

ZONING REGULATIONS

Clark County, Ohio

(For the unincorporated areas of Bethel, Green, Harmony,
Madison, Mad River, Moorefield, and Pleasant Townships)

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Clark County Zoning Regulations

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The following are amendments made to the 1984 version of the County Zoning Regulations

<u>Cty Commission Date</u>	<u>BCC Resolution Nos.</u>	<u>Effective Date</u>
January 15, 1985	46-85; 46a-85	February 14, 1985
September 17, 1985	887a-85; 887b-85	October 17, 1985
February 27, 1990	183-90	March 29, 1990
March 5, 1996	164-96	April 4, 1996
June 17, 1997	560-97	July 17, 1997
		September 17, 1997
August 18, 1998	731-98	September 17, 1998
March 21, 2000	257-00	April 20, 2000
May 2, 2000	422-00	June 1, 2000
October 31, 2000	1038-00	November 30, 2000
December 14, 2000	1224-00	January 13, 2001
April 3, 2001	270-01	May 3, 2001
May 8, 2001	393-01	June 7, 2001
June 5, 2001	483-01	July 5, 2001
November 27, 2001	993-01	December 27, 2001
May 14, 2002	399-02	June 13, 2002
February 23, 2003	138-03	March 25, 2003
August 4, 2004	593-04	September 3, 2004
November 1, 2005	890-05	December 1, 2005
November 6, 2007	944-07	December 6, 2007
August 5, 2008	2008-0607	September 4, 2008
October 7, 2008	2008-0775	November 6, 2008
November 17, 2009	2009-0964	December 17, 2009
March 13, 2012	2012-0217	April 12, 2012
November 13, 2013	2013-0893	December 13, 2013
February 26, 2014	2014-0153	March 28, 2014
April 15, 2015	2015-0275	May 15, 2015
January 2, 2019	2019-0008	February 1, 2019
March 21, 2019	2019-0201	April 20, 2019
November 4, 2020	2020-0702	December 4, 2020
January 19, 2022	2022-0061	February 18, 2022
November 2, 2022	2022-0828	December 2, 2022
March 20, 2024	2024-0219	April 19, 2024
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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 as of January 1, 2007, 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]

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CHAPTER 2 GENERAL ZONING DISTRICT REGULATIONS

Section 201 A-1, Agricultural District [rev. 11-4-2020]

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT (Feet)	FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)		REAR (Setback)		
				LEAST WIDTH	SUM of BOTH			
1. Agriculture uses, as defined by ORC 303.01, and related structures for agricultural operation	1 Acre	150	50	30	60	50	35	1, 2, 3, 5, 5a 6a, 8, 16, 31
2. Bed and Breakfast [eff. 4-2-2000]								2, 5, 30
3. Day-Care Homes								2, 5, 26
4. Private Landing Field								7
2. Single-Family Residential	40 Acre	500	40	25	60	60	35	2, 5, 5a, 6
Exception To 40 acre – Single-Family Residential (restricted to lot splits)	1 Acre #	150	40	25	60	60	35	2, 5, 5a, 6
	# Maximum Lot Size – 4.99 Acre							

CONDITIONALLY PERMITTED USES (Requires BZA Approval): [eff. 6-7-01]	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT (Feet)	FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)		REAR (Setback)		
				LEAST WIDTH	SUM of BOTH			
1. Airports								5, 21
2. Animal Clinic or Hospital & Kennels	1 Acre	150	50	30	60	50	35	5, 18
3. Campgrounds	-	150	50	40	80	70	35	5, 31
4. Cemeteries	3 Acres							17
5. Churches and Similar Places of Worship			50	25	50	50	35	5, 12
6. Day-Care Centers	1 Acre	150	50	30	60	50	35	2, 5, 25
7. Feed Lot, Grain Elevators, & Slaughterhouses	5 Acres	150	40	50	100	50	--	2, 5, 29
8. Garden Centers, Greenhouses, and Landscaping Business [rev: 12-13-2013]	1 Acre	150	50	30	60	50	35	5, 10
9. Group Care Home	1 Acre	150	50	30	60	50	35	5, 27
10. Home Occupations								9
11. Hospitals and Auxiliary Facilities	3 Acres	200	75	30	30	70	35	23
12. Institutions of Higher Learning	10 Acres	300	100	100	200	100	35	5, 14
13. Nursing Homes, Convalescent Homes, and Assisted Living Facilities [rev: 12-13-2013]	1 Acre	150	50	30	60	70	35	5, 28
14. Primary and Secondary Schools	2 Acres	300	100	100	200	100	35	5, 13
15. Public Recreation Areas	--	150	50	40	80	70	35	5, 11
16. Radio, Television, & Telecommunications Transmission & Receiving Towers	5 Acres							22

