setback when abutting a Residential District	100 feet	80 feet	N/A

	Commercial – Office	Single-Family Dwellings with central water and sewer	Single-Family Dwellings with on-site water and sewer systems
Maximum Lot Coverage	70 percent	35 percent	35 percent
Maximum Building Height	35 feet	35 feet	35 feet
Min. Distance Between Buildings on Same Lot	20 feet	N/A	N/A
* In no case, shall a parking lot encroach into the minimum Front Setback from the Right-of-Way. The Setback from the Right-of-Way should be landscaped and may include the required multi-use path or sidewalk, fences, or a development entry features or sign that meets the requirements of this Article. **Parking may encroach into a Side or Rear Setback, but in no case shall parking be located closer than five (5) feet from the internal lot line, except in cases where the Township Trustees determines that parking lots need to straddle internal Lot Lines in order to comply with the connectivity requirements of Section 12.05(d) - Access, Connectivity, and Visibility. In such cases, appropriate cross access easements must be established.			

- g) Building Design and Materials. The design and materials for all uses in the RMU must comply with the requirements of [Section 12.05\(a\) – Architectural Requirements](#).

12.04 PERMITTED AND PROHIBITED USES

- a) For Permitted Uses, *see*, [Section 10.02 – Combined Use Tables](#).
- 1) Open Space. Fifty (50) percent of the Gross Tract Acreage shall be reserved for Open Space as required in [Section 12.03 – Lot Size; Residential; And Commercial Lot Requirements](#). Whether the Open Space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved development plan. Limited agricultural Uses may be approved as Open Space in the Development Plan.
 - 2) Accessory Buildings and Structures incidental and pertinent to the Permitted Uses found in [Section 10.02 – Combined Use Table](#) – shall be permitted as long as they are necessary to the pursuit of the Permitted Uses on the premises.
- b) Prohibited Uses.
- 1) Uses not specifically authorized by the express terms of this Resolution are prohibited;

- 2) The outdoor storage of inoperable, unlicensed, or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) consecutive days is prohibited, except for necessary construction equipment that is in working order;
- 3) No trailer of any type; no boats; no motor homes; and no equipment of any type shall be parked in the Front Yard on any Lot within the RMU;
- 4) Except as specifically permitted, no mobile home or mobile office structure shall be placed or occupied in the RMU;
- 5) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any Lot or Parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public, as determined by the Board of Township Trustees. The Board of Township Trustees shall also retain any and all statutory authority that may be afforded regarding nuisances, including, but not limited to, the authorities provided in Section 505 of the Ohio Revised Code.
- 6) No commercial or business activity shall be conducted in a Unit designated for Residential Use except for Home Occupations.
- 7) No outside storage of any kind shall be permitted. All Permitted Uses shall be conducted completely within an enclosed Building.

12.05 RMU GENERAL DEVELOPMENT STANDARDS

The general development standards of the RMU shall apply to all new development, redevelopments, additions, Accessory Structures, and major site modifications for all Uses located within the Overlay District. These standards apply to the following, but are not limited to, commercial, office, institutional, religious, governmental, mixed-use, and Residential Uses, Buildings, and Structures. These general development standards ensure consistency and quality throughout the RMU and each Lot's development.

- a) Architectural Requirements. Buildings, except for One-Unit Dwellings, shall be designed to be seen from 360-degrees and have the same caliber of finish on all elevations. Building additions and Accessory Structures, whether attached or detached, shall be of similar design, materials, and construction to match the existing or primary Structure. The following material and design element requirements have been established to achieve the "Rural Design" theme.
 - 1) Building Materials. All exterior elevations shall be comprised of wood, fiber cement, board and batten, brick, or native or cultured stone. Foundations must be clad with the same natural material utilized on the building to blend with the overall architecture of the structure. If brick or stone are utilized on the building, the same brick or stone must be used for the foundation. Exposed cement block or split face block foundations shall be prohibited. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters and shall be made to visually appear as a natural material. The use of

- frosted, black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited.
- 2) Building Colors. Building colors shall consist of earth tones limited to browns, tans, and grays. Building colors may also consist of white and barn red. Leaf greens and gray sky blues may be utilized as an accent and shall not be the predominant building color.
 - 3) Roofing. Flat roofs are prohibited; the roof shall have a minimum of 6:12 pitch for the main roof. Pitched roofs must be constructed of dimensional shingles, standing seam metal, slate or simulated slate and are limited to hip, gable, gambrel, or mansard roof types. Other roof types may be approved where appropriate as determined by the Rural Zoning Commission and Board of Township Trustees with Development Plan approval.
- b) Landscaping. All Front, Side, and Rear Yards shall be landscaped to comply with the following regulations. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within road Right-of-Way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name, and placement of all material, and shall be submitted with and approved as a part of the Development Plan.
- 1) All proposed landscaping material shall align with the established Rural Design theme utilizing native plantings and grasses.
 - 2) Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, or wall within four years after installation.
 - 3) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
 - 4) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
 - 5) Existing tree lines must be preserved, and a two hundred (200) foot woodland buffer must be established from the proposed Right-of-Way of an existing state, county, or township roadway to any new development.
 - i) This two hundred (200) foot buffer shall consist of a minimum of forty (40) feet in width of native vegetation and trees and shall mimic the natural condition of a forest edge for the purpose of greatly reducing noise pollution and visual impacts of the development from any state, county or township roadway.
 - ii) Figure 12.05(c), below, shows the ideal woodland buffer where grasses, sedges and perennials give way to woody shrubs, before finally transitioning to small flowering trees and young canopy trees.

- iii) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting as regulated by Table 12.05(c)(1).
- iv) Additionally, low maintenance ground covers shall be used for earth berms, when earth berms are determined as necessary. Long-term self-maintaining natural plant communities can be used as low maintenance ground covers for earth berms. Berms shall be constructed with a three to one (3:1) slope.

TABLE 12.05(c)(1)

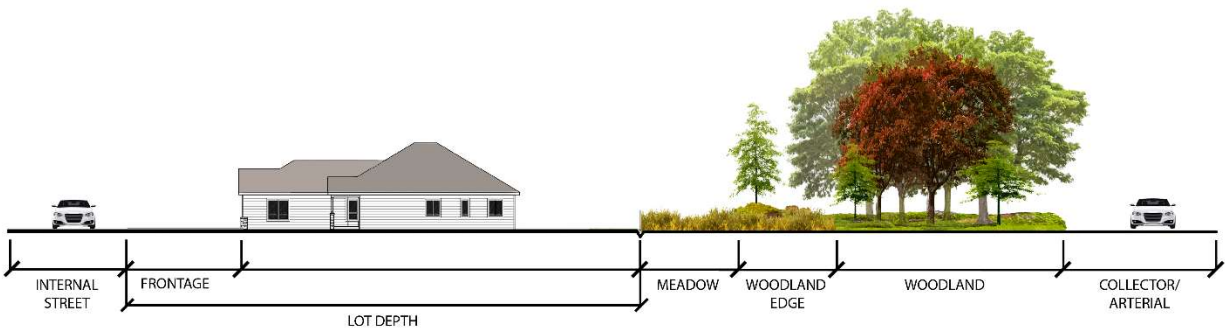
Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliber
Coniferous/Evergreen	5-feet in height
Shrubs and Hedges	3-feet in height

*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.

Table 12.05(c)(2)

RMU Overlay Buffer			
	Min. # of trees per 100 lineal feet of adjoining lot lines must include the following:		
Minimum Buffer Width (Feet)	# of Large Trees	# of Small Trees	# of Shrubs
40	4	10	33

FIGURE 12.05(c)

WOODLAND BUFFER

- 6) Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material meets the requirements and achieves the objectives of these Design Standards;
 - 7) An entryway feature may also be used, as approved in the Development Plan, as a portion of the required buffer. The entryway feature must be in line with rural design characteristics and should be predominantly made of natural materials, such as wood, stone, or brick;
 - 8) Landscaping at Driveway and Street Intersections. To ensure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. These Sight Triangle shall conform with the standards found in [Section 15.24 – Visibility at Intersections](#).
- c) Parking. Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted as regulated by [Section 15.13 - Landscaping](#).
- 1) Parking Lot Location. All parking lots shall be located behind or to the side of the primary Building, except as otherwise provided for herein.
 - i) Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the Township Trustees determines that parking lots need to straddle internal lot lines in order to comply with the connectivity

requirements of [Section 12.05\(d\) - Access, Connectivity, and Visibility](#). In such cases, appropriate cross access easements must be established. In no case, shall a parking lot be permitted closer than one hundred (100) feet from a Side or Rear Lot Line if such Lot Line abuts an existing or proposed Single-Family Residential Use.

2) General Parking Regulations.

- i) Parking spaces located within an enclosed garage may count toward the off-street parking requirements.
- ii) All driveways shall be constructed of a hard surface such as pavement, brick, or concrete.
- iii) Recreational vehicles and trailers may be temporarily parked in a driveway for no longer than forty-eight (48) hours every seven (7) days.
- iv) Parking pads for the long-term parking of recreational vehicles or trailers are prohibited in the required right-of-way setback.
- v) The location of all off-street parking spaces shall comply with Table 12.05(c)(2), below.
- vi) Parking Lot Screening. All parking lots shall be screened in accordance with [Section 12.05\(b\) - Landscaping](#).
- vii) Handicap Parking. Handicap accessible parking spaces shall be provided in accordance with the American with Disability Act requirements.
- viii) Parking Space Size. All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly. Parking aiseways shall be twenty-four (24) feet in width.
- ix) Common Areas and Access Points. All common areas and adjacent driveways shall be paved with asphalt material or cement and parking spaces shall be striped. Green or pervious pavers/pavement may be approved by the Board of Township Trustees provided they meet the requirements of the Fire Department and mechanisms for long-term maintenance are provided. The use of gravel for parking lots shall be prohibited.

TABLE 12.05(c)(2)

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES	PARKING LOCATION
Residential Use	• 2 off-street spaces per dwelling unit • Parking spaces located within an enclosed garage may contribute toward the minimum parking requirements.	• Driveways may encroach into the required front yard setback. • Vehicles may be parked in a driveway between the front façade of the home and the public right-of-way.
Commercial Use	• To optimize land use and improve efficiency in mixed-use developments, a shared parking study is required to determine the appropriate number of parking spaces. This study shall analyze the peak usage times of different land uses – such as residential, retail, office and entertainment – to identify opportunities for shared parking rather than requiring separate spaces for each use. This study shall consider on-street parking, bicycle parking, spaces for electrical vehicle charging stations and parking lots and/or structures that are available for all uses within the proposed development plan. By accounting for staggered demand patterns, a shared parking study can help reduce excessive parking requirements, promote walkability, and support sustainable design while ensuring parking availability for residents, employees and visitors. This study shall recommend the number of spaces required within the Development Plan and shall be approved by the Township Trustees.	• Off-street parking is prohibited between the front building façade and the public right-of-way. • Any parking visible from the public right-of-way shall be screened pursuant to Section 12.05(b).

d) Access, Connectivity, and Visibility.

- 1) All Access Points shall be limited to those locations approved by the permitting authority (state, county, or township as applicable). On Township Roads, the minimum spacing between driveways shall be determined by the Pickaway County Access Management Regulations.
- 2) The internal circulation of a parking area shall comply with [Article XVI – Off-Street Parking and Loading](#) – of this Resolution.

- 3) The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads (at the rear of the property or running parallel to an existing/proposed public road) and/or through the use of cross-access easements between parking lots. The Township Trustees may rely upon recommendations from the Consulting Engineer to determine that the proposed method for providing connectivity is the most suitable in each particular development.
 - 4) Multi-Use Path and Sidewalks. All Collector and Local Roads shall have a ten (10) foot multi-use path along each side of the Road (within a fifteen (15) foot Multi-Use Path easement). All Local Roads shall have a five (5) foot sidewalk on both sides of the Road within a ten (10) foot sidewalk easement which must be located outside of the Right-of-Way. Curb ramps and crosswalks shall be installed per the American Disability Act requirements. Multi-Use Paths and sidewalks shall be constructed immediately outside the Road Right-of-Way within a fifteen (15) foot Multi-Use Path easement or a ten (10) foot sidewalk easement designated for such public use.
 - 5) Sidewalks shall connect to the Building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.
- e) Lighting. Lighting shall comply with the standards found in [Section 15.15 - Lighting](#).
- f) Signs. All Signs shall be in accordance with the following regulations or as approved per the development plan:
- 1) Signs shall be designed as to adhere to the Rural Design theme utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, or barn red. Signs colors and materials shall match that of the primary building.
 - 2) Temporary Signs: The following Temporary Sign regulations apply to all uses:
 - i) Temporary Signs shall be prohibited within the Right-of-Way.
 - ii) Two (2) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height;
 - iii) One (1) Large Temporary Signs shall also be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
 - A) Exceed eight (8) feet in height;

B) Exceed thirty-two (32) square feet in area (per Sign face); and

C) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning



Photo Credit:

Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Township Trustees. On parcels that are greater than five (5) acres, such signs may be displayed for up to 180 days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional 180 days. No other extensions may be administratively approved and must be approved by the Board of Township Trustees. In no case, shall such signs be erected for more than 365 days.

iv) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location; and

v) The majority of the Temporary Sign must be constructed with wood.

3) Residential Subdivision Identification Sign:

i) Such identification shall be limited to wall or ground mounted signs or graphics only, for example, with placement on a brick wall, entrance columns on each side of a street or on a similar architectural or landscaping entrance feature that may be used. The reverse sides of identification features shall be finished to match the fronts. Pole type signage is hereby prohibited. Sign copy shall be limited to the name and logo of the subdivision. Manual changeable copy signs are to be mounted on the rear of an entrance feature. Maximum area for residential manual changeable copy signs is four (4) square feet;

ii) Such identification signs shall be made of at least eighty percent (80%) natural materials including wood, brick, or stone;

iii) Such identification features may not be located in the public right- of-way;

iv) The maximum area for such identification is twenty (20) square feet at any one entry location. A maximum of one permanent residential subdivision identification sign is permitted on each side of the street at each entry location to a development;

v) Any Residential Subdivision Identification Sign shall not be placed closer than ten (10) feet from the Right-of-Way; and

vi) The maximum height for each sign is six (6) feet above grade.

- h) Utilities. All utilities in the RMU Subdivision shall be buried underground.
- i) Supplemental Conditions and Safeguards. If the Rural Zoning Commission determines that additional measures are needed to buffer existing land uses, they may require such as part of the Development Plan approval.
- j) Divergences. The Board of Township Trustees, as a part of a Development Plan approval process outlined in [Section 3.06 – Administrative Procedures for Overlay Districts](#), may grant divergences from any standard or requirement in this Chapter with the exception of the density of dwelling units per acre, permitted uses, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan.”

**ARTICLE XIII
(PEC) Planned Employment Center
Overlay District**

13.01 Purpose and Overlay Established	13.04 Permitted and Accessory Uses
13.02 Procedure	13.05 PEC General Development Standards
13.03 Lot Size and Requirements	

13.01 PURPOSE AND OVERLAY ESTABLISHED

- a) Purpose. The (PEC) Planned Employment Center Overlay District is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of industrial development. The PEC encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified strategy that:
- 1) Encourages projects that exhibit creative planning and design in ways that cannot be achieved through a standard Zoning District through architectural design and are consistent with the Deercreek Township Comprehensive Plan.
 - 2) Preserves unique or sensitive natural resources by integrating landscaping requirements with developments.
 - 3) Plans the appropriate amount of infrastructure, including paved surfaces and utility easements necessary for development.
 - 4) Reduces erosion and sedimentation by minimizing land disturbances.
 - 5) Enables an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development.
 - 6) Assures compatibility between proposed land uses through appropriate development controls.
 - 7) Preserves the streetscape along the roadways, maintaining the character of a rural community.
 - 8) Enhances the welfare and economy of the Township by making available a variety of employment opportunities.
- b) Overlay Established. The PEC shall only apply to the area designated as the “Growth Area” on the Future Land Use Map as separately adopted. In order to submit a formal Development Plan, the applicant must first initiate a zoning map amendment in accordance with [Article VI - District Changes and Amendments](#) and upon adoption of this amendment, the applicant must then submit a formal development plan as specified in [Section 3.06 – Administrative Procedures for Overlay Districts](#). Such an application shall

be made in accordance with the provisions of this Article and all other applicable Articles of this Resolution.

