

## CHAPTER 1 GENERAL REGULATIONS

**Section 101 Title and Enactment.** WHEREAS, It is determined by the Board of Clark County Commissioners of Clark County, Ohio that it is in the interest of the public health, public safety, and general welfare of the County to regulate and/or protect the location and use of land, buildings, and structures for agriculture and resource protection and for residential, commercial, and industrial development; in order to conserve and protect property and property values, to secure the most appropriate use of land, to regulate the density of population, and to facilitate adequate and economical provisions for public improvements; all in accordance with the goals and objectives of the Clark County Comprehensive Plan and notwithstanding the provisions outlined in the Clark County Subdivision Regulations; to provide a method of administration and enforcement and to prescribe penalties for the violations of provisions hereafter described – all as authorized by Chapter 303 of the Ohio Revised Code; [rev. 11-1-2020]

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CLARK COUNTY COMMISSIONERS OF CLARK COUNTY, OHIO:

That these Regulations shall be known and may be cited and referred to as the “Clark County, Ohio, Zoning Regulations,” and shall contain the following provisions:

### **Section 102 Area of Jurisdiction.**

**102.01** The provisions of these Regulations shall apply to all unincorporated land areas of Clark County that are regulated by County Zoning by having voted approval, as provided by Chapter 303 of the Ohio Revised Code, and as indicated on the Official Zoning District Map(s).

**102.02** The provisions of these Regulations shall apply to the remaining unincorporated land area of Clark County, Ohio, pursuant to the provisions of Chapter 303 of the Ohio Revised Code. Upon certification by the Board of Elections, these Regulations shall take immediate effect in all townships of the County which vote approval, eliminating from the plan any township which does not vote approval, as provided by Chapter 303 of the Ohio Revised Code. Abolishment of prior zoning resolutions in any township or part thereof shall be governed by the provisions of Chapter 303 of the Ohio Revised Code and any amendment thereto. If such previous zoning resolution was adopted by the County, it shall be enforced by the County Zoning Inspector as set forth in Section 902 of these Regulations, and the Board of Zoning Appeals shall have jurisdiction as set forth in Section 903. [rev. 11-4-2020]

**102.03** Except as otherwise provided in Section 102.03, nothing in these Regulations shall prohibit the use of any land for agricultural purposes, as defined by the Ohio Revised Code, or structures incident to the use for agricultural purposes of the land on which such structures are located, and no Zoning Certificate shall be required for such structure. [rev. 11-4-2020]

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

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

**102.03.012** Buildings or structures incidental to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: setback building lines, height, and size; [rev. 11-4-2020]

**102.03.013** Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under ORC Section 4503.06. After thirty-five (35) percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 109. [rev. 11-4-2020]

**102.03.02** Agricultural Use Exemption. A Zoning Certificate shall not be required for the construction or use of a building or structure incident to the use for agricultural purpose of the land on which such building or structure is located if: (A) the parcel is five (5) acres or larger; or (B) for parcels between 1.01 acres and 5 acres, said parcel is not located in a platted subdivision or an area of fifteen (15) or more lots approved under ORC Section 711.131. Excluded from this provision are parcels established by Section 201, Footnote 6a, or would qualify as such. [11-4-2020]

**102.03.021** Application for an Agricultural Use Exemption shall be made to the Zoning Inspector on such form as prescribed by the Zoning Inspector. Upon determination by the Zoning Inspector that an Agricultural Use Exemption is warranted, a Zoning Certificate shall be issued, without fee, setting forth the Agricultural Use Exemption. [11-4-2020]

**102.03.022** Upon determination by the Zoning Inspector that an Agricultural Use Exemption is not warranted, a Zoning Certificate and application fee shall be required for the structure, building, or use. [11-4-2020]

**102.03.03** Keeping of Animals on a non-agricultural exempt parcel: The building or structure housing said animals shall be in the rear yard and at least fifty (50) feet from any lot line. [rev. 11-4-2020]

**102.03.031** Fencing shall be provided per Section 805 or other approved methods as imposed by the Zoning Inspector". [rev. 11-2-2022]