Footnotes to Section 201

1. Related structures include, but are not limited to, barns, silos and storage tanks used in conjunction for agricultural operation. Also included is Farm Labor Housing subject to Section 723. [rev. 11-4-2020]
2. Other than agricultural use exempted buildings, the cumulative lot coverage of all buildings shall not exceed twenty-five (25) percent of the lot area. [rev. 11-4-2020]
3. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent existing or proposed public right-of-way shall be required. No curb cuts along a public road shall be established and, adequate areas for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
4. (deleted) [eff. 2-1-2019]
5. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or from the Ohio EPA, as applicable. [eff. 4-4-1996; rev. 12-13-2013; rev. 11-4-2020]
- 5a. Manufactured housing subject to requirements specified in Section 732. [eff. 4-4-1996; rev. 12-13-2013]
6. No parcel of land in this district shall be used for residential purposes, which has an area of less than one (1) acre. All lots or parcels under five (5) acres, the depth of such lot or parcel shall not exceed an amount equal to four (4) times its width. [eff. 10-17-85] No new lot or lots shall be created by the platting of a subdivision in the A-1 District. [eff. 4-4-1996]
- 6a. No parcel of land in the A-1 District shall have an area of less than one (1) acre except for a lot split that creates a lot for agricultural purposes that cannot be combined with an adjacent lot due to taxing district boundaries. [rev. 11-4-2020]
7. Private landing fields shall be permitted as an accessory use in the A-1 District, subject to the requirements of Section 802.02.01.
8. Subject to requirements for Agricultural-Related Processing & Marketing specified in Section 705.
9. Subject to requirements for Home Occupations specified in Section 728.
10. Subject to requirements for Garden Centers, Greenhouses, and Landscaping Businesses specified in Section 726. [eff. 1-13-2001; rev. 12-13-2013]
11. Subject to requirements for Public Recreation Areas specified in Section 741.
12. Subject to requirements for Churches and Similar Places of Worship specified in Section 714.
13. Subject to requirements for Primary and Secondary Schools specified in Section 740.
14. Subject to requirements for Institutions of Higher Learning specified in Section 730.
15. (deleted) [eff. 6-7-2001]
16. Subject to requirements for Farm Labor Housing specified in Section 723.
17. Subject to requirements for Cemeteries specified in Section 713.
18. Subject to requirements for Animal Clinic or Hospital, and Kennels specified in Section 707.
19. (deleted) [eff. 6-7-2001]
20. Subject to requirements for Airports specified in Section 706.

21. To the extent permitted by ORC 303.211, Subject to requirements for Radio, Television, and Telecommunication Transmission/Receiving Towers specified in Section 742. [rev. 12-13-2013; rev. 11-4-2020]
22. Subject to requirements for Hospitals and Auxiliary Facilities specified in Section 729.
23. Subject to requirements for Demolition Disposal Facility specified in Section 720.
24. Subject to requirements for Day-Care Centers specified in Section 718.
25. Subject to requirements for Day-Care Homes specified in Section 719.
26. Subject to requirements for Group Care Homes specified in Section 727.
27. Subject to requirements for Nursing Homes, Convalescent Homes, and Assisted Living Facilities specified in Section 737. [rev. 12-13-2013]
28. Subject to requirements for Feed Lot, Grain Elevators, and Slaughterhouse specified in Section 724.
29. Subject to requirements for Bed and Breakfast specified in Section 709.
30. Subject to requirements for Campgrounds specified in Section 711. [11-4-2020]

Section 202 AE, Agricultural Exclusive District [11-4-2020]