13.02 PROCEDURE

The Applicant shall follow the development plan application procedures outlined in [Section 3.06 – Administrative Procedures for Overlay Districts](#).

13.03 LOT SIZE AND REQUIREMENTS

- a) Minimum Tract Size Per Development Plan. The minimum Tract size per Development Plan shall be five (5) acres.
- b) Ownership. Any land area proposed for development shall be under one owner or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall plan and complying with all requirements of this Article.

This Area is Intentionally Left Blank

- c) The development plan shall incorporate the following standards for all Uses:

TABLE 13.03

Development Standard	PEC
Minimum Tract Size Per Application	5 acres
Minimum Lot Size	N/A
Minimum Lot Width	At least ½ of Lot Depth
Minimum Building to Lot Width Ratio	N/A
Minimum Building Setback from Arterial	100 feet
Minimum Building Setback from Collector Road Right-of-Way Line	100 feet
Minimum Building Setback from Local Road Right-of-Way Line	100 feet
Minimum Rear Building Setback	60 feet*
Minimum Side Building Setback	60 feet*
Maximum Building Height**	60 feet
Maximum Lot Coverage	80 percent
*Parking may encroach a front, side or rear setback, but the pavement shall be no closer than 15 feet from the applicable front, side, or rear lot line. If said parking area abuts an existing residential district, the pavement shall be no closer than 50 feet from the lot line of the abutting residential district. **Mechanical and HVAC units may extend above the maximum building height by ten (10) feet provided such units are screened in accordance with Section 13.05(b) – Buffering, Landscaping, and Screening. This applies to all Uses.	

13.04 PERMITTED AND ACCESSORY USES

- a) For Permitted Uses, see, [Section 10.02 – Combined Use Table](#).
- 1) Accessory Buildings and Structures incidental and pertinent to the Permitted Uses found in [Section 10.02 – Combined Use Table](#) – shall be permitted as long as they are necessary to the pursuit of the Permitted Uses on the premises.
- b) For Conditional Uses, see, [Section 10.02 – Combined Use Table](#).

- 1) Prior to submitting a formal Development Plan, the Applicant must first apply for a Conditional Use Permit, if applicable.

13.05 PEC GENERAL DEVELOPMENT STANDARDS

The general development standards of the PEC shall apply to all new development, redevelopments, additions, Accessory Structures, and major site modifications for all Uses located within the Overlay District. These general development standards ensure consistency and quality throughout the PEC and each Lot's development.

- a) Architectural Requirements. All Buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and Accessory Structures, whether attached or detached, shall be of similar design, materials, and construction of the existing or principal Structure. The following standards shall also apply to Structures for the following Uses:

- 1) Building Design.
 - i) Any Building fronting on a Collector or Local Road shall be designed to appear as the front façade.
 - ii) Blank walls shall not be permitted. There shall be a minimum of three (3) design elements for every one hundred (100) feet of elevation width for an elevation facing a public Right-of-Way and a minimum of two (2) design elements for every one hundred (100) feet of elevation for each side and rear elevation that does not front a public Right-of-Way.
 - iii) Typical design elements are as follows:
 - A) A door of at least twenty-eight (28) square in area with an awning, window, faux window, or other feature subject to approval in the Development Plan, as applicable;
 - B) A window of at least six (6) square feet in area. Windows closer than (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
 - C) Porticos, dormers, projecting canopies, masonry water tables, trellis containing plantings, a gabled vent of at least four (4) square feet in area;
 - D) A similar significant permanent architectural feature consistent with the style of the Building upon approval of the Development Plan, as applicable.
 - iv) All elevations shall have similar style, materials, colors, and details.
 - v) A Building front elevation that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met by utilizing the design elements found above.

2) Building Materials.

- i) All exterior walls shall be constructed predominantly of precast concrete, brick, or architectural concrete masonry units.
- ii) Precast systems shall be light in color and limited to integrally colored precast, painted, or stained precast panels.
 - A) No raked concrete panels shall be permitted.
 - B) Tilt up concrete panels with accent bands shall be permitted. Tilt-slab concrete buildings shall have no greater than ½" exposed aggregate (which applies to all concrete surfaces). Tilt-slab construction walls may have no more than three hundred (300) square feet of surface without reveals.
 - C) Applied paint and stains must be consistent with the architectural finish of the building.
- iii) Masonry Units. Masonry products shall include integrally colored split face units, painted, or stained split face units or brick. No standard concrete units shall be permitted. Glazed brick and glazed tile shall only be used for accent and fine details. Smooth finished blocks shall be prohibited.
- iv) Corrugated metal systems are prohibited.
- v) Exterior insulation finishing systems (EIFS) or synthetic stucco may only be utilized at eight (8) feet above finished grade or higher. All finishes and color of EIFS shall coordinate with the overall building design.

3) Roofs.

- i) Flat roofs shall be standing seam, built up, ballasted, fully adhered, and mechanically fastened EPDM (Ethylene Propylene Diene Monomer rubber), or other membrane roof systems. No shingles, including concrete, slate, asphalt, wood, asbestos, or clay shall be permitted.
- ii) Pitched roofs may be permitted for Buildings less than 10,000 square feet in area. When a pitched roof is permitted, asphalt shingles or standing seam metal shall be permitted.

4) Exterior Canopies and Entrances. All exterior canopies and entrance features on a single building shall be consistent color scheme (i.e., each entrance may have more than one color, but each entrance must be the same). The color(s) selected for the entrance canopies shall be a brighter hue than the field colors and shall serve as a complementary accent to the general building design. Loading dock canopies shall be painted to match the entrance features canopies or painted to match the wall field color to which it is attached.b) Buffering, Landscaping, and Screening.

- 1) The following requirements apply to all Uses:

- i) Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
- ii) All trees required by this Section shall meet the following minimum tree sizes at the time of planting:

TABLE 13.07

Tree Type*	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliber
Coniferous/Evergreen	5-feet in height
Shrubs and Hedges	3-feet in height

*All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.

- iii) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
 - iv) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
 - v) Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 2) In addition to the above standards, the following regulations shall apply:
- i) Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public Right-of-Way shall be screened from the respective Right-of-Way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.
 - ii) Parking Island Landscaping. All parking lot islands required in [Section 16.02 – General Requirements](#) – shall have a minimum of one shade tree with a minimum of 2” in caliper and include a minimum of fifty (50) square feet of other plant material. The remaining area of the landscaped island shall be covered with stone or planted with grass. The use of mulch shall be prohibited within the landscaped islands.
 - iii) Right-of-Way – Setback Landscape Screening. Throughout the Setback area along an existing or planned public Right-of-Way, there shall be landscape screening that complies with the following:

- A) Arterial Road screening shall be a minimum of forty (40) feet in width;
 - B) Arterial Road screening shall include a cluster of a minimum of three (3) coniferous trees or two (2) deciduous trees at 100-foot intervals for the entire Frontage.
 - C) Collector and Local Road screening shall include a minimum of ten (10) feet in width and contain two (2) deciduous trees every thirty (30) feet on center.
- iv) Screening Between Uses. A continuous planting hedge and tree combination to provide screening between non-residential and residential uses shall be installed. The required planting hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation. Fencing may be incorporated to provide additional screening. Fencing shall only be utilized in addition to and not in lieu of the planting hedge and tree combination.
- 3) Mechanical Equipment, Production Storage and Service Areas, Trash Containers, Loading Zones. The following regulations apply to all Uses:
- i) Mechanical Equipment. All external mechanical equipment, including generators, shall be screened from adjacent existing or planned public Rights-of-Way with materials that are similar to or the same as those used on the adjacent building façade, or with landscaping. This requirement shall include rooftop equipment and ground mounted mechanical equipment.
 - ii) Production Areas, Service Areas, Storage Areas, Trash Containers, and Loading Zones. Production areas, service areas, storage areas, trash containers and loading zones shall be located at the rear or the side of the Building, except however, those areas that are prohibited along a side of a Building facing an existing or proposed single-family residential use. These areas shall be effectively screened from all adjacent property lines, existing or planned public Rights-of-Way and private streets.
 - iii) Production Areas, Service Areas, and Loading Zones. Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize the same or similar materials as those used on the principals building.
 - iv) Trash Containers and Storage Areas. Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping. So that the trash container or storage area can be accessed, a solid, decorative gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage area.

- c) **Parking.** Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. To accomplish these goals, all off-street parking lot areas shall be designed and constructed using the "Parking Bay" concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections.
- 1) **Parking Lot Location.** All parking lots shall be located behind or to the side of the principal Building, except as otherwise provided for herein.
 - i) Parking lots, when possible, should be located to the side or rear of the principal building. Parking may encroach a Right-of-Way setback line, but in no case shall parking be less than forty (40) feet from the road Right-of-Way line.
 - ii) Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the Board of Township Trustees determines that parking lots need to straddle internal lot lines to comply with the connectivity requirements of [Section 13.05\(d\) – Access, Connectivity, and Visibility](#). In such cases, appropriate cross access easements must be established. In no case, shall a parking lot be permitted closer than one-hundred feet from a side or rear lot line, if such lot line abuts an existing or proposed single family residential use.
 - 2) **Parking Bays.** All parking bay regulations shall follow [Section 16.02 – General Requirements](#) – and comply with the requirements found in [Article XVI – Parking](#).
- d) **Access, Connectivity, and Visibility.**
- 1) **Access.** All access points shall be limited to those locations approved by the permitting authority (state, county, or township as applicable). On Township Roads, the minimum spacing between driveways shall be determined by the County Engineer.
 - 2) **Fire Trucks.** All buildings must provide space for 360-degree access for fire trucks and shall also comply with the applicable Fire Department regulations.
 - 3) **Visibility.** Visibility at intersections shall comply with [Section 15.24 – Visibility at Intersections](#) – of this Resolution.
 - 4) **Vehicular Connectivity (Access Roads and/or Parking Lot Connections).** The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads (at the rear of the property or running parallel to an existing/proposed public road) and/or the use of cross-access easements between parking lots. The Board of Township Trustees may rely upon recommendations from the County Engineer or other consulting engineers

to determine that the proposed method for providing connectivity is the most suitable in each development.

- i) If access roads are utilized to comply with this connectivity requirement, there shall be a minimum distance of two hundred (200) feet between intersections. A greater distance may be required upon recommendation by the County Engineer or a consulting engineer to avoid safety concerns.
- ii) Sidewalks shall connect to the building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.

e) Lighting.

- 1) All Lighting shall comply with the requirements found in [Section 15.15 – Lighting](#).
- 2) Regarding any development that abuts a property zoned for single-family residential purposes (including abutting properties within the PEC overlay that have not applied for a development plan and are designated the underlying Zoning District): All non-essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, signs, displays, and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety and security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut off fixtures, auto dimming to adjust lighting based on ambient lighting and the use of as little light as necessary without creating safety issues is encouraged.

f) Signs. All Signs shall comply with [Article XVII – Signs](#).

g) Utilities, Water, and Drainage.

- 1) All developments shall be served by central water and sewer systems. Bioretention basins, or rain gardens, may be used only when approved by the Township. All stormwater requirements must also comply with the Ohio Department of Natural Resources Rainwater and Land Development Handbook, the County Subdivision Regulations, the County Soil Erosion and Stormwater Regulations, any applicable requirements of the County Engineer, and any applicable FAA requirements.
- 2) The Best Management Practices (BMPs) found in the Ohio Environmental Protection Agency’s Industrial Stormwater Permit should be adopted as part of the applicant’s development plan.

h) Accessory Structures. Accessory Structures for all Uses shall be identified on and constructed in accordance with an approved Development Plan. Accessory Structures must comply with the architectural requirements in [Section 13.05\(a\) – Architectural Requirements](#) – and all Setback requirements under [Section 13.03 – Lot Size and Requirements](#).

i) Fences and Retaining/Decorative Walls.

- 1) All Fences within the PEC shall comply with the following requirements:
 - i) No fence shall exceed ten (10) feet in height and shall be a minimum of five (5) feet from any vehicular pavement area.
 - ii) All chain link fencing shall be black PVC coated, RVG, or painted black. Cast iron and pre-finished aluminum fencing or other metal features shall be black.
 - iii) Barbed wire and razor fences are not permitted.
- 2) All retaining/decorative Walls shall comply with the following requirements:
 - i) Exposed concrete block is not permitted. Walls shall be constructed with stone, brick or masonry material that matches the building in color, design, and durability.
 - ii) Vegetation may be utilized as natural wall

j) Storage Tanks and Fueling Areas. Storage tanks and fueling areas that are associated with a Permitted Use and required for the operation and maintenance of a property shall be permitted provided such tanks comply with the following criteria:

- 1) Above ground storage tanks and above ground water storage tanks shall: be located behind the front plane of the building, be the same color as the building, and be no taller than the building it serves.
- 2) Fueling areas and canopies shall be located be located behind the front plane of the building, be the same color as the building, and be no taller than the building it serves. Roof colors, parapet and all exposed trims shall match the main building structure. All lighting shall be recessed under the canopy. No signage or graphics shall be permitted on the canopy.

ARTICLE XIV (FP) Flood Plain District

14.01 Finding of Fact	14.05 Conditional Uses
14.02 Purpose	14.06 Prohibited Uses
14.03 Scope and Application	14.07 Development Standards
14.04 Permitted Uses	

14.01 FINDING OF FACT

Specific areas adjacent to streams and watercourses within the Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses and the cumulative effect of obstructions in flood plains, which cause increased flood heights and velocities.

14.02 PURPOSE

It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize losses resulting from periodic inundation of flood waters in the Township by:

- a) Restricting or prohibiting Uses and activities that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
- b) Controlling the filling, grading, dredging, and other development which may increase flood damage; and
- c) Controlling the alteration of the natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.

14.03 SCOPE AND APPLICATION

- a) Applicable Lands. This Article shall apply to all lands within the Township’s 100-year flood plain, as identified by FEMA on the Flood Insurance Rate Map applicable to the Township.
- b) The FP District shall be superimposed over the Zoning Map. The underlying Zoning District shall hereafter be called the “Base District.” Uses and minimum requirements shall be determined by the Base District; however, when the requirements governing the FP District are more restrictive than those of the Base District, the provisions of this Article shall supersede those of the Base District.
- c) Interpretation of Boundaries. When disagreements exist as to the boundaries of the FP District, those boundaries shall be interpreted to be the boundaries as shown on the FIRM referenced above.

- d) Warning and Disclaimer of Responsibility. The degree of flood protection required by this Article is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside of the FP District shall be free from flooding or flood damage. This Resolution shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

14.04 PERMITTED USES

The following are Permitted Uses within the FP District.

- a) Passive private or public recreational uses such as fishing, walking, bird watching, etc. (No public easement over such public is hereby created). Unpaved public or private trails are included in this definition. Paved trails are a Conditional Use (see, [Section 14.05 – Conditional Uses](#), below). The following conditions apply to unpaved trails as a Permitted Use in the riparian setback:
- 1) Trail Surface: unimproved/earthen
 - 2) Trail Width: minimum three (3) feet, maximum five (5) feet
 - 3) No clearing of woody vegetation shall be permitted
 - 4) Distance from edge of stream, minimum 125 feet (except spurs for river access)
 - 5) River access points may be developed
- b) Selective harvesting of timber, provided not more than twenty-five (25) percent of the tree crown cover within the portion of the particular land owner's parcel within the FP District is removed and trees on the immediate stream bank are not harvested, unless a specific silviculture plan for the property is submitted to and approved by the Pickaway County Soil and Water Conservation District. Damaged or diseased trees may be removed. The stump and roots of trees on the stream bank shall be left in place to prevent erosion.
- c) Revegetation or reforestation.
- d) Agriculture on Lots greater than five (5) acres, pursuant to Ohio Revised Code Section 519.21.