**102.03.04** Agricultural use, as defined in the Ohio Revised Code, shall be prohibited on any parcel less than one (1) acre when said parcel is in a platted subdivision approved under ORC Section 711.05, 711.09, or 711.10 or in an area of fifteen (15) or more lots approved under ORC Section 711.131. Excluded from this provision are parcels established by Section 201, Footnote 6a, or would qualify as such. [11-4-2020]

**102.04** Nothing in these Regulations shall impose restrictions with respect to land use for legitimate purposes by any public utility or railroad with respect to the erection, maintenance, repair, alteration, remodeling, or extension of any building or structure (except general offices or other uses not directly related to provisions of utility services) of any public utility railroad, whether publicly or privately owned; except that such public utility and/or railroad buildings or structures shall conform to required setback lines.

**102.05** Nothing in these Regulations shall impose restrictions with respect to land owned or leased by any industrial firm for the conduct of oil or natural gas well drilling or production activities, or the 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. The Performance Standards contained in Section 801 shall apply.

**102.06** Nothing in these Regulations shall prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

**Section 103 Official Zoning District Map.** The Official Zoning District Map(s), as maintained by the County, are an integral part of these Regulations. All Zoning District boundaries, notations, references, and other information shown on the Official Zoning District Map(s) are a part of these Regulations and shall carry the same force and effect as the balance of the material contained herein. [eff. 12-17-09]

**Section 104 Interpretation and Purposes.** These Regulations are the minimum requirements necessary for the promotion of the public health, public safety, and general welfare. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements. Where these Regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of these Regulations shall control.

### Section 105 Establishment of Zoning Districts

For the purposes in Section 101, the unincorporated territory of Clark County, Ohio that is subject to these Zoning Regulations is hereby divided into the following Zoning Districts:

[rev. 12-13-2013; rev. 11-4-2020]

A-1	Agricultural District	OR-2	Office Residential District [eff. 4-4-1996]
AE	Agricultural Exclusive District [eff. 11-4-2020]	B-1	Neighborhood Business District
AR-1	Agricultural / Residential District	B-2	Community Business District
AR-2	Agricultural / Residential District	B-3	General Business District
AR-5	Agricultural / Residential District	B-4	Heavy Business District
AR-10	Agricultural / Residential District	I-1	Light Industrial District [eff. 11-4-2020]
AR-25	Agricultural / Residential District	I-2	Heavy Industrial District [eff. 11-4-2020]
R-1	Rural Residence District	MU-1	Mixed-Use Low Intensity [eff. 11-4-2020]
R-2	Low Density Single-Family Residence District	MU-2	Mixed-Use High Intensity [eff. 11-4-2020]
R-2A	Medium Density Single-Family Residence District	PD	Planned Development Districts [eff. 3-25-2003]
R-2B	Medium-High Density Single-Family Residence District	R-MHP	Residential Manufactured Home Park Dist.
R-3	Medium Density Single-and Two-Family Residence District	FP	Flood Plain Overlay District
R-4	Multiple-Family Residence District	OS	Open Space Overlay District [eff. 3-29-1990]
R-CL	Residential – Crystal Lakes District [eff. 3-28-2014]	EEOD	Eastern Edge Overlay Zoning District [eff.9-4-2008]
O-1	Office Business District	S	Specific Use Control District

### Section 106 Zoning District Statements of Intent

Each District on the Official Zoning District Map or Maps shall be designated for the following purposes:

#### A-1 Agricultural District [eff. 1-13-01]

The A-1 Agricultural District is intended to preserve areas where soils, topographic conditions, and physical features are best suited for the pursuit of agricultural use. Also, it is to protect the agricultural uses from encroachment of incompatible non-agricultural land uses and to preserve open areas from the encroachment of scattered urban type uses or until such time that the area is ready for more intensive development and can be provided with appropriate infrastructure and services. This district is intended to ensure that land areas which are within the unincorporated areas which are well suited for agriculture production are retained for such production, unimpeded by the establishment of incompatible uses which would hinder agricultural uses and

inevitably deplete agricultural lands and uses. This district is also established to prevent the conversion of prime agricultural land to scattered non-farm development which, when unregulated, unnecessarily increases the cost of public services and infrastructure to all citizens and results in the premature disinvestment in agriculture. [rev. 12-13-2013]

AE – Agricultural Exclusive District [eff. 11-4-2020]

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

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

AR-1, AR-2, AR-5, AR-10, AR-25 Agricultural/Residential Districts [eff. 12-27-2001]

The AR-1, AR-2, AR-5, AR-10, and AR-25 Agricultural/Residential Districts are intended to allow low density and very low density residential development in areas deemed unsuitable or unusable for agricultural uses or which will allow limited residential development in a manner so as not to impede agricultural uses.