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT (Feet)	FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)		REAR (Setback)		
				LEAST WIDTH	SUM of BOTH			
1. Agriculture Uses, as defined by ORC 303.01, and Related Structures for agricultural operation	40 Acre	150	50	30	60	50	35	1, 2, 4
2. Farm Dwellings			40	25	60	60		2, 4, 5
3. Farm Markets								

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

Footnotes to Section 202

1. Related structures include, but are not limited to, barns, silos and storage tanks used in conjunction for agricultural operation. Also included is Farm Labor Housing subject to Section 723.
2. Other than agricultural use exempted buildings, the cumulative lot coverage of all buildings shall not exceed twenty-five (25) percent of the lot area.
3. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent existing or proposed public right-of-way shall be required. No curb cuts along a public road shall be established and, adequate areas for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
4. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or from the Ohio EPA, as applicable.

5. Manufactured housing subject to requirements specified in Section 732.
6. No new lot or lots shall be created in the AE District by a minor or major subdivision. [eff. 11-4-2020]
7. Subject to requirements for Home Occupation specified in Section 728.

Section 203 AR, Agricultural / Residential Districts

ZONING DISTRICT	AR-1	AR-2	AR-5	AR-10	AR-25
Minimum Lot Size (Area)	1 ac.	2 ac.	5 ac.	10 ac.	25 ac.
Maximum Lot Size (Area)	1.99 ac.	4.99 ac.	9.99 ac.	24.99 ac.	39.99 ac.
Minimum Frontage (Width – feet)	150	150	250	350	350

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS					MINIMUM ZONING LOT REQUIREMENTS				MAXIMUM HEIGHT (Feet)	Footnotes (Restrictions)
						YARD REQUIREMENTS (Feet)					
	AR-1	AR-2	AR-5	AR-10	AR-25	FRONT (Setback) **	SIDE LEAST WIDTH SUM of BOTH		REAR (Setback)		
1. Agriculture Uses, as defined by ORC 303.01, and Related Structures for agricultural operation [rev. 11-4-2020]	Y	Y	Y	Y	Y						1, 2, 3, 4, 5, 6a
2. Bed and Breakfast	Y	Y	Y	Y	Y						8
3. Day-Care Homes	Y	Y	Y	Y	Y						7
4. Single-Family Residences	Y	Y	Y	Y	Y	40	25	60	60	35	2, 4, 5, 6
Y = Yes (Permitted) N = No (Not Permitted)											

CONDITIONALLY PERMITTED USES (Requires BZA Approval) (See minimum & maximum lot size [area] and minimum frontage above)	ZONING DISTRICTS					MINIMUM ZONING LOT REQUIREMENTS				MAXIMUM HEIGHT (Feet)	Footnotes (Restrictions)
						YARD REQUIREMENTS (Feet)					
	AR-1	AR-2	AR-5	AR-10	AR-25	FRONT (Setback) **	SIDE LEAST WIDTH SUM of BOTH		REAR (Setback)		
1. Churches and Similar Places of Worship	Y	Y	Y	Y	Y	50	25	50	50	35	4, 10
2. Home Occupations	Y	Y	Y	Y	Y						9
3. Institutions of Higher Learning	N	N	Y	Y	Y	100	100	200	100	35	4, 12
4. Primary and Secondary Schools	N	Y	Y	Y	Y	100	100	200	100	35	4, 11
Y = Yes (Permitted) N = No (Not Permitted)											

Footnotes to Section 203

1. Related buildings and structures may include private garages, and manufactured farm homes for help employed on the premises as full-time labor. The minimum yard and height requirements for single-family residence shall apply to such related buildings and structures.
2. On no lot or parcel in the AR Districts shall buildings be constructed which cover more than twenty-five (25) percent of the lot or parcel area.
3. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent existing or proposed public right-of-way shall be required. No curb cuts along a public road shall be established, and adequate area for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
4. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or from the Ohio EPA., as applicable.
[eff. 12-13-2013; rev. 11-4-2020]
5. Manufactured housing subject to requirements specified in Section 732. [rev. 11-4-2020]
6. No parcel of land in this district shall be used for residential purposes, which has an area of less than one (1) acre. All lots or parcels within the AR-1 and AR-2 districts shall have a minimum lot frontage on a public road of one hundred fifty (150) feet. For lots or parcels under five (5) acres, the depth