14.05 CONDITIONAL USES

The following are Conditional Uses within the FP District.

- a) Streambank stabilization/erosion control work and/or large-scale stream channel and riparian setback restoration work, that are ecologically compatible and substantially use natural materials and native plant species where practical and available, is an approvable conditional use of the riparian setback. Providing that separate authority exists, such streambank stabilization erosion control, and stream channel restoration work shall be approved by the local jurisdiction or the Director of Ohio EPA. All streambank stabilization plans should provide long-term streambank protection. In reviewing this plan, the local jurisdiction or the Director of Ohio EPA may consult with representatives of the Ohio Department of Natural Resources, Division of Natural Areas and Preserves (ODNR DNAP); the Ohio EPA, Division of Surface Water; the local County Soil and Water Conservation District; or other technical experts as necessary. The local jurisdiction should provide language stating that erosion control measures be limited to the purposes of water quality protection, the prevention of flooding, or the protection of existing structures.
- b) Construction of paved trails in the riparian setback to further passive recreation uses shall be an approvable conditional use. However, trails that become damaged due to natural erosion shall not be repaired but shall be moved upland or removed altogether. The following conditions shall apply to paved trails in the setback:
 - 1) Trail surface: (hard) asphalt or concrete
 - 2) Trail width: minimum 10 feet, maximum 12 feet
 - 3) Clearing width: maximum 20 feet (clearing not included as part of overall setback width)
 - 4) Distance from edge of stream: minimum 300 feet
 - 5) River access points may be developed but must be unpaved
 - 6) Private trails should not have stream crossings, and crossings on public trails are a conditional use and will be permitted only if they are part of a comprehensive trail plan.
- c) Unpaved trails as a component of a paved trail system may be necessary for Americans with Disabilities Act compliance. For an approvable Conditional Use in the riparian setback, those trails should have the following conditions:
 - 1) Trail surface: (soft) compacted gravel
 - 2) Trail width: minimum 5 feet, maximum 12 feet
 - 3) Clearing width: maximum 20 feet (clearing not included as part of overall setback width)
 - 4) Distance from edge of stream: minimum 200 feet, unless developed as a river access point under [Section 14.04\(a\)\(5\)](#), above.
 - 5) Trail segments located within the Stream Setback that are damaged by water erosion shall not be rebuilt but shall be removed or moved to a more suitable location. The moved trail shall comply with the standards herein.
- d) A driveway or non-arterial roadway may be an approvable conditional use. A new crossing or new roadway for a street other than an arterial may be permitted to cross the stream

corridor protection zone only in those circumstances when the parcel has no other existing access, when such crossing is necessary for public health or safety, or when the applicant can demonstrate that important ecological protection and ecological benefits are realized (such as saving a mature wood lot). In addition, the applicant must demonstrate that the new crossing or new roadway in the setback is necessary to achieve important ecological protection or maximizes ecological benefit. Such activity shall minimize disturbance to the riparian setback and shall mitigate any disturbances.

14.06 PROHIBITED USES

The following are Prohibited Uses within the FP District.

- a) Construction within the riparian setback zone is a prohibited use. This restriction applies to new construction and does not apply to existing residential structures and associated appurtenances.
- b) Dredging and filling is a prohibited use in the riparian setback zone.
- c) Motorized vehicles shall be a prohibited use, except for emergency vehicles when necessary for public health and safety or for vehicles that support approved uses.
- d) There shall be no disturbance of native vegetation in the riparian setback zone at any time during development on the remainder of the site, except for:
 - 1) such conservation maintenance that the landowner deems necessary to control noxious weeds and invasive plants (as defined by ODNR or Ohio Department of Agriculture for invasive plants);
 - 2) such plantings as are consistent with these regulations;
 - 3) the passive enjoyment, access and maintenance of lawns and landscaping on existing parcels; and
 - 4) such plantings as are necessary to implement a properly designed and permitted stream restoration project. If native vegetation does not exist, replanting is required with native plant species in accordance with a plan approved by the local jurisdiction.
- e) Parking lots in the riparian setback are a prohibited use. There shall be no parking lots or other human made impervious cover. Exceptions may be appropriate for trails approved under the conditional use provisions of Section 14.05(c).
- f) The riparian setback shall not be used for the application and/or spraying of wastewater treatment plant residuals.

14.07 DEVELOPMENT STANDARDS

- a) No new structure or surficial (pavement) construction of any kind shall be permitted, with the exception of Fences running perpendicular to the stream bank when used for the containment of livestock.
- b) No discharge is permitted onto any public or private sewer, drain, tile or stream, or onto the ground of any liquids or materials which, because of their toxic properties or temperatures when discharged, would contaminate the Deer Creek watershed, groundwater or stream. The OEPA standards shall apply and be met in making a determination as to the propriety of the discharge. Discharges expressly permitted by the Pickaway County Board of Health and/or OEPA are not restricted by this Section.
- c) No grading or filling within the FP District shall be permitted unless a floodplain development permit is acquired from the County floodplain coordinator that proves the grading and filling adheres to the Pickaway County Flood Damage Prevention Regulations that the cumulative effect of the proposed activities shall not increase the water surface elevation of the Base Flood by more than one (1) foot at any point. In acting on such proposal, the Board may seek the input of the Pickaway Soil and Water Conservation District.
- d) The natural vegetation within the FP District shall remain undisturbed except for the removal of noxious weeds as otherwise permitted under the Ohio Revised Code Chapters 5579 and 5589, subject to the activities referenced in this Article.
- e) In addition to the standards above, the requirements for floodplain management adopted by the County shall apply.
- f) All agricultural activities, including but not limited to, plowing, discing, and/or cultivating cropland; protecting against streambank erosion; and construction, maintenance and/or repair of levees shall follow “Best Management Practices” as set forth by the Pickaway Soil and Water Conservation District.

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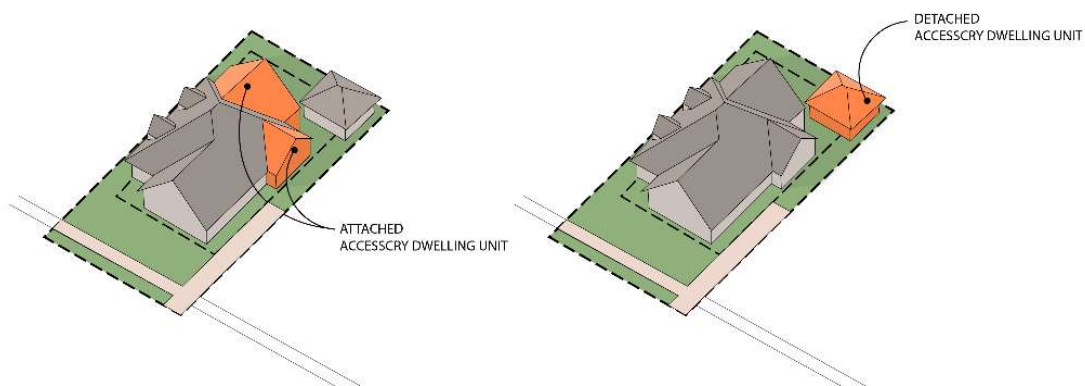
ARTICLE XV
General Development Standards

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15.01 ACCESSORY DWELLING UNITS

- a) Applicability. These standards apply to any Residential District where ADUs are listed as an applicable Use.
- 1) Number. Only one (1) ADU shall be permitted on a Lot.
- 2) Density. ADUs do not count toward the density calculations for the District in which they are located.
- 3) Accessory Suite (Attached) ADU Standards. All Accessory Suite ADUs shall comply with the following general ADU design standards:
- i) An ADU must be attached to the Primary Structure through either a common wall or breezeway;
 - ii) The Primary Dwelling in which the ADU is located shall be owner occupied;
 - iii) An ADU may be no larger than eight hundred (800) square feet or the size of the Primary Dwelling Unit, whichever is less;
 - iv) ADUs shall be limited to Residential Uses, including a Minor Home Occupation, and shall not be utilized for any other purposes;
 - v) One additional parking space is required for the ADU;
 - vi) No new entrances into the Primary Dwelling shall be created for the Accessory Suite ADU; and

- vii) Any required fire escapes or exterior stairs for access to an upper-level Accessory Suite ADU shall not be located along the front façade on the Primary Dwelling.
- b) Detached ADUs. In addition to the general ADU design standards, Detached ADUs must comply with the following requirements:
 - 1) A Detached ADU shall not exceed twenty-five (25) feet in height.
 - 2) The ground coverage of the Detached ADU shall not exceed the ground coverage of the primary dwelling unit.
 - 3) All Detached ADUs shall be located at or behind the front plane of the primary dwelling.
 - 4) All Detached ADUs shall comply with the minimum setback requirements of the applicable Zoning District.
 - 5) A sewage system must be approved by the Health Department. Dependent upon Health Department approval, it is encouraged to connect a Detached ADU to the existing sewage system. If the existing sewage system would not comply with Health Department policy, an independent sewage system must serve the Detached ADU with Health Department approval.
 - 6) All Detached ADUs that are new construction shall comply with the following requirements:
 - i) Be setback a minimum of five (5) feet from the primary dwelling.
 - ii) The exterior finish materials must visually match in type, size, and placement to the exterior finish materials of the primary dwelling or existing structure on the property.
 - iii) The roof pitch must be the same as the predominant roof pitch of the primary dwelling or existing structure on the property.



15.02 ACCESSORY USES AND STRUCTURES

- a) Applicability. These standards shall apply to all Accessory Structures, except Private Swimming Pools.
- b) Location. All Accessory Structures occupying less than five (5) acres shall be in conformity with the following provisions:
 - 1) The Accessory Structures shall comply with the minimum Setback Requirements of the applicable Zoning District.
 - 2) Accessory Structures may not be erected within fifteen (15) feet from the Primary Structure.
- c) Height. No Accessory Building in any Zoning District shall exceed twenty-five (25) feet in building height.

15.03 AGRITOURISM

- a) Intent. In the interest of the public health and safety, the Board of Township Trustees and the Rural Zoning Commission may regulate by resolution, in accordance with the Comprehensive Plan, and Section 519.02 of the Ohio Revised Code, the property within the Township for the public health and safety of the Township.
- b) Authority. Section 519.21(C)(4) of the Ohio Revised Code permits this Resolution to regulate Agritourism Structures and property as necessary to protect the public health, safety, and general welfare. The following regulations apply to the “size of Structures used primarily for Agritourism, size of parking areas that may be required, Setback Building Lines, and egress or ingress where such regulation is necessary to protect public health and safety.”
- c) Declaration of Intent – Agricultural Exemption.
 - 1) In order to qualify for an Agricultural Exemption for obtaining a Zoning Certificate for Agritourism Uses, an applicant must submit a Declaration of Intent – Agricultural Exemption Form. This form will be considered by the Zoning Inspector and if granted, the applicant will not be required to have an Agritourism Use Permit on file. A Zoning Certificate is required to demonstrate compliance with the standards for Setback, Structure size, building height, parking, and other elements authorized by Section 519.02 of the Ohio Revised Code and listed herein.
 - 2) The applicant shall provide documentary evidence to the Zoning Inspector that the farm upon which the Agritourism operation is proposed meets all of the requirements of Section 901.80 of the Ohio Revised Code.
 - 3) In order to qualify for an Agricultural Exemption, the applicant will be required to provide a property site plan to the Zoning Inspector that clearly shows the location, setbacks, parking areas, plans for Access Points from the Structure and the parking area, and the size of the exempted Structure.

- 4) No Agricultural Exemption shall be granted that does not comply with the requirements of the Setbacks and size of the Structure as outlined under the Zoning District in which it is located.
 - 5) All Buildings and Structures primarily used for Agritourism shall not exceed five thousand (5,000) square feet.
 - 6) All Buildings and Structures utilized primarily for Agritourism shall not exceed thirty-five (35) square feet in building height.
 - 7) The property site plan must provide information necessary to evaluate that the Access Points from the Structure meet all public safety requirements as established by the Ohio Fire Code and enforced by the Fire Department. Information necessary for the property site plan shall be submitted electronically to the Zoning Inspector in PDF Format and shall include the following:
 - i) The site plan shall be drawn to a scale that is legible in print and electronic formats.
 - ii) A scale bar and the written scale (Example: 1" = 100').
 - iii) North arrow.
 - iv) A table that specifies the number of parking spaces, the dimensions of the parking spaces, the dimensions of the Structure for all floors, including garages, and basements.
 - v) The drawing shall depict the parking spaces and must comply with [Article XVI – Off-Street Loading and Parking](#) of this Resolution.
 - vi) The drawing shall depict the dimension of the drive lanes and the dimension of the overall area of the parking area.
 - vii) The dimension of the Driveway Throat Length, which is measured from the edge of the Right-of-Way to the point where the Driveway Throat turns into any parking stall or internal drive lane.
 - viii) The drawing shall specify the location and dimensions of the Building footprint, the required Yard Setback Lines, the Right-of-Way, and the Lot Lines based on the recorded legal description.
 - 8) The property site plan must provide information necessary as noted above to evaluate the parking area Access Points and shall show that it meets all public safety requirements as established by the Township or the County, as applicable.
 - 9) The applicant shall submit evidence to the Zoning Inspector that the Access Points have been approved by the County Engineer and/or the Ohio Department of Transportation. Additionally, the applicant shall provide written documentation that the Access Points comply with the Pickaway County Access Management Regulations or the Pickaway County Subdivision Regulations, as applicable.
 - 10) The applicant shall specifically provide documentary evidence to the Zoning Inspector that identifies the educational, entertainment, historical, cultural, and/or recreational relationship of the proposed Agritourism operation to the existing Agricultural Use on the property.
- d) Parking. All parking demands created by the Agritourism Use shall be met off Public Roads. In no case shall any portion of any Public Road pavement be used for or considered

for customer parking that serves an Agritourism operation. Parking areas shall adhere to the following Setback requirements:

- 1) Fifty (50) feet from any Lot boundaries;
 - 2) A minimum buffer of fifty (50) feet from any parking stall or internal drive lane from the Right-of-Way to the point where the Driveway Throat connects to the parking stall or internal drive lane. Parking areas shall be set back a minimum of six (6) feet from any Driveway Throat. The purpose of which is to preserve the Driveway Throat Length to allow adequate area for vehicles to enter the site and make maneuvers during the peak hour trip generator for the site and not cause back-up onto the Public Road. A greater Throat Length may be necessary for larger trip generators and may be required by other government agencies including regulations from the Ohio Department of Transportation Access Management and/or Location and Design Manual and the Pickaway County Access Management Regulations.
- e) Signage. Signs located on Agritourism Use property shall comply with [Article XVII - Signs](#). Additionally, a warning notice Sign shall be placed in a clearly visible location at or near each entrance to the Agritourism location or at the site of each Agritourism activity. The warning notice shall consist of a Sign in black letters with each letter to be a minimum of one (1) inch in height. The warning notice shall contain the following notice of warning:

“WARNING: Under Ohio law, there is no liability for an injury to or death of a participant in an Agritourism activity conducted at this Agritourism location if that injury or death results from the inherent risks of that agritourism activity. Inherent risks of agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.” ORC 901.80(D)

- f) Small Places of Assembly. For the purposes of this Section, a Small Place of Assembly tied to an Agritourism Use shall have a heightened standard requiring a minimum Lot Size of twenty (20) acres and therefore require a Conditional Use Permit. This heightened standard is permitted due to not falling under Agritourism regulations per the definition found in Section 901.80(2) of the Ohio Revised Code.

15.04 CAMPGROUNDS

- a) Purpose. It is the purpose of this Resolution to regulate the establishment of Campgrounds as defined in [Article II - Definitions](#).

- b) Applicability. Campgrounds are regulated under Chapter 3729 of the Ohio Revised Code, which includes health department, fire safety, and siting location approval prior to the issuance of a Conditional Use Permit.