R-1 Rural Residence District [eff. 6-1-2000]

The Rural Residence District is intended to reserve land at outlying locations in the County for single-family residential development on lots of one acre or more in size, particularly where public sewerage and water systems are not available. In addition, where public sewer and/or water is available, lower density lots should be encouraged to provide space for new residential development of a suburban character, where lots of substantial size are available for activities of children, for gardening, and for family recreation.

R-2 Low Density Single-Family Residence District

The Low Density Single-Family Residence District is intended to provide areas for single-family suburban type residential development at relatively low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with public water and sewerage systems.

R-2A Medium Density Single-Family Residence District

The Medium Density Single-Family Residence District is intended to provide land for single-family residential development at an intermediate density near urban areas, and also to allow for infilling on vacant lots which are of a relatively small size. Medium Density Single-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-2B Medium-High Density Single-Family Residence District

The Medium-High Density Single-Family Residence District is intended to promote the availability of affordable housing by providing areas for development of single-family homes on small lots, as well as to provide an opportunity for infilling in areas characterized by a relatively high density of housing development. Medium-High Density Single-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-3 Medium Density Single- and Two-Family Residence District

The Medium-Density Single- and Two-Family Residence District is intended to provide areas for single-family and two-family residential development at an intermediate density near urban areas. The requirements of the R-3 District realize that, due to rising fuel costs and other economic concerns, some homeowners may wish to convert their single-family dwellings to two-family structures, which is permitted in the R-3 District. Medium Density Single- and Two-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-4 Multiple-Family Residence District

The Multiple-Family Residence District is intended to provide for higher density residential development in the form of low-rise multiple-family dwellings. The R-4 District reflects existing multiple-family areas as well as those areas well suited to such future development, such as areas which enjoy strategic locations relative to major intersections, major open space/terrain/vistas, and/or high intensity commercial areas. Multiple-Family Residence Districts are intended to be located in areas which are served with public water and sewerage systems.

R-MHP Residential Manufactured Home Park District

The Residential Manufactured Home Park District is intended to provide for the placement of manufactured homes in a planned physical setting upon a site under unified management, in accordance with an overall Development Plan and specific procedures for site plan review and approval. Provisions for connections to off-site water and sewerage system are required.

[eff. 3-29-1990]

R-CL Residential – Crystal Lakes District [eff. 3-28-2014]

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

PD Planned Development (PD) Districts [eff. 3-25-2003; rev: 9-4-2008]

The Planned Development Districts are proposed to establish a zoning procedure for the development of areas on a planned basis in accordance with an overall Development Plan and specific procedures for site plan review and approval. The intent is to be flexible in the regulation of basic land planning and to encourage imaginative site planning that provides a variety of uses with usable open space. All requirements of the Planned Development District (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the development uses or uses as specified in the Final Development Plan.

B-1 Neighborhood Business District

The intent of the Neighborhood Business District is to establish small, compact commercial areas at strategic locations near or adjacent to residential areas in order to provide land for retail, professional, and personal service establishments where they can serve the day-to-day and occasional shopping needs of residents of the surrounding area.

B-2 Community Business District

The Community Business District is intended to provide for a broad range of primarily retail, professional, and personal service uses which may require substantial frontage for visibility and access, and whose trade areas typically extend beyond a particular neighborhood.

B-3 General Business District

The General Business District is intended to provide land for a full range of retail, professional, personal service, or other commercial uses whose trade areas extend beyond a particular neighborhood or even beyond a township or Clark County, and whose uses would not be compatible with the uses permitted in other commercial districts and which would be detrimental to adjoining residential areas unless effectively controlled.