15.05 CANNABIS

- a) Purpose. It is the purpose of this Resolution to regulate businesses that sell cannabis products and to ensure conformity with the Ohio Revised Code with regard to Cannabis Stores and Cannabis Farming in order to promote the health, safety, and general welfare for the citizens of the Township.
- b) Applicability. Cannabis Stores are prohibited within the Township in accordance with Ohio law and governed by Section 3780.25 of the Ohio Revised Code and by separate adopted resolution.
- c) Cannabis Farming. In order to cultivate cannabis within the Township, the operator shall provide evidence of their issued Adult-Use Cultivator License as established under Section 3796.09 and 3796.18 of the Ohio Revised Code.

15.06 CLUSTERED MAILBOXES

When clustered mailboxes are required by the U.S.P.S. in the RMU District, said Units must comply with the following requirements:

- a) Be located outside the public Right-of-Way and appropriately distributed throughout the development. An appropriate number of parking spaces shall be provided to ensure proper traffic circulation throughout the development.
- b) Final unit, parking locations, and number of Off-Street Parking Spaces shall be determined and controlled by the development plan approved by the Planning and Zoning Board, upon recommendation from the Design Board; and
- c) All clustered mailbox units and associated Off-Street Parking areas shall be privately maintained.

15.07 COMMUNITY GARDENS

When Community Gardens are listed as a Permitted Use in a Zoning District, they shall be prohibited within the Right-of-Way and required Front Setback. Any shed, storage container, or similar Structure within a Community Garden shall be considered an Accessory Structure and shall comply with the requirements of [Section 15.02 – Accessory Structures and Uses](#).

15.08 DATA CENTERS

- a) Purpose. The intent of this section is for the Township to regulate the placement and construction of Data Centers as a Conditional Use within the Planned Employment Center Overlay District.
- b) Process.
 - 1) Within this Overlay Zoning District, Data Centers may be permitted as a Conditional Use, subject to the approval and conditions established by the Board of Zoning Appeals in accordance with [Article VIII – Conditional Uses](#) – of this Resolution.
 - 2) An applicant shall obtain a Conditional Use Permit under [Article VIII – Conditional Uses](#) – before submitting a Development Plan application under [Section 3.06 – Administrative Procedures For Overlay Districts](#) Following issuance of a Conditional Use Permit for a Data Center, the applicant who elects to proceed shall obtain approval for a Development Plan in accordance with the requirements of [Section 3.06 – Administrative Procedures for Overlay Districts](#) – prior to commencing development.
 - 3) No Development Plan application proposing a Data Center shall be considered complete or accepted for review by the Zoning Commission until a Conditional Use Permit has been approved by the Board of Zoning Appeals pursuant to [Article VIII – Conditional Uses](#).
 - 4) Conditional Uses shall be considered abandoned if said Use(s) are not commenced within one (1) year from the date of Board of Zoning Appeal approval or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or Structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit. The subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals if said Uses are to be continued. A designation by the Board of Zoning Appeals that a Conditional Use Permit is permanent and shall run with the land does not affect the rights of authorities to revoke the Conditional Use Permit for failure to comply with conditions imposed. No Conditional Use shall be implemented until a Permit of Zoning Compliance is issued by the Zoning Inspector.
- c) Conditions.
 - 1) No building shall exceed sixty (60) feet in height, measured vertically from the established grade to the highest point of the structure including parapets, screening walls, or rooftop structures
 - 2) A sound study shall be conducted by a third party that is mutually agreed upon between the Owner and the Township to establish a baseline, existing sound level. Following this sound study, the operation of the Data Center shall not exceed whichever of the following is lower at the required Setback Line: the decibel level baseline or forty-five (45) dBA from 10 pm to 7 am and fifty-five (55) dBA from 7

am to 10 pm. Reports shall be submitted annually or more frequently if requested by the Township Zoning Inspector to verify compliance with this standard. Failure to maintain sound levels at or below the required decibel limits at the required Setback Lines or to submit the required reports shall constitute a zoning violation and may result in enforcement action pursuant to [Article IV – Enforcement and Penalty](#) – of this Resolution.

- 3) All Data Centers must connect into central water and sewer services.
 - 4) Data Centers shall adhere to all requirements in to [Section 13.05\(b\) – Buffering, Landscaping, and Screening](#).
 - 5) The maximum lot coverage shall not exceed sixty-five (65) percent.
 - 6) Data Centers shall be located no closer than five hundred (500) feet from the Property Line of any parcel that is zoned or used for residential purposes, with the setback measured from the nearest point of the data center building to the nearest residential property line.
 - 7) No principal building, generator, mechanical equipment yard, loading area, fuel storage, laydown yard, or parking area shall be located within a required Setback.
 - 8) The Setback area shall be maintained as a landscaped buffer including berms, evergreen plantings, and/or fencing.
 - i) A continuous 6-foot hedgerow planted atop an 8-foot berm is required.
 - ii) Minimum opacity: 50% winter / 70% summer.
 - iii) Berm slope: 3:1.
 - iv) Ground areas shall be planted with low-maintenance native ground cover plants.
 - v) Dead landscaping must be replaced within 6 months.
- d) [Decommissioning Plan](#). Applications for Data Centers shall include a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of the facility. All decommissioning plans shall be certified by an engineer or contractor with demonstrated expertise in Data Center removal, and shall include the following:
- 1) Anticipated life of the project;
 - 2) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all components of the battery energy storage facility;
 - 3) An estimated deconstruction schedule;
 - 4) A description of mediation procedures for the release of hazardous materials or other emergency events during the decommissioning process;
 - 5) The estimated decommissioning cost in current dollars; and
 - 6) The full estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the Township.
 - i) The owner shall deposit the required amount into the approved escrow account before any Zoning Permit is issued to allow construction of the Data Center.

- ii) The escrow account agreement shall prohibit the release of the bond without the written consent of the Township. The Township shall consent to the release of the bond upon on the owner's compliance with the approved Decommission Plan. The Township may approve the partial release of the bond as portions of the approved Decommission Plan are performed.
 - iii) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - iv) The owner or occupant shall recalculate the estimated cost of decommissioning every five (5) years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten (10) percent, then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety (90) percent of the original estimated cost of decommissioning, then the Township may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.
- 7) Decommission shall include removal of all Data Center structures, equipment, security barriers, and transmission lines from the site so that any ground upon which the facility and/or system was located.

15.09 FAMILY HOMESTEAD

- a) Purpose. It is the purpose of this Resolution to facilitate the continuation of multi-generational farming operations within the FR District.
- b) Applicability.
 - 1) The Board of Zoning Appeals may conditionally approve a Family Homestead on any tract of contiguous land composed of one hundred fifty (150) acres or more in single ownership as of the effective date of this Resolution.
- c) Development Standards.
 - 1) On such Tracts, the Board of Zoning Appeals may allow the creation of not more than four (4) Dwellings.
 - 2) Each Dwelling must meet the minimum requirements and Uses of the Rural Residential District, as found in [Article 11.02 – \(RR\) Rural Residential District](#).
 - 3) Each of the Dwelling sites created by the approval of a Family Homestead shall be a residence for members of the Lot Owner’s Family, as defined in Article II.
 - 4) There can only be one conditional approval of a Family Homestead per original Lot Owner of the contiguous one hundred fifty (15) acre tract.

15.10 FENCES AND WALLS

Fences and Walls do not require a permit for construction. No fence shall be permitted within the Right-of-Way and must comply with the Visibility at Intersection requirements in [Section 15.24 – Visibility At Intersections](#). Fences or walls containing barbed wire or charged with electrical current are prohibited unless such Fences or Walls are located in the FR or RR Districts and solely used for the enclosure of livestock.

15.11 FOOD TRUCKS

- a) Purpose. The intent of these regulations is to provide the food industry with creative opportunities outside of the traditional brick and mortar restaurants while controlling potential impacts such as traffic, food safety, and compatibility with the surrounding areas. These regulations ensure that Food Trucks are properly integrated into the overall existing or future streetscape designs of the Township. These regulations also limit the time frame for Food Trucks to allow ample time for business incubation while also discouraging them from becoming permanent fixtures.
- b) Applicability.
 - 1) Food Trucks that are located on private property shall only be allowed in the RMU District, and these Food Trucks shall be subject to this Section.
 - 2) Food Trucks located within the public Right-of-Way shall be governed by a Right-of-Way Permit and are not subject to this Code.
- c) All Food Trucks located on private property must comply with the following regulations:
 - 1) Food Trucks shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the Food Truck for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespass or additional glare onto adjacent properties. Flashing lights are prohibited;
 - 2) No signs shall be permitted except as follows:
 - i. Signs directly painted or directly applied onto the Food Truck shall be permitted; and
 - ii. One small Temporary Sign that does not exceed eight (8) square feet.
 - 3) The selling of alcohol shall be prohibited, unless otherwise permitted within DORAs, if applicable;
 - 4) There shall be one (1) trash receptacle for use by patrons and placed in a convenient location that does not impede pedestrian or vehicular traffic. Trash must be removed daily from the site;
 - 5) The Food Truck shall be located on an entirely paved, level parking lot to enhance the safety of pedestrians and patrons;
 - 6) All equipment and storage associated with and required for the operations of the Food Truck, except for the trash receptacles required in this section, shall be located on or within the Food Truck. This includes any generators;

- 7) There shall be no furniture, umbrellas, or other objects outside of the Food Truck. Any proposed furniture or umbrellas shall be subject to the outdoor dining standards of the applicable District in addition to these regulations;
 - 8) The Food Truck shall have access to water (i.e., water tank, connection to central water line, etc.) and electricity (generator, connection to utility lines, etc.) and such services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians;
 - 9) When a Food Truck is proposed to be located within 500 feet of an existing One-Unit Dwelling Unit, operations of said Food Truck are limited to 10:30 a.m. to 3:30 p.m. daily. The operations of Food Trucks are limited to 6:00 a.m. to 9 p.m. Sunday-Thursday and 7 a.m. to 11 p.m. Friday and Saturday;
 - 10) There shall be no obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to or from, any business, public building, the remainder of the parking area, or adjacent right-of-way;
 - 11) There shall be no impediments to the visibility area sight distance at any driveway or intersection;
 - 12) The Food Truck may only operate in the location approved on the site plan for the Zoning Certificate and may not be moved to any other location on the property or to a different property within the Township without first receiving a new Zoning Certificate;
 - 13) Each Food Truck shall have a minimum thirty-five by fifteen (35 x 15)-foot area. Any Food Truck that exceeds twenty-seven (27) feet in length shall have a minimum seventy by fifteen (70 x 15)-foot area. In no case shall the combined area of all Food Trucks permitted on one lot exceed twenty-five percent (25%) of the Lot Area;
 - 14) The applicant, if not the owner of the property, shall provide written permission from the property owner to utilize the property for a Food Truck.
 - 15) The Food Truck shall pass a health and fire safety inspection;
 - 16) Due to the temporary nature of Food Trucks, the standards of this Code for Parking ([Article XVI](#)), Landscaping ([Section 15.13](#)), and Signs ([Article XVII](#)) do not apply to Food Trucks; and
 - 17) If the Food Truck complies with all the above standards, a Zoning Certificate may be issued for up to thirty (30) consecutive days on a property within any sixty (60) consecutive calendar days.
- d) Exemptions. Food Trucks are exempt from obtaining a Zoning Certificate when:
- 1) It is parked in one location for a period of less than eight (8) hours while not operating; or
 - 2) It operates exclusively as a subset of a Township approved special event, within the approved areas and time frames. The Township may increase the number of Food Trucks allowed for one (1) lot during Township approved special events.

- 3) However, the exemption of requiring a Zoning Certificate, however, does not preclude the requirement for the Food Truck to have passed a health and fire safety inspection according to the standards of the Fire Department.

15.12 HOME OCCUPATIONS

- a) A Home Occupation shall be clearly subordinate and secondary to the use of the Dwelling Unit.
- b) The following regulations apply to all Home Occupations:
 - 1) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non- illuminated, and mounted flat against the wall of the building in which the home occupation is located;
 - 2) There shall be no sale on the premises of commodities other than those produced as the result of the home occupation;
 - 3) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard;
 - 4) Equipment or processes shall not be used in such home occupation, which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot. No equipment or process 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;
 - 5) There shall be no increased burden placed upon existing public services provided to the residence because of a home occupation. The Home Occupation shall not involve delivery trucks other than normal parcel delivery services; and
 - 6) Minor and Major Home Occupations may be conducted within Accessory Structures, such as garages or sheds.
- c) The following regulations apply to Minor Home Occupations:
 - 1) There shall be no workers other than the residents of the Dwelling Unit in which the Home Occupation is conducted;
 - 2) There shall be no signs associated with the Minor Home Occupation;
 - 3) Have an area of no more than twenty percent (20%) of any primary dwelling unit shall be used for a home occupation; and
 - 4) No Zoning Certificates are associated with Minor Home Occupations.
 - 5) No Minor Home Occupations can be conducted in Accessory Structures.
- d) The following regulations apply to Major Home Occupations:

- 1) The number of workers who are not residents of the dwelling may work in the Major Home Occupation. The number of maximum workers shall be determined by the Board of Zoning Appeals on an applicant-by-applicant basis to determine that the Use shall be clearly subordinate and secondary to the Primary Dwelling Unit;
- 2) Floor Area. If conducted in the primary dwelling unit, then an area of no more than forty percent (40%) of any dwelling unit shall be used for the home occupation;
- 3) Major Home Occupations may be conducted in Accessory Structures as determined by the Board of Zoning Appeals. One Wall Sign or Ground-Mounted Sign is permitted that does not exceed six (6) square feet per sign face and has a maximum height of three (3) feet. Ground-Mounted Signs shall not be more than three (3) feet in height relating to [Section 17.05 – Ground-Mounted Signs](#); and
- 4) A Conditional Use Permit is required for approval of a Major Home Occupation.

15.13 LANDSCAPING

This Section applies to all non-Residential Districts except when noted otherwise. In addition, the Board of Zoning Appeals may require a screening plan in approving a Conditional Use.

- a) Landscaping Screening shall be provided for one or more of the following purposes:
 - 1) A visual barrier to obstruct the view of structures or activities partially or completely.
 - 2) As an acoustic screen to aid in absorbing or deflecting noise.
 - 3) For the containment of debris and litter.
- b) Screening may be one (1) of the following or a combination of two (2) or more, as determined by the Board of Zoning Appeals.
 - 1) A solid masonry wall.
 - 2) A solid Decorative Fence made from wood.
 - 3) Louvered fence made from wood.
 - 4) Dense evergreen or native tree plantings.
- c) Visual screening walls, fences, or plantings shall be a minimum of five and one half (5 ½) feet high in order to accomplish the desired screening effects.
- d) Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings.

- e) Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles. All screening shall be trimmed and maintained in good condition.

15.14 LARGE RESIDENTIAL FACILITIES, EMERGENCY AND PROTECTIVE SHELTERS, TRANSITIONAL LIVING CENTERS, AND PERMANENT SUPPORTIVE HOUSING

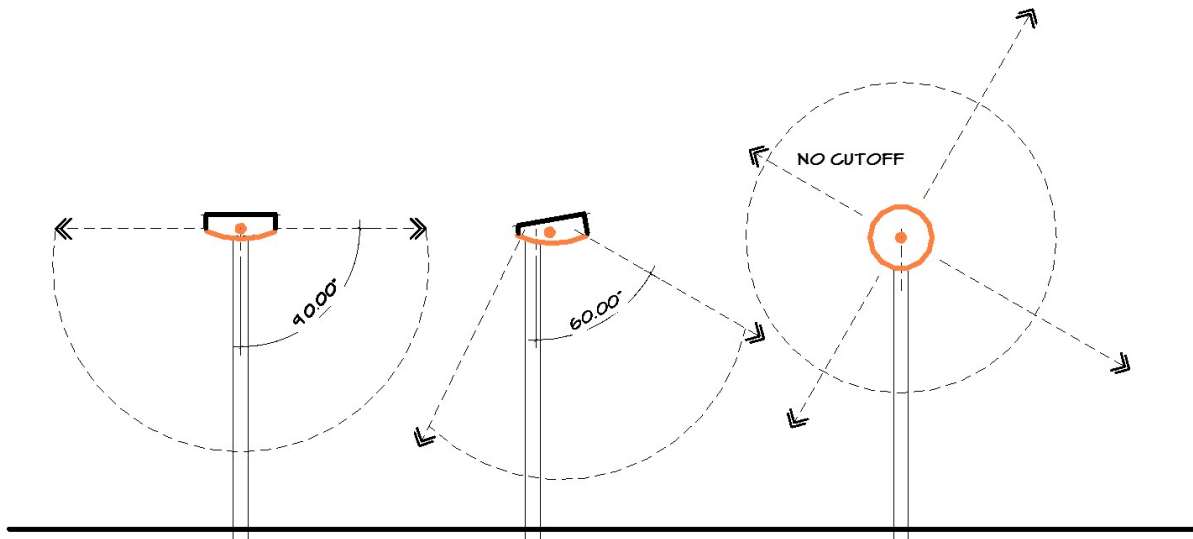
- a) Purpose. The purpose of this Resolution is to regulate Rehabilitation Centers, as defined in [Article II - Definitions](#), to promote the health, safety, and general welfare of the citizens of the Township.
- b) Applicability. The regulations under this Resolution apply to the Districts where the following Drug Rehabilitation Centers are located:
 - 1) Small Residential Facilities may only be located as a Permitted Use in all Zoning Districts where One-Unit Dwellings are a Permitted Use.
 - 2) Emergency and Protective Shelters, Residential Treatment Facilities, Permanent Supportive Housing, and Transitional Living Centers may only be located as a Conditional Use in the RMU District.
- c) Development Standards. Emergency and Protective Shelters, Permanent Supportive Housing, Large Residential Facilities, Residential Treatment Facilities, and Transitional Living Centers are a Conditional Use within the RMU District. The Board of Zoning Appeals shall ensure all the following standards are met prior to issuing a Conditional Use Permit for said facility:
 - 1) The facility shall obtain all approvals and/or licenses as required by state and local laws;
 - 2) The facility shall meet all applicable local and/or state building, safety, and fire safety requirements for the proposed facility and level of occupancy.
 - 3) The facility shall provide twenty-four (24)-hour supervision by trained and qualified professional personnel;
 - 4) For facilities located within any Residential Districts, the architectural design and site layout of the facility shall be compatible with the residential character of the neighborhood;
 - 5) For facilities located within or adjacent to any Residential District, planting a hedge and tree combination along the facility for landscaping screening purposes is required. The required hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation;
 - 6) In addition to the minimum lot size requirement specified in their respective District, there shall be an additional 500 square feet of lot area required per tenant accommodated by the facility;

- 7) There shall be a minimum of 2,000 feet between any existing and proposed Large Residential Facilities. This distance shall be measured from the closest point of the Lot Lines for said facilities;
- 8) A Large Residential Facility shall not be located closer than 2,000 feet from a school, park, or state-licensed liquor store;
- 9) Facilities shall be reasonably accessible, which requires adequate parking spaces for employees, visitors, and tenants at the main entrance of the facility and adequate pedestrian access;
- 10) All facilities shall follow the Sign regulations provided in [Section XVII](#) (for Sign Permits); and
- 11) All exterior lighting fixtures shall be shaded to avoid casting direct light upon any adjoining property located in Any Residential Districts.

15.15 LIGHTING

- a) Exterior lighting in all Overlay Districts shall comply with the following standards unless otherwise specified in this Code.
- b) Exceptions:
 - 1) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this section;
 - 2) Holiday lighting shall be exempt from the requirements of this section;
 - 3) All temporary emergency lighting needed by the following shall be exempt from the requirements of this section including flashing or blinking lights:
 - i. Police;
 - ii. Fire department;
 - iii. Other emergency service vehicles;
 - iv. Public service vehicles; and
 - v. All vehicular luminaries; and
 - 4) Street lights shall be exempt from the provisions of this section.
- c) Prohibited Lighting. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and fire department personnel.
- d) Types of Fixtures. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.

Full cutoff fixtures qualify with a cutoff angle to or less than ninety (90)-degrees with no light projecting skyward.



e) Fixture Height.

- 1) The fixture height in the parking lots shall not exceed twenty (20) feet.
- 2) Lighting located under canopies shall be flush mounted or recessed within the canopy.
- 3) Fixture height shall be measured from the finished grade to the topmost point of the fixture.

f) Kelvin Temperature. The color temperature for all lights shall not exceed 4,000K.

g) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the Lot Line as demonstrated by a lighting plan:

- 1) The maximum illumination at a Lot Line that abuts a lot within an existing Residential District or is zoned or designated for residential uses shall be 0.3 foot-candles;
- 2) The maximum illumination at a Lot Line that abuts any other use shall be one (1)-foot candles;
- 3) The maximum illumination at a Lot Line for properties used for outdoor sports and recreation shall be reviewed for compliance regarding the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way; and
- 4) The illumination across any property shall be designed to not create excessive dark spots that may create safety issues.

- h) Automobile Oriented Uses – Canopy Lighting. Automobile Oriented Use canopy lighting must be recessed within the canopy and use an opaque shield around the sides of the light.

15.16 PORTABLE HOME STORAGE UNITS

Portable Home Storage Units shall be a Permitted Use within the Farm Residential (FR) District, Rural Residential (RR) District and the Rural Mixed-Use (RMU) Overlay District, provided the following regulations are met. A Zoning Certificate shall be obtained for any Portable Home Storage Unit.

- a) Portable Home Storage Units shall be prohibited from being located within any right-of-way.
- b) Portable Home Storage Units shall be kept in the driveway of the property at the furthest accessible point from the street.
- c) Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
- d) Portable Home Storage Units shall be permitted for thirty (30) consecutive calendar days within any 365 calendar-day period.
- e) The Zoning Inspector may grant a one-time extension of up to thirty (30) consecutive calendar days. Any additional extensions would require action by the Board of Zoning Appeals, which would be processed as a variance from these regulations.
- f) Portable home storage units and roll-off containers shall not be utilized for living purposes.

15.17 RECREATIONAL VEHICLES

- a) Purpose. It is the purpose of this Resolution to regulate Recreational Vehicles, as defined in [Article II - Definitions](#), within Residential Districts in order to promote the health, safety, and general welfare for the citizens of the Township while also respecting the Township's rural character.
- b) Recreational Vehicles in the RMU District. Residents shall be permitted to park a Recreational Vehicle on a Lot located in the RMU District provided the following criteria are met:
 - 1) There shall be a maximum of one Recreational Vehicle per Dwelling Unit permitted on said Lot. For purposes of this Resolution, a boat stored on a boat trailer is

- considered one Recreational Vehicle. Said Recreational Vehicle shall not exceed thirty (30) feet in length, nine (9) feet in width, and twelve (12) feet in height.
- 2) Recreational Vehicles shall be parked on a paved or gravel surface located behind or beside the primary structure and shall not be parked in the grass.
 - 3) Recreational Vehicles shall be parked no closer than three (3) feet from any side property line.
 - 4) Recreational Vehicles shall not be located forward of the front plane of the main dwelling, except however, the Recreational Vehicle may be parked on the paved driveway in front of the main dwelling for a period not to exceed forty-eight (48) hours for loading and unloading. In no case shall said Recreational Vehicle be parked, stored, or displayed for sale in a manner that blocks any sidewalk or obstructs sight lines for any vehicle entering or exiting the right-of-way.
 - 5) In no case, shall a Recreational Vehicle, or any motor vehicle be utilized for living, sleeping, housekeeping, business, or storage purposes.
- c) Recreational Vehicles in the FR and RR Districts – Residents shall be permitted to park a Recreational Vehicle on a Lot located in the FR and RR Districts provided the Recreational Vehicle shall be located in a location on the Lot that is not visible from the Right-of-Way.

15.18 RURAL TOURISM FACILITIES

- a) Purpose. The purpose of this Section is to provide a regulatory framework for the development of Rural Tourism Facilities in the Township, subject to reasonable restrictions, which shall preserve the public health, safety, and general welfare, while also maintaining the character of the Township. This Section applies to Rural Tourism Facilities built on property found in the FR District and RMU Overlay District.
- b) Applicability. In addition to the submittal requirements set forth in Article VIII - Conditional Uses – the following information must be provided with a Conditional Use Permit Application:
 - 1) Existing and proposed Structures with maximum capacity of each Building where guests have access as required to comply with applicable County and fire safety requirements.
 - 2) Location of temporary toilet facilities, which may be required.
 - 3) Location of any existing or proposed wells or on-site wastewater treatment systems.
 - 4) A written description of the planned activities provided including the maximum number of visitors.
 - 5) Frequency and number of activities proposed in a calendar year.
 - 6) Hours of operation/activity including set-up/clean-up for activities and events.
 - 7) Proposed site lighting in accordance with Section 15.15 – Lighting – and landscaping in accordance with Section 15.13 – Landscaping.
 - 8) Anticipated maximum number of vehicle trips per day.

- c) Performance Standards. The following items shall be considered by the Rural Planning Commission when reviewing a Conditional Use Permit for various Rural Tourism Facility Uses. Uses in conjunction with Campgrounds must meet the standards found in [Section 15.04 – Campgrounds](#).
- 1) The size of the function and the number of expected guests on the property at one time shall be determined at the discretion of the Rural Planning Commission based upon parcel size, proximity to adjacent neighbors, and the ability of the applicant to demonstrate that there will be no unreasonable adverse impacts on the neighbors from the noise, traffic, trespass, light, or other impacts deemed relevant to the Rural Planning Commission.
 - 2) There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate Setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the discretion of the Rural Planning Commission in accordance with [Article XVI – Off-Street Loading and Parking](#). Parking areas must be appropriately screened and lighted in accordance with [Section 15.15 – Lighting](#) and [Section 15.13 – Landscaping](#).
 - 3) All requirements related to Health Department water and wastewater must be met.
 - 4) Outside activities shall be completed during daylight hours. Inside activities for facilities with greater than fifty (50) guest capacity shall be completed before 10:00 PM.
 - 5) Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State, or Local Standards.
 - 6) The owner/operator shall maintain a log of the activities occurring at the included activity/event dates, group identification, times, and number of guests.
 - 7) The main event area for Rural Tourism Facilities with greater than fifty (50) guest capacity shall be at least five hundred (500) feet from neighboring Dwellings.
 - 8) Rural Tourism Facilities with greater than fifty (50) guest capacity shall be located on a Parcel at least three (3) acres in size.

15.19 SHORT-TERM RENTALS

- a) Purpose. The purpose of this section is to adapt to new rental market trends that include online platforms, such as Airbnb and VRBO, while also protecting residential neighborhoods from disruption that could result from Short-Term Rentals and to create a convenient, safe, and harmonious environment in which Short-Term Rentals can be permitted and consistent with neighborhood tranquility.
- b) Applicability. Short-Term Rentals are considered Conditional Uses in Residential Districts. If the Ohio Revised Code (ORC) is amended to contradict with any portion of the standards of this section, then said contradicting standards shall become null and void. All other

standards in this section that are consistent with state law shall remain in full force and effect.

- c) Registration. An application for a Short-Term Rental permit, and/or renewal of a permit, shall be made to the Township, with an application fee listed in the separate Fee Schedule adopted by the Township.
- d) Requirements. Prior to issuing a Conditional Use Permit, the BZA must determine that the specific criteria for [Article VIII - Conditional Uses](#) – are met in addition to the following regulations:
 - 1) Short-Term Rentals shall be wholly within the Principal or Accessory Dwelling Unit. The Accessory Structure shall be no larger than one thousand (1,000) square feet or the principal Structure, whichever is smallest.
 - 2) The principal or accessory residential Structure, in which the Short-Term Rental is conducted, shall maintain an appearance either to the existing, primary residential Structure, a Barndominium, or matching rural-aesthetic design and be compatible with surrounding residences in size, scale, and appearance.
 - 3) The Short-Term Rental establishment shall be operated by the occupant or owner of the premises as defined in [Article II - Definitions](#).
 - 4) Exterior Signs shall be limited to a single nameplate not more than twelve (12) square feet in size. No Signs shall be internally illuminated.
 - 5) The applicant must submit proof of compliance with all applicable building and fire codes.
 - 6) Adequate Off-Street Parking shall be provided as determined by the Board of Zoning Appeals. Off-Street Parking shall not be allowed in the Front Yard.
 - 7) There shall be a limit of one (1) Short-Term Rental per Dwelling Unit on a parcel.
 - 8) The Zoning Inspector may revoke the Conditional Use Permit if the property is delinquent in filing or payment of any County or Township tax.

15.20 SMALL SOLAR FACILITIES

- a) Purpose. The purpose of this Section is to provide a regulatory framework for the installation and construction of Solar Energy Systems (SES) in the Township, subject to reasonable restrictions, which shall preserve the public health, safety, and general welfare, while also maintaining the character of the Township. This Section applies to SES to be installed and constructed on any property in any Zoning District.
- b) Roof-Mounted and Integrated SES Standards.
 - 1) Roof-Mounted and Integrated SES shall be considered an Accessory Use and permitted by right within all Zoning Districts if mounted to an existing Structure subject to the standards for Accessory Uses as found under [Section 15.02 –](#)

Accessory Uses and Structures – and any other criteria found under this Section as well as the Zoning District.

- 2) On a pitched/sloped roof, the SES shall be installed parallel to the roof surface and shall not extend beyond the roof peak or roof edge.
- 3) On a flat roof, the SES is permitted to exceed the respective Zoning District Building Height limit by up to five (5) feet.
- 4) Screening shall not be required for Roof-Mounted or Integrated SES.

c) Ground-Mounted SES Standards.

- 1) The Township allows for the development of commercial or utility-scale SES where such systems present few land-use conflicts with current and future development patterns. Ground-Mounted SES that are the principal Use on the developed Lot(s) are a Conditional Use within the applicable District.
- 2) Ground-Mounted SES shall not be taller than the height requirements for the underlying Zoning District in which they are located.
- 3) No Ground-Mounted SES shall be located within the Front Yard.
- 4) Ground-Mounted SES shall meet the required Setbacks of the underlying Zoning District in which they are located. Setbacks shall be the same as what is required for Accessory Buildings in the underlying Zoning District in which they are located.
- 5) All Ground-Mounted SES shall adhere to the Lot Coverage as found in the Lot Area, Setback, Height, and Lot Coverage Requirements Table for the underlying Zoning District. Additionally, Ground-Mounted SES treated as an Accessory Use shall be subject to Section 15.02 – Accessory Structures and Uses.
- 6) Power transmission lines, not including lines that connect one panel to another or from the project to the main transmission lines, from Ground-Mounted SES must be located underground and must be completely shielded against shock hazards.
- 7) For Ground-Mounted SES utilized as a Primary Use, parking areas are exempt from the Off-Street Parking regulations but must still meet the required Setbacks in the underlying Zoning District and the landscaping requirements.
- 8) An owner of a Ground-Mounted SES site shall follow site management practices that:
 - i) Provide and maintain for the project’s duration diverse native perennial vegetation and foraging habitat beneficial to pollinators.
 - ii) Reduce stormwater runoff and erosion at the solar generation site at a rate of one (1) square foot of plantings for each one (1) square foot of panels.
 - iii) A landscape plan shall be submitted showing the proposed layout and types of plantings for the site. The landscape plan must provide evidence and implementation of a buffer zone that prevents observation of the Ground-Mounted SES from the Right-of-Way or adjacent Residential Dwellings. A list of native perennial vegetation may be found in Section 15.20(f) – Solar Vegetation. Other low-growing meadow/prairie plants and native or flowering perennials may also be approved.

- iv) A drainage and water flow plan shall be submitted showing the impacts of stormwater that the Ground-Mounted SES shall have upon the land. The project area shall be graded and drained to dispose of surface water to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff and subsurface drainage to a suitable and adequate storm water drainage system.