B-4 Heavy Business District

The intent of the B-4 Heavy Business District is to provide for heavy businesses which are incompatible with local and community business districts. [eff. 3-29-1990]

O-1 Office Business District

The intent of the Office Business District is to reflect existing office uses at different locations throughout the unincorporated areas of the County, and to allow a “mix” of business and professional office establishments with existing dwellings along major thoroughfare frontage that is undergoing transition. The intent here is to structure that transition in an orderly fashion and to allow for not only changes in uses and activities, but also to allow for extensive rehabilitation of residential structures for business and professional office purposes and/or redevelopment under controlled circumstances.

OR-2 Office Residential District

This district has been established to provide for a mixture of residential, small office and professional service establishments which will maintain the residential appearance of the area and which shall not create or generate a great amount of traffic and noise. [eff. 4-4-1996]

I-1 Light Industrial District [rev. 11-4-2020]

The purpose of the I-1 Light Industrial District is to provide for low intensity industrial developments involving manufacturing, production, warehouse/distribution, wholesaling and related uses whose operations are conducted within a building. I-1 District uses are those whose external and physical impacts are restricted to the area of the I-1 District and do not affect the surrounding districts in a detrimental way. Access to the I-1 District should be directly from Primary and Secondary Arterials, as classified by the Thoroughfare Plan, and from state routes.

I-2 Heavy Industrial District [eff. 11-4-2020]

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

MU-1 and MU-2 Mixed-Use Districts [eff. 11-4-2020]

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

MU-1 Mixed-Use Low Intensity District [eff. 11-4-2020]

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

MU-2 Mixed-Use High Intensity District [eff. 11-4-2020]

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

FP Flood Plain Overlay District

The Flood Plain Overlay District is intended to promote the public health, safety, and general welfare and to minimize flood losses through provisions designed to: restrict or prohibit uses of land which are dangerous to health, safety or property in times of flood or which may cause excessive increase in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such uses, can be protected against flood damage at the time of initial construction; and protect individuals from buying lands which are unsuited for intended purposes because of flood hazard. The FP District provides a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities are carried out in accordance with currently acceptable flood plain management criteria. Once the flood-proofing measures of the FP District have been complied with, the standard underlying Zoning District regulations shall become the criteria for development.

OS Open Space Overlay District

The Open Space Overlay District is intended to ensure proper water management and effective conservation measures by guiding development in surface and groundwater retention areas. Land uses permitted in the OS District shall be associated with open space and recreational activities with the primary objectives being to conserve and protect the groundwater recharge areas of reservoirs, aquifers and other land areas that contribute to the County's public water supply and/or recreational resources. The OS District provides a review procedure for requests for new construction or substantial improvements to existing structures to ensure that these activities will not interfere with the availability or enjoyment of water resources, or inhibit future surface and groundwater development, and to ensure that pollution abatement measures are followed.

Eastern Edge Overlay Zoning District (EEOD) [eff. 9-4-2008; rev. 12-13-2013]

The Eastern Edge Overlay Zoning District creates a cohesive and inter-jurisdictional comprehensive land use plan for the East National Road Corridor that aims to grow contextually and geographically advantageous development, respect the history and character of the area, provide best management for transportation safety and demand by maintaining independent, through interlocking development segments from the corridor's urban core to the rural edge. The EEOD recommends a uniform development standard approach to land use and zoning regulation. Land uses are guided by a future land use map, and physical site and building layout is determined by transect-based zoning standards. The EEOD requires that all new large-scale development along the Eastern Edge Corridor be zoned and planned as a Planned Development. Small-scale developments in the Corridor area may be developed to according the standardized zoning.

**“S” Specific Use Control District**

The intent of the Specific Use Control (S-District), is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district to better control its use. Instead of rezoning to a district which would allow all the uses within that district, a specified use or uses of that district, that will be compatible with the surrounding area, would be granted by the implementation of this Section. All requirements of the identified district (i.e. frontage, setbacks, etc.) and all other general requirements (i.e. parking, signs, etc.) shall apply to the specified use OR USES. [eff. 2-14-1985; rev. 12-13-2013]

**Section 107 Technical Review Committee.** There shall be a Technical Review Committee (TRC), led by the Planning Commission Staff, which includes representatives from the following departments/agencies: Combined Health District, County Engineer, Soil & Water Conservation and County Utilities. [eff. 11-4-2020]

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

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

**107.01.02** The County Engineer’s Department for traffic analysis, vehicular access point(s) and storm water management.