- d) The SES Matrix below identifies the types of SES permitted in each Zoning District, or if a Conditional Use is required. Certain SES may be prohibited in certain Zoning Districts.

Solar Energy System (SES) Matrix				
Use District	FR	RR	RMU	PEC
Accessory Use				
Integrated SES	P	P	P	P
Roof Mounted SES	P	P	P	P
Ground Mounted SES				
Small-Scale SES (<1-5 ac and less than 1 MW)	C	C	C	C
Large-Scale SES (>5-249 acres and less than 50 MW)	–	–	–	–
Primary Use				
Integrated SES	–	–	–	–
Roof Mounted SES	–	–	–	–
Ground Mounted SES				
Small-Scale SES (<1-5 ac and less than 1 MW)	C	–	–	C
Large-Scale SES (>5-249 acres and less than 50 MW)	–	–	–	C
P: Permitted Use. The SES is allowed in this District.				

C: Conditional Use. Applicant must be granted permission to install an SES in this District.

Blank (-): Prohibited. The SES is prohibited in this District or is not applicable.
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- e) Removal and Decommissioning. Applications for Solar Energy System shall include a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of the facility. All decommissioning plans shall be certified by an engineer or contractor with demonstrated expertise in Solar Energy System removal, and shall include the following:
- 1) Anticipated life of the project;
 - 2) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all components of the battery energy storage facility;
 - 3) An estimated deconstruction schedule;
 - 4) A description of mediation procedures for the release of hazardous materials or other emergency events during the decommissioning process;
 - 5) The estimated decommissioning cost in current dollars; and
 - 6) The full estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the Township.
 - i) The owner shall deposit the required amount into the approved escrow account before any Zoning Permit is issued to allow construction of the Solar Energy System.
 - ii) The escrow account agreement shall prohibit the release of the bond without the written consent of the Township. The Township shall consent to the release of the bond upon on the owner's compliance with the approved Decommission Plan. The Township may approve the partial release of the bond as portions of the approved Decommission Plan are performed.
 - iii) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - iv) The owner or occupant shall recalculate the estimated cost of decommissioning every five (5) years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten (10) percent, then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety (90) percent of the original estimated cost of decommissioning, then the Township may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.
 - 7) Decommission shall include removal of all Solar Energy System structures, equipment, security barriers, and transmission lines from the site so that any ground upon which the facility and/or system was located.

f) Solar Vegetation.

Native Perennial Vegetation for Ground-Mounted SES:

Flowering Plants

- Aster
- Bee Balm
- Black-Eyed Susan
- Blue-Eyed Grass
- Blue False Indigo
- Butterfly Weed
- Cardinal Flower
- Giant Catmint
- Golden Alexander
- Gray-Headed Coneflower
- Heath Aster
- Jerusalem Artichoke
- Lanceleaf Coreopsis
- Lavender/Anise Hyssop
- Prairie Dock/Rosinweed
- Milkweed
- Mountain Mint
- Nodding Onion
- Obedient Plant
- Ohio Goldenrod
- Ohio Spiderwort
- Prairie Blazing Star
- Purple Coneflower

- Purple Prairie Clover
- Rough Blazing Star

- Shooting Star
- Showy Goldenrod
- Sky Blue Aster
- Smooth Aster
- Smooth Penstemon
- Stiff Goldenrod
- White Prairie Clover
- Wild Bergamot
- Wild Geranium
- Wild Quinine

Grasses & Sedges

- Blue Grama
- Little Bluestem
- Prairie Dropseed
- Sideots Gram

15.21 SWIMMING POOLS

- a) Private Swimming Pools. A Private Swimming Pool, but not including farm ponds, as regulated herein, shall be any pool or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. No such Private Swimming Pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be allowed in any FR, RR, or RMU District except as an Accessory Use and unless it complies with the following conditions and requirements:
- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
 - 2) The pool may be located anywhere on the premises except in the required front yards, provided it shall not be located closer than 65 feet to any property line on which it is located.
- b) Community or Club Swimming Pools: A Community or Club Swimming Pool shall be considered as a pool constructed by an association of property owners, or by a private club for use and enjoyment by members and their families. Such Community or Club Swimming Pools shall comply with the following:
- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
 - 2) The pool and accessory structures thereto, including the areas used by the bathers and fences defining those areas, shall not be closer than one hundred (100) feet to any Property Line of the property on which it is located.
 - 3) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees, and maintained in good condition.

15.22 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, and safety of the Township residents 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 the FR District. These regulations shall not apply to Telecommunication Towers proposed in 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 the FR District complies with all of the conditions listed below. When measuring Setbacks and Lot Areas, 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 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet distance from the tower base to the nearest Lot Line). No new residential structures shall be permitted within the Setback area.
 - 3) The maximum height of the Free-Standing Telecommunication Tower shall be as follows:

# of Users for Which the Tower is Designed	Maximum Height
1	150 feet
2	165 feet
3	180 feet
4	195 feet

- 4) The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Guy wires and lattice designs shall not be permitted. Towers shall be a non-contrasting gray or similar color or a galvanized steel finish, unless these color requirements conflict with any FAA or FCC regulation. In such cases, the tower shall comply with those color requirements. 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. The proposed tower must comply with [Article VIII – Conditional Use Permits](#).

- 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. All towers must be un-climbable by design or protected by anti-climbing devices.
- 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, or fence, except for a Sign, not to exceed four (4) square feet, containing emergency contact information and no trespassing language, which 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 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 the Township. Unless the applicant can 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:
 - i. Written documentation from the Owner of the existing tower(s) refusing to allow Co-Location;
 - ii. The proposed antenna would exceed the structural capacity of the existing tower and the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer who is licensed in the State of Ohio and hired by the applicant.
 - iii. 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 who is licensed in the State of Ohio and hired by the applicant.

- iv. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably, as documented by a qualified R. F. engineer who is licensed in the State of Ohio and hired by the applicant.
 - 12) The tower owner shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the tower is no longer being operated or utilized, it 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 to which the tower is designed.
 - 14) Any other conditions as warranted by the Board of Zoning Appeals and in accordance with [Article VIII – Conditional Use Permits](#).
- 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 all subsections of this Section have been met:
- 1) The telecommunication provider provides each of the following by certified mail:
 - i. 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:
 - A. The Person’s intent to construct the tower.
 - B. A description of the property sufficient to identify the proposed location;
 - C. That, no later than fifteen (15) days after the date of mailing of the notice, any such property Owner may give written notice to the Board of Trustees requesting that the telecommunication regulations of the Zoning Resolution apply to the proposed location of the tower.
 - ii. Written notice to the Board of Trustees of the information specified in Sections 15.22(d)(1)(i)(A)-(B) [Section 519(B)(3)(a)(i) and (ii) of the Ohio Revised Code]. The notice to the Board of Trustees shall also include verification that the Person has complied with Section 15.22(d)(1)(i) [Section 519.211(B)(3)(a) of the Ohio Revised Code]. Within fifteen (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 Trustees does not receive any notice from a notified property Owner nor any objection from a Township Trustee is provided within fifteen (15) days of a provider mailing the notices, then the proposed Telecommunication

Tower is exempt from all telecommunication regulations within the 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 Zoning Resolution shall apply. The Township Fiscal Officer, within five (5) days of receiving the first objection from a property Owner or Trustee, shall notify the telecommunications provider that the telecommunication regulations within the Township Zoning Resolution apply.
- 4) If a provider fails to send proper notices, then the regulations within this section shall apply.

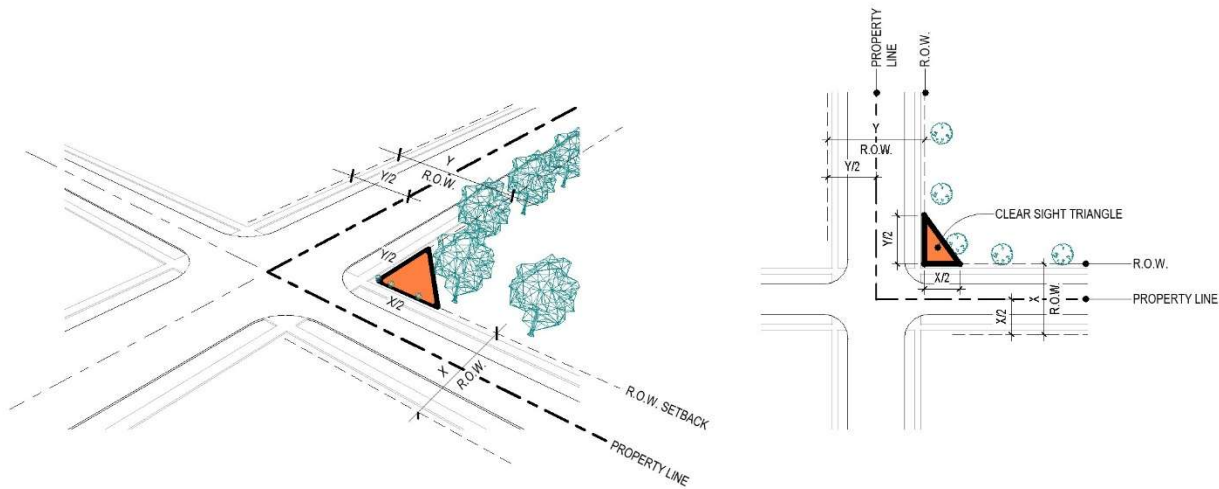
15.23 TEMPORARY STRUCTURES/CONSTRUCTION TRAILERS

- a) Temporary Structures may be permitted in the RMU and PEC Districts during the construction of building(s) and site improvements provided the following regulations are met. A Zoning Certificate shall be obtained prior to installing and utilizing the temporary construction trailer/office.
- b) The Temporary Trailer/Office shall be prohibited from being located in the right-of-way and shall have a minimum setback of ten (10) feet from the Right-of-Way.
- c) In all Districts, except the RMU, the Temporary Trailer/Office shall only be permitted for a period of two (2) years. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Zoning Inspector.
- d) Temporary Structures in the RMU:
 - 1) Shall be prohibited from being located in the Right-of-Way and shall have a minimum Setback that matches the Setbacks of the District; and
 - 2) Temporary Structures for single lots with a One-Unit Dwelling must be removed upon completion of the residential use.

15.24 VISIBILITY AT INTERSECTIONS

- a) Sight Triangle. There shall be a sight triangle established at every intersection of two public Rights-of-Way. The sight triangle is the triangular area where two (2) streets intersect, bounded by the edge of the street and a line joining the points on the Rights-of-Way from their point of intersection for a distance equal to half the width of each street Right-of-Way. The vision triangle shall be measured along the Right-of-Way within the boundaries of the property.

- b) **Visibility Maintained.** There shall be no visual obstructions within the defined sight triangle. A visual obstruction is any object between the height of no more than three (3) feet measured relative to the elevation to the nearest pavement crown. This is based on a driver eye height of three feet (based on the American Association of State Highway and Transportation Official standards). Overhanging branches or other elevated obstructions shall not be any lower than ten (10) feet measured relative to the elevation of the nearest pavement crown.
- c) **Non-Signalized, Arterial and Collector Road Intersection Sight Distances.** In order to properly calculate the intersection sight distance for cars turning left and right onto non-signalized Arterial or Collector Roads, look to the equation and table provided in Section 201.3.2 of the ODOT Location & Design Manual, Volume 1 – Roadway Design. These standards for sight distances shall additionally be met during the application procedures found for Pickaway County Subdivision Regulations, where applicable.
- d) **Example where Lot Line is the Centerline of the Road:**



15.25 WIND ENERGY SYSTEMS

- a) **Intent.** The intent of this section is to regulate the placement and construction of Individual Wind Energy Systems, as defined in [Article II - Definitions](#), to protect the health and safety of Township residents without interfering with the expansion of clean, sustainable, and renewable energy sources.
- b) **Applicability.**
- 1) The following regulations shall apply to Individual Wind Energy Conversion Systems when proposed to be located within a Zoning District where such use is listed as a Conditional Use, unless otherwise exempted by state or federal law.
 - 2) Individual Wind Energy Conversion Systems shall be considered a Conditional Use in the FR District.

- c) Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit when a proposed Individual Wind Energy System complies with all of the conditions listed below.
- 1) In no case shall any tower within an Individual Wind Energy System be located closer than two (2) times the tower height to any residential Structure, public road/right-of-way, third party transmission lines, or adjacent property lines. New residential structures shall not be permitted within this Setback area.
 - 2) No individual wind tower shall be taller than 150 feet;
 - 3) Individual Wind Energy Systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL) or an equivalent third party.
 - 4) Once a Conditional Use permit is granted per the requirements of this Section, a licensed Ohio professional engineer shall certify, as part of the Zoning Certificate application, that the foundation and tower design of the Individual Wind Energy System, including substation, transformer, underground cabling, or parts thereof and the access road, is within the accepted professional standards, given local soil, and climate conditions.
 - 5) All Individual Wind Energy System shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for overspeed protection. The applicant shall provide sufficient information to assure the Board of Zoning Appeals that this requirement will be met.
 - 6) All electrical components of the Individual Wind Energy System shall conform to applicable local, state, and national codes, and relevant national and international standards (ANSI).
 - 7) Towers and blades shall be a non-contrasting gray or similar color or a galvanized steel finish unless these color requirements conflict with any FAA regulation. In such cases, the tower shall comply with those color requirements.
 - 8) All towers within an Individual Wind Energy System are unclimbable by design or protected by anticlimbing devices.
 - 9) No signage shall be permitted within any portion of an Individual Wind Energy System except for a Sign, not to exceed six (6) square feet;
 - 10) One point of access from a public road to the Individual Wind Energy System 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.
 - 11) The applicant shall be responsible for obtaining all required approvals/permits for transporting on a public road the towers, blades, substation parts, and or equipment for construction, operation, or maintenance of the Individual Wind Energy System.

- 12) The applicant shall demonstrate that the noise levels associated with the Individual Wind Energy System will not be disruptive to any adjacent residential areas.
 - 13) No lighting shall be permitted, except as required by Federal regulations.
 - 14) The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set for in this Section. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the Individual Wind Energy System, the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the Individual Wind Energy System, the Owner or operator receives a written complaint related to the above–mentioned interference, the Owner shall take reasonable steps to respond to the complaint or shall be in violation of said Conditional Use permit, which shall be punishable per [Article 5](#).
 - 15) The Owner or operator of the Individual Wind Energy System shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the Individual Wind Energy System is no longer being operated or utilized (unless due to documented maintenance or electrical grid issues and written notice has been provided to the township), the Individual Wind Energy System shall be removed within 180–days after the Use has been discontinued. In addition to removing all towers within the system, the Owner/operator shall restore the site to its original condition prior to the location of such system on said property. Any foundation associated with an Individual Wind Energy System shall be removed from the site to a depth which is at least forty–eight (48) inches below restored ground level, and the site restored to its original state including the planting of any grasses or cover crops. All transmission equipment, Buildings and fences shall also be removed.
- d) Submittal Requirements. The following information must be submitted with the Conditional Use application (in addition to the items required in [Section – 8.02 Application For Conditional Use Permits](#)).
- 1) An Individual Wind Energy System project summary including to the extent available the following items:
 - i. A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s) type(s) of the Individual Wind Energy System, the number of towers within the proposed Individual Wind Energy System, and the name plat generating capacity of each tower, and the maximum height proposed for each tower.
 - ii. A description of the Applicant, Owner, and/or Operator, including their respective Business Structures.
 - 2) The name(s), address(es), and phone number(s) of the applicant(s), Owner and operator, and all property Owner(s), if known.

- 3) The site plan required in Section 15.25(d)(1), above, shall also include: guy lines and anchor bases (if any), primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all Structures within the geographical boundaries of any Setback.
- 4) All required studies, reports, certifications, and approval demonstrating compliance with the provisions of this Zoning Resolution.

ARTICLE XVI
Off-Street Loading and Parking

16.01 Purpose	16.05 Schedule of Required Off-Street
16.02 General Requirements	Spaces
16.03 Joint-Use Parking	16.06 Loading Spaces
16.04 Public Parking Facilities	

16.01 PURPOSE

- a) The purpose of this Article is to encourage the orderly development of parking areas within the Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.
- b) Unless otherwise indicated in this Resolution, in all Zoning Districts, Off-Street Parking requirements shall be found under this Article.

16.02 GENERAL REQUIREMENTS

- a) Surfacing and Drainage. All Off-Street Parking areas for commercial or employment center projects within the RMU or PEC Districts shall be properly graded, marked, and surfaced to provide a hard, durable, and dustless surface. All parking areas shall be graded and drained to dispose of surface water which might accumulate within or upon such areas and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.
- b) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting. Other provisions in [Section 15.15 – Lighting](#) – also apply.
- c) Location of Parking Spaces. A five (5) foot clear zone shall be maintained between the roadway right-of-way and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.
- d) Parking of Inoperable or Disabled Equipment or Vehicles. The exterior parking or storage of inoperable, unlicensed, or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated under Sections 4737.05-12 of the ORC, shall be prohibited. The Township

reserves the right to remove junk cars from private property under Section 4513.65 of the ORC.

- e) Landscaping, Parking Bays, and/or Parking Lot Islands.
 - 1) No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of forty-eight (48) parking spaces. There shall be a maximum of twenty-four (24) spaces in a single row.
 - 2) Parking Lot Islands. Each landscape island in a single-loaded parking stall design shall have a minimum area of one hundred sixty-two (162) square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of three hundred twenty-four (324) square feet with a minimum width of nine (9) feet.
 - 3) Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public Right-of-Way shall be screened from the respective Right-of-Way with a minimum of a thirty-six (36)-inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area

16.03 JOINT-USE PARKING

Two (2) or more Uses may jointly provide and use parking spaces, provided that together they meet the parking space requirements of [Section 16.05 – Schedule of Required Off-Street Spaces](#).

16.04 PUBLIC PARKING FACILITIES

- a) Property within a five hundred (500) foot radius of a public parking facility shall not be required to provide or maintain a specific number of Off-Street Parking spaces. All other properties shall conform to [Section 16.05 – Schedule of Required Off-Street Spaces](#), below.
- b) Public parking facilities shall not be required to provide a specific number of parking spaces. However, the Rural Zoning Commission can recommend a desired number of parking spaces based on expected traffic.

16.05 SCHEDULE OF REQUIRED OFF-STREET SPACES

Parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (such as a school with a stadium) the required minimum number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule:

- a) Residential. One (1) parking space for every residential dwelling unit on a property.

- b) Commercial. One (1) parking space for every one hundred (100) feet in Gross Floor Area (GFA) with the following exceptions:
 - 1) Campground: One (1) per each campsite and one per employee for the largest shift;
 - 2) Hotels and Motels: One (1) per sleeping room; and
 - 3) Office: Four (4) spaces per 1,000 square feet in GFA.
- c) Institutional. One (1) parking space for every 500 feet in GFA with the following exceptions:
 - 1) Assisted living, nursing homes, and hospitals: One (1) for each employee on the largest shift and one (1) for every four (4) beds;
 - 2) Places of assembly: One (1) for every six (6) seats in the main area of assembly.
 - 3) Schools: One (1) for every ten (10) students and one (1) for each employee on the largest shift; and
 - 4) Daycares: One (1) for each employee on the largest shift.
- d) Industrial. One-half (½) space per 1,000 square feet in GFA and/or one (1) for each employee on the largest shift.

16.06 LOADING SPACES

- a) All loading spaces must be located to the side or rear of the principal structure and screened under [Section 15.13 – Landscaping](#) – and are prohibited within any front yard;
- b) A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area;
- c) All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve;
- d) A required loading space shall have a clearance height of not less than fifteen (15) feet and shall have minimum dimensions of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation area;
- e) Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet.
- f) Off-street loading spaces may occupy any part of a required rear or side yard, but shall not project into any front yard;
- g) All required, off-street loading spaces should have access to a public street in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion;

- h) All required loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic concrete or Portland cement concrete pavement to provide a durable and dust free surface;
- i) All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water onto adjacent properties or walkways and damage to public streets;
- j) Screening shall be required as provided in [Section 15.13 - Landscaping](#);
- k) Any loading area, which is intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property;
- l) No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any lot zoned for residential use;
- m) For uses in excess of 10,000 square feet of gross floor area one (1) additional off-street loading space shall be required for each additional 20,000 square feet of gross floor area or fraction thereof; and
- n) The number of off-street loading spaces required for the CB District shall be no less than as set forth in the following:
 - 1) Less than 5,000 square feet in GFA: None required;
 - 2) 5,000 to 250,000 square feet in GFA: One (1) space; and
 - 3) Over 250,000 square feet in GFA: One space for each 250,000 square feet in GFA.

ARTICLE XVII
Signs

17.01 Purpose	17.10 Way-Finding Signs
17.02 Zoning Certificate	17.11 Total Maximum Square Footage of All Signs
17.03 Regulations for All Signs	17.12 Sign Lighting
17.04 Canopy Signs	17.13 Temporary Signs
17.05 Ground-Mounted Signs	17.14 Changeable Copy and Electronic Message Displays
17.06 Projecting Signs	17.15 Murals
17.07 Wall Signs	17.16 Billboards
17.08 Window Signs	
17.09 Pylon Signs	

17.01 PURPOSE

The purpose of the following Sign regulations is to:

- a) Provide effective and attractive identification for businesses, services, and uses.
- b) Provide a reasonable system of regulations for signs as a part of the Township's Zoning Resolution and consistent with state and federal laws.
- c) Promote reasonable sign standards to limit the aesthetic impact of signs on properties within the Township to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety.
- d) Attract and direct the public to available activities, goods, and services.
- e) Enhance the economic value of the community through attractive and effective signage.
- f) Provide for vehicular and pedestrian safety by prohibiting or restricting distracting signs.

17.02 ZONING CERTIFICATE

Unless otherwise exempted below, a Zoning Certificate shall be obtained prior to erecting any Sign in any Zoning District. The following types of Signs are exempt from obtaining a Zoning Certificate:

- a) Signs not exceeding two (2) square feet in area that are customarily associated with a Residential Use and are not of a commercial nature, including the address and/or the name of the occupants.

- b) Signs erected by a government entity for a recognized public purpose and duly authorized by any law, statute, or code. Such Signs include legal notices and traffic control devices, provided such Signs carry no supplementary advertising.
- c) Signs that are on the inside of a Structure or Building that are designed or located to not be typically seen from outside the window.
- d) Temporary Signs clearly in the nature of decorations customarily associated with a national, local, or religious holiday. Such Signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- e) All Signs and graphics shall be carefully coordinated with the Building and architecture.

17.03 REGULATIONS FOR ALL SIGNS

The following regulations apply to all Signs within the Township:

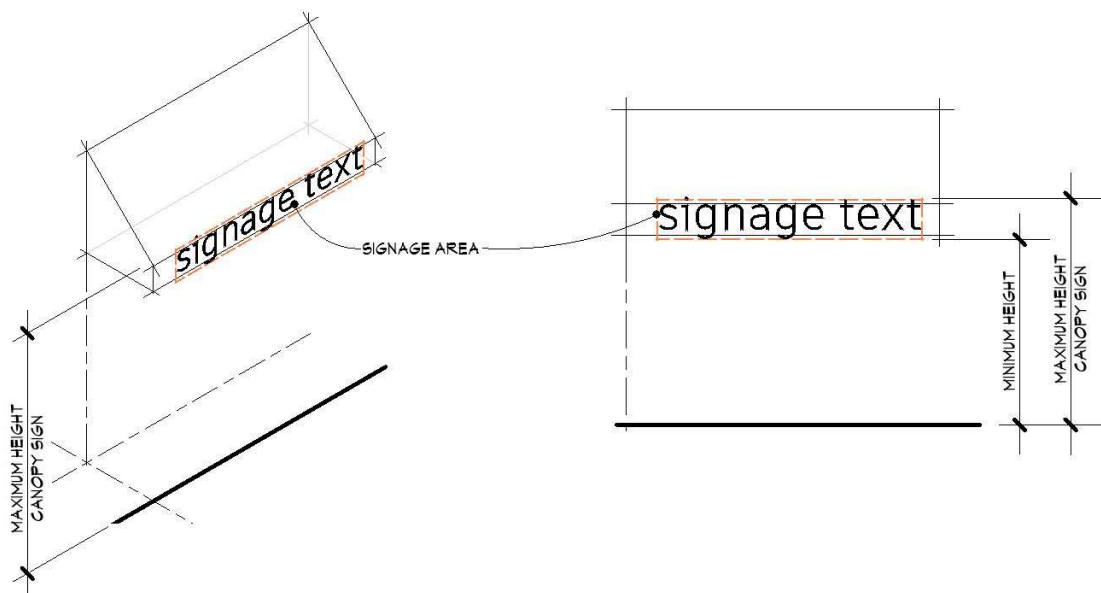
- a) Signs shall not be painted directly on the surface of a Fence.
- b) No roof Signs or roof mounted Signs shall be permitted. No part of any Sign shall extend higher than the eave of any building, except when placed on the parapet of a building.
- c) The following permanent signs shall be prohibited: portable displays or mobile display (except sandwich board signs), gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, rotating signs, signs with flashing messages or bare bulbs, signs on backlit awnings, flashing signs, video signs, signs with moving text or pictures, bench signs, and Wallscape.
- d) Each Building and Unit, if applicable, shall have an address number that is clearly visible from the public Right-of-Way. Such Signs shall not require a Zoning Permit.
- e) Original Art Mural and Vintage Art Murals as defined in [Article II - Definitions](#), shall only be permitted in accordance with [Section 17.15 – Murals](#) – these regulations.

17.04 CANOPY SIGNS

- a) All Canopy Signs shall comply with the following requirements:

	PEC & RMU
Maximum Number of Signs Per Business	Per Approved Development Plan
Maximum Square Footage	Per Approved Development Plan
Maximum Height (Feet)	Per Approved Development Plan
Minimum Height (Feet)	Per Approved Development Plan

b) Measurement of Canopy Sign Area and Height:

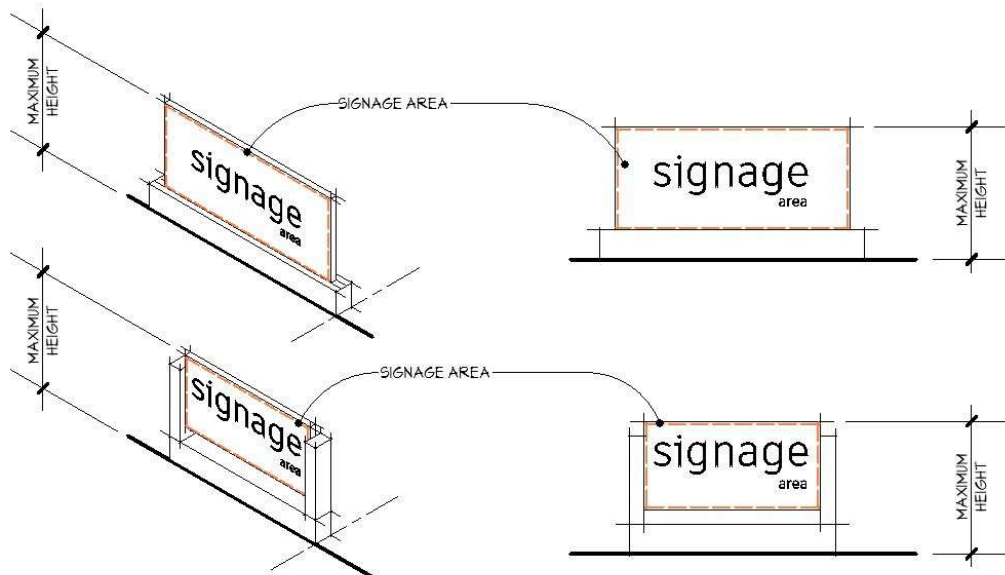


17.05 GROUND-MOUNTED SIGNS

a) All Ground-Mounted Signs shall comply with the following requirements:

	PEC & RMU
Maximum Number of Signs Permitted Per Public Road Frontage	Per Approved Development Plan
Maximum Square Footage	Per Approved Development Plan
Maximum Height (Feet)	Per Approved Development Plan
Minimum Distance from ROW (Feet)	Per Approved Development Plan

- b) The maximum square footage in the above table is per Sign Face. Each Sign Face shall count towards the maximum size of the Sign and total maximum square footage of all Signs. There shall be a maximum of two (2) Sign Faces per Sign.
- c) All Ground-Mounted Signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of Landscaping around all sides of the Ground-Mounted Sign. Signs shall be affixed directly to a base having a width at least equal to that of the sign.
- d) Ground-Mounted Signs shall not be permitted along rear access roads.
- e) Measurement of Ground-Mounted Signs Area and Height:

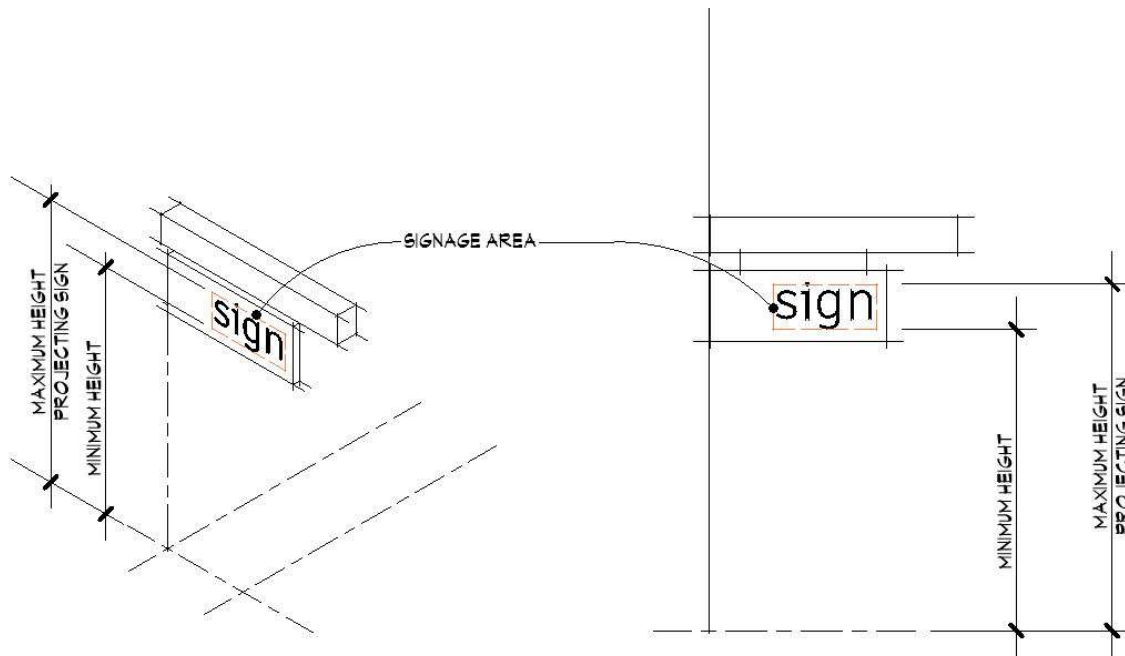


17.06 PROJECTING SIGNS

- a) When permitted, such signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached. Each Sign Face shall count to the maximum size of the sign and total maximum square footage of all Signs. There shall be a maximum of two (2) Sign faces per Sign. Projecting signs are permitted as follows:

	PEC & RMU
Number of Signs Per Business	Per Approved Development Plan
Maximum Square Footage	Per Approved Development Plan
Maximum Height (Feet)	Per Approved Development Plan
Minimum Height (Feet)	Per Approved Development Plan
Maximum Projection from Edge of Building (Feet)	Per Approved Development Plan

- b) Measurement of Projecting Sign Area and Height:



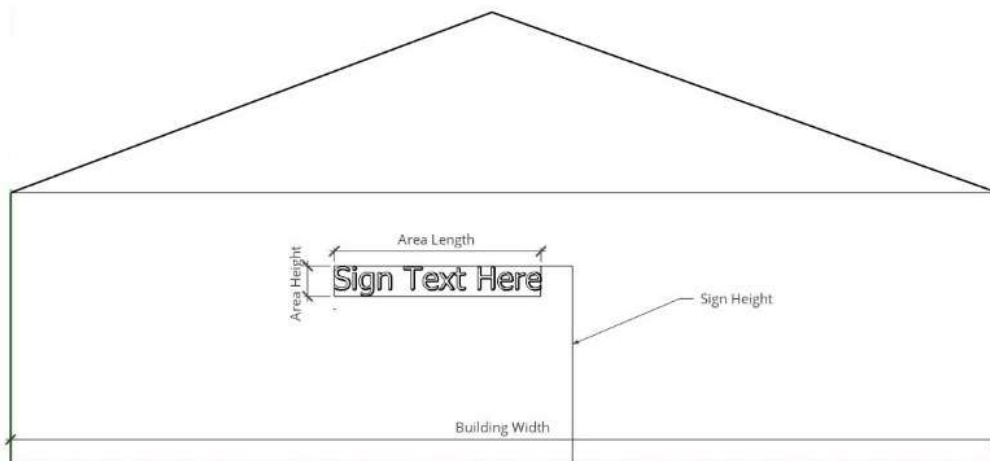
17.07 WALL SIGNS

- a) All Wall Signs shall comply with the following requirements:

	PEC & RMU
Maximum Number of Signs Permitted Per Public Road Frontage	Per Approved Development Plan
Maximum Square Footage	Per Approved Development Plan
Maximum Height (Feet)	Per Approved Development Plan

*Fractional numbers are rounded down to the lower whole number.