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

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

**Section 108 Required Conformance.** Except as hereinafter specifically provided,

**108.01** No land shall be used except for a Permitted, Conditioned or Conditionally Permitted Use in the Zoning District in which it is located. Any other use may be allowed if said use is determined to be of the same general character as a Permitted, Conditioned or Conditionally Permitted Use in the same zoning district, and not specifically prohibited elsewhere in these Regulations, as determined by the Zoning Inspector or by the Board of Zoning Appeals. [rev. 11-4-2020]

**108.02** No land shall be used and no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered unless it is a use permitted in the Zoning District in which such building or structure is located.

**108.03** No land shall be changed in use and no building or structure shall be occupied or used and no existing building or structure shall be changed in use until a Zoning Certificate has been issued by the Zoning Inspector. No such Zoning Certificate shall be issued unless the plans for the proposed building or structure or land use fully comply with the provisions of these Regulations. [rev. 12-13-2013; rev. 11-4-2020]

**108.04** Every building hereafter erected or structurally altered shall be located on a lot as defined. Where more than one (1) principal building is erected on a single lot, an open space shall be provided which is equal in width to twice the width of the side yard required for the use in the District in which the buildings are located.

**108.05** No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any lot hereafter be created, which does not conform and meet the requirements of these Regulations.

**108.06** No lot, yard, parking area, or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by these Regulations, and, if already less than the minimum required by these Regulations, such area or dimension shall not be further reduced. No part of a yard, parking area, or other space provided about or for any building or structure, for the purpose of complying with the provisions of these Regulations, shall be included as part of a yard, parking area, or other space required under these Regulations for another building or structure.

## **Section 109 Regulation of Non-Conformities** [eff. 11-4-2020]

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

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

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

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

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

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

### **109.07 Nonconforming Use Of Land**

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

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

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

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

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

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

**109.07.05** Damage or Destruction: Any non-conforming use which is destroyed by natural causes (fire, flood, earthquake, tornado, or the like) to the extent of more than fifty (50) percent of its replacement value, shall not be resumed. Any subsequent use of the land thereafter shall be in conformance with these Regulations.

## **109.08** Nonconforming Structures

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

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

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

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

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

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

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

**109.08.06** Damage or Destruction. Any Non-conforming building which is destroyed by natural causes (fire, flood, earthquake, tornado, or the like) to the extent of more than fifty (50) percent of its replacement value, shall not be resumed or reconstructed. The remains of any

building or structure shall be razed as soon as is possible (not to exceed sixty (60) days from the date of the order of the Zoning Inspector). Any subsequent use of the land thereafter shall be in conformance with these Regulations. Replacement value shall be based upon the replacement cost of the structure prior to the calamity, and shall be determined by an independent appraiser. In the case of any uncertainty as to the replacement value of a particular structure, the determination of the Clark County Building Official or his/her representative shall be final.

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

## **Section 110 Rules for Interpretation of the Official Zoning District Map**

**110.01** The boundaries of the Zoning Districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of Clark County, Ohio, which map(s) are hereby made a part of these Regulations. The said Zoning Map(s) and all notations and references and other matters shown thereon, shall be and are hereby made part of these Regulations. Said Zoning Map(s), shall be and remain on file in the office of the Zoning Inspector.

[eff; 12-17-2009; rev. 11-4-2020]

**110.02** Except where referenced on said map(s) to a street line or other designated line by dimensions shown on said map(s), the District boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads as they existed at the time of adoption of these Regulations or the extension of such lines. [eff. 4-4-1996]

**110.03** Where a District boundary line, as established in this Section or as shown on the Zoning Map(s), divides an existing lot or parcel, said lot or parcel is subject to the zoning requirements as defined by whatever Zoning District the part of the lot or parcel is located within. The Zoning Inspector shall make a determination as to the location of the Zoning District boundary and therefore those uses which are permitted thereon. The Zoning Inspector may use any information available in making such determination. [eff: 4-4-1996; rev. 12-13-2013; rev. 11-4-2020]

**110.04** Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Official Zoning District Map(s), the Board of Zoning Appeals, after notice of public hearing to the owners of the property abutting, shall interpret the map(s) in such a way as to carry out the intent and purpose of these Regulations for the particular section or District in question.