- b) Measurement of Wall Signs Area and Height:



17.08 WINDOW SIGNS

- a) All Window Signs shall comply with the following requirements:

	PEC & RMU
Maximum Number of Signs Permitted	Per Approved Development Plan
Maximum Square Footage	Per Approved Development Plan
Maximum Height (Feet)	Per Approved Development Plan

17.09 PYLON SIGNS

- a) All Pylon Signs, which are only permitted in the PEC, PB, and PUD Districts shall comply with the following requirements:

	PEC & RMU
Maximum Number of Signs Permitted Per Public Road Frontage	Per Approved Development Plan
Maximum Square Footage	Per Approved Development Plan
Maximum Height (Feet)	Per Approved Development Plan
Minimum Distance from ROW (Feet)	Per Approved Development Plan

17.10 WAY-FINDING SIGNS

There may be two way finding signs per access driveway connecting to a public or private street. Way finding signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the Right-of-Way and on the property of the user(s) of which they are identifying the entry or exit.

17.11 TOTAL MAXIMUM SQUARE FOOTAGE OF ALL SIGNS

	Total Maximum Square Footage for All Signs
FR, RR, EC	150 for Internal Lots 250 for Corner or Double Frontage Lots
RMU	Per Approved Development Plan

17.12 SIGN LIGHTING

Sign lighting shall be consistent, understated, and properly disguised. Unless noted in this code, one of the following methods of lighting may be employed:

- a) 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.
- b) 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.
 - 1) The color temperature of the sign lighting shall not exceed 4,000K.
 - 2) 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.
 - 3) Light fixtures shall be screened from view by site grading or landscaping.

17.13 TEMPORARY SIGNS

The following Temporary Sign regulations apply to all uses in the Overlay District:

- a) Temporary Signs shall be prohibited within the Right-of-Way.
- b) In all Residential Zoning Districts, three (3) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. In all other Zoning Districts, up to six (6) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height.
- c) In all Zoning Districts, one (1) temporary banner is permitted per parcel per street frontage without a permit. Each temporary banner shall not exceed eight (8) feet in height and

thirty-two (32) square feet in area and shall not be displayed for more than fourteen (14) days within any one hundred eighty (180) day period.

- d) In the RMU Overlay District, two (2) Large Temporary Signs shall also be permitted per parcel provided a Sign Zoning Permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
 - 1) Exceed eight (8) feet in height
 - 2) Exceed thirty-two (32) square feet in area (per Sign face)
 - 3) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. On parcels that are greater than five (5) acres, such signs may be displayed for up to one hundred eighty (180) days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional one hundred eighty (180) days. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. In no case, shall such signs be erected for more than three hundred sixty-five (365) days.
- e) Small and Large Temporary Signs and Temporary Banners shall not count toward the total maximum square footage of signs permitted on a Lot.
- f) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

17.14 CHANGEABLE COPY AND ELECTRONIC MESSAGE DISPLAYS

These Changeable Copy and Electronic Message Display standards are applicable to all signs, except Drive-Thru boards since the purpose of those boards are to service those utilizing the drive thru lane where cars are typically stopped to view said sign. All other changeable copy and electronic messaging displays shall:

- a) Be limited to fifty (50) percent of the overall sign area.
- b) Be static, shall not move, scroll, or flash, and shall not exceed nighttime (one hour after sunset).
- c) Maximum luminance (cd/m²) of forty (40).
- d) Be turned off at the latter of 11:30 p.m. or one hour after the close of business and shall remain off until 6:30 a.m. the following morning.

17.15 MURALS

- a) Original Art Mural Requirements. Original Art Murals that meet all the following requirements shall be issued a Mural Permit by the Zoning Inspector:
- i) Original Art Murals are permitted only in the RMU Overlay District.
 - ii) The Mural shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in accordance with this regulation.
 - iii) The applicant, if different from the property owner, must obtain an affidavit from the building's owner giving permission for the applicant to adhere the mural to the building.
 - iv) There shall be no more than one Original Art Mural per parcel or per building, whichever is more restrictive.
 - v) Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings.
 - vi) No part of the Mural shall exceed the height of the structure to which it is tiled or painted.
 - vii) The materials or paint utilized to create the mural shall be weatherproof or resistant to wear.
 - viii) The Mural shall be properly maintained through repair and paint, or any necessary treatment to prevent decay. Defective or insufficient weather protection for exterior treatments and façades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in [Section 4.10 – Violation And Penalty](#) – of this Resolution.
 - ix) Murals on properties within any planned district must be part of the originally approved development plan or an amendment to said plan must be approved by Section prior to the Zoning Commission issuing a Zoning Permit.
 - x) Murals that would result in a property becoming out of compliance with any other Township Resolution shall be prohibited.
- b) Vintage Art Mural Requirements. All Murals created prior to the date of adoption of this code shall be considered existing non-conforming and may be maintained in accordance with [Article V – Nonconformities](#) – of this Resolution.

17.16 BILLBOARDS

- a) Billboards are permitted in the FR and PEC Districts. If a Zoning District is not listed, Billboards are considered prohibited in said District. All Billboards shall comply with the time, place, and manner regulations found in the table below.
- b) Billboards shall have a maximum of two (2) Sign Faces per Billboard.
- c) Billboards shall be back-to-back and shall not have more than one (1) Sign Face visible from each direction of the Road to which it faces.
- d) Sign Table – Billboards

	Districts
	FR, RR, RMU, PEC
Maximum Square Footage Per Face	125
Minimum Setback from any Structure or Sign (Feet)	1,000
Minimum Spacing from Other Billboards (Feet)	3,000
Maximum Height (Feet)	15
Minimum Distance from ROW (Feet)	75

- e) Relation to Other Laws. Signs adjacent to the interstate and primary highways as regulated by the Chapter 5516 and Section 5531.07 of the Ohio Revised Code, as amended, shall be permitted in accordance with those state laws. The Zoning Inspector shall only issue a Zoning Permit when the applicant produces a permit from the state, and the proposed Billboard meets the requirements of this section.

ARTICLE XVIII Extraction of Natural Resources

18.01 General Requirements 18.02 Applicant – Financial Ability 18.03 Application, Contents, Procedure	18.04 Public Hearing 18.05 Rehabilitation 18.06 Additional Requirements
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18.01 GENERAL REQUIREMENTS

Any owner, lessee, or other person, firm, or corporation having an interest in mineral lands in the PEC District may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that he or she shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

- a) Distance from Property Lines. No quarrying operation shall be carried on or any stockpile placed closer than one hundred (100) feet to any property line unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property.

- b) Distance from Public Right-of-Way. In the event that the site of the mining or quarrying operations is adjacent to the Right-of-Way of any Public Street or Road, no part of such operation or any stockpile from such operation shall take place closer than one hundred (100) horizontal feet to the nearest line of such right-of-way.

- c) Fencing. Fencing shall be erected and maintained at a height of six (6) feet around the entire site or portions thereof where in the opinion of the Board of Appeals such fencing is necessary for the protection of public safety and shall be of a type specified by the Board.

- d) Equipment. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.

- e) Processing. The crushing, washing, and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations or the district in which the operation is located.

- f) Inspections. The inspections of nearby structures and water wells to determine structural integrity and water levels.

- g) Compliance with State Regulations. Proof of compliance with Chapter 1514 of the Ohio Revised Code and any federal and other state standards concerning the extraction of natural resources.

18.02 APPLICANT – FINANCIAL ABILITY

In accepting such plan for review, the Board of Zoning Appeals must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted based upon the surety bond standards found under Chapter 1514 and Section 1514.04 of the Ohio Revised Code. All bonds and assurances for remediation must comply with [Section 18.05 – Rehabilitation](#).

18.03 APPLICATION – CONTENTS, PROCEDURE

An application for such an extraction operation shall contain the information found under Section 18.01 of this Article and set forth the following information:

- a) Name of the owner(s) of land from which removal is to be made;
- b) Name of the applicant making request for such permit;
- c) Name of the person or corporation conducting the actual extraction operation;
- d) Location, description, and size of the area from which removal is to be made;
- e) Location of processing plant used, if applicable;
- f) Type of resources or minerals to be removed;
- g) Proposed method of removal and whether or not blasting or other use of explosives will be required;
- h) Description of equipment to be used; and
- i) Method of rehabilitation and reclamation of the extraction area.
- j) Method for monitoring neighboring water wells.

18.04 PUBLIC HEARING

Upon receipt of such application, the Board of Appeals shall set the matter for a public hearing in accordance with the provisions of [Section 8.05 – Public Hearing By The Board Of Zoning Appeals](#).

18.05 REHABILITATION

To guarantee the restoration, rehabilitation, and reclamation of a mined-out area, every applicant granted a mining permit as herein provided shall provide receipt of a performance bond in compliance with Chapter 1514 of the Ohio Revised Code as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

- a) Surface Rehabilitation. All excavation shall be made either to a water-producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, noninflammable, and noncombustible solids, to secure:
 - 1) That the excavated area shall not collect and permit to remain therein stagnant water.
 - 2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- b) Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.
- c) Banks of Excavations Not Backfilled. The banks of all excavations not backfilled shall be sloped to the waterline at a foot vertical, and shall not be less than three feet horizontal to one foot vertical; said bank shall be seeded.

18.06 ADDITIONAL REQUIREMENTS

In addition to the foregoing, the Board may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest. Prior to issuance of the Conditional Use Permit, the Board of Zoning Appeals shall determine the said conditions and confirm the bonds held under Chapter 1514 of the Ohio Revised Code.

ARTICLE XIX

Adult Entertainment Facilities

19.01 Rationale and Findings

19.02 Definitions**19.03 Criteria****19.04 Severability**

19.01 RATIONALE AND FINDINGS

- a) Purpose. In enacting this Code, pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Board of Township Trustees makes the following statement of intents and findings:
- 1) That Adult Entertainment Businesses require special supervision from the public safety agencies of the Township in order to protect and preserve the health, safety, and general welfare of the patrons and employees of the business as well as the citizens of the Township.
 - 2) That Adult Entertainment Businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
 - 3) That the concern over sexually transmitted diseases is a legitimate health concern of the Township which demands reasonable regulation of Adult Entertainment Businesses by the Township in the specified manner, and expanded authority for reasonable regulation of Adult Entertainment Businesses by local governments, in order to protect the health and well-being of the citizens.
 - 4) That minimal regulations enacted by the Township are a legitimate and reasonable means of accountability to ensure that operators of Adult Entertainment Businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
 - 5) There is convincing documented evidence that Adult Entertainment 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, cause increase crime – particularly in the overnight hours, and downgrade property values.
 - 6) The Township Board of Trustees desires to minimize and control these adverse effects by regulating Adult Entertainment in the specified manner. And by minimizing and controlling these adverse effects, the Township Board of Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.
 - 7) It is determined that the current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people and that expanded regulation of Adult Entertainment Businesses is necessary.
 - 8) It is not the intent of the Township Board of Trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the

First Amendment, but to enact content-neutral statutes that address the secondary effects of Adult Entertainment Businesses.

- 9) It is not the intent of the Township Board of Trustees to condone or legitimize the distribution of obscene material, and the Township Board of Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

- b) Findings and Rationale. It is the intent of the Board of Township Trustees in enacting this Code to regulate Adult Entertainment Businesses in the specified manner in order to promote the health, safety, and general welfare of the citizens of the Township and establish reasonable regulations to prevent the deleterious secondary effects of Adult Entertainment Businesses within the Township. The provisions of this Code 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 of the Township Board of Trustees in enacting this Code to restrict or deny, or authorize the restriction or denial of, access by adults to Sexually Oriented Materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of Adult Entertainment and Sexually Oriented Materials to their intended market. Neither is it the intent nor the effect of the Township Board of Trustees in enacting this Code to condone or legitimize the distribution or exhibition of obscene material.

Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, aff'd (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 4 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir.

1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLU on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; 729, *Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the Township Board of Trustees' independent review of the same), the Township Board of Trustees finds:

- 1) Adult Entertainment Businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
- 2) Certain employees of Adult Entertainment Businesses, as defined in this Ordinance as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- 3) Sexual acts, including masturbation and oral and anal sex, occur at Adult Entertainment Businesses, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in Adult Entertainment Businesses featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Ohio Revised Code.

- 4) Offering and providing private or semi-private booths or cubicles encourages such activities, which create unhealthy conditions.
- 5) Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those Adult Entertainment Businesses.
- 6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal an ureoplasmal infections, trichomoniasis, and chancroid.
- 7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.
- 8) A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.
- 9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
- 10) The number of cases of early (less than one year) syphilis in the Unites States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.
- 11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- 12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
- 13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- 14) Sanitary conditions in some Adult Entertainment Businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- 15) The findings noted in divisions 21.01(c)(1) to (14) of this section raise substantial governmental concerns.
- 16) Adult Entertainment Businesses have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.
- 17) The enactment of this Ordinance will promote the health, safety, and general welfare of the citizens of the Township.

19.02 DEFINITIONS

The words in this Article shall have the meanings therein respectively ascribed to them by Article II of this Code unless a different meaning is clearly indicated by the context.

19.03 CRITERIA

- a) Adult Entertainment Businesses shall be considered a Conditional Use in the PEC District, subject to the following conditions:
 - 1) No Adult Entertainment Business shall be established within 500 feet of any Residential Dwelling or any single or multi-family use.
 - 2) No Adult Entertainment Business shall be established within a radius of 500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
 - 3) No Adult Entertainment Business shall be established within a radius of 500 feet of a nursery, preschool or daycare facility.
 - 4) No Adult Entertainment Business shall be established within a radius of 500 feet of any park or recreational facility attended by persons under eighteen (18) years of age.
 - 5) No Adult Entertainment Business shall be established within a radius of 500 feet of any church, synagogue, or worship facility.
 - 6) No Adult Entertainment Business shall be established within a radius of 500 feet of any other Adult Entertainment Business.
 - 7) Lighting on the exterior of the building shall be arranged to illuminate the entire off-street parking area with sufficient intensity to provide illumination of not less than one (1.0) foot candles as measured at the floor level.
- b) The distances as cited in this section above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the building in which the proposed Adult Entertainment Business is to be located, to the nearest point of the property line, or District from which the proposed Adult Entertainment Business is to be separated.

19.04 SEVERABILITY

This ordinance and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