**110.05** Questions concerning the exact location of District boundary lines shall be determined by the Board of Zoning Appeals as provided in Chapter 9 and in accordance with rules and regulations which may be adopted by it.

**110.06** Whenever any street, alley, or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended District or Districts.

**110.07** In every case where territory has not been specifically included within a district, or where territory becomes a part of the unincorporated area of Clark County by the disincorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as an A-1 District, until otherwise classified.

## **Section 111 Rules for Interpretation of the Zoning Regulations Text**

In the interpretation of the text, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules apply to the text:

**111.01** The particular shall control the general.

**111.02** In case of any difference of meaning or implication between the text and any table, the text shall control.

**111.03** The word “shall” shall be mandatory and not discretionary. The words “may” or “should” shall be permissive.

**111.04** Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

**111.05** The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

**111.06** In case there is question as to the intended meaning of any provision of the text, the Board of Zoning Appeals may interpret its meaning as it applies to a particular property. Before reaching a decision in response to any such request, the Board of Zoning Appeals may obtain the written opinion of the Clark County Prosecutor thereon.

## **Section 112 Regulations Not Retroactive**

**112.01** Except as otherwise specified in these Regulations, any use, lot, building, or structure that exists as of the enactment date of these Regulations or any amendment thereto may be continued even though such use, lot, building, or structure may not conform to the provisions of the Zoning District in which it is located. The provisions for Non-conforming Uses shall apply.

**112.02** Nothing contained in these Regulations shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of these Regulations; provided, however, construction under such permit or approval shall have been stated within six (6) months and the ground floor framework including structural parts of the second floor (where applicable) shall have been completed within one (1) year after the effective date of these Regulations.

**112.03** The construction of a conforming structure and/or the conduct of a Permitted Use shall be allowed on any lot of record which has an area and /or lot width less than that required for such structure or Permitted Use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals. Such Non-conforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership at the time of enactment or amendment of these Zoning Regulations. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

**112.03.01** In no case shall the width of any side yard be less than ten (10) percent of the width of the lot (except in the case of zero lot line or cluster dwellings, and except as permitted in the “B” and O-1 districts); and, on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is greater.

**112.03.02** The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.

**112.04** If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of enactment or amendment of these Regulations, and if all or part of the lots with no buildings do not meet the minimum requirements established for lot width and/or area, the lands involved shall be considered to be an undivided parcel for the purpose of these Regulations.

**112.04.01** No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by these Regulations.

**112.04.02** No division of any parcel shall be made which creates a lot with a width and/or area below the requirements stated in these Regulations.

### **Section 113 Overlapping Jurisdictions**

**113.01** There are established in certain areas of Clark County other zoning regulations known as the Wright-Patterson Air Force Base Airport Zoning Regulations and the Clark-Greene County Airport Zoning Regulations. Within the boundaries established for the Wright-Patterson Air Force Base Airport Zoning Regulations and the Clark-Greene County Airport Zoning Regulations, a Zoning Permit or other evidence of compliance with said regulations shall be obtained from the proper airport zoning authorities and presented to the Clark County Zoning Inspector prior to application for a Clark County Zoning Certificate. [rev. 12-13-2013; rev. 11-4-2020]

**113.02** There are established in certain low-lying areas of Clark County building restrictions for those areas situated within the jurisdictional limits of the Miami Conservancy District. Within this area, known as the Huffman Retarding Basin, no new dwellings may be constructed. Buildings for recreational or agricultural purposes may be constructed if a permit is issued by the Miami Conservancy District Property Office. All applications for building permits in the Huffman Retarding Basin must be approved by the Miami Conservancy District prior to application for a Zoning Certificate from the Clark County Zoning Inspector. [rev. 12-13-2013; rev. 11-4-2020]

**113.03** There are established in certain areas of Clark County Wellhead/Wellfield Protection Regulations which identify particular usage restrictions contained within a defined area. Said Wellhead/Wellfield Protection Regulations are the result of legislation adopted by a provider of a public water supply. Said boundary is based on a scientifically derived protection area. Uses within these boundaries may be subject to these Wellhead/Wellfield Protection Regulations. [rev. 9-17-1998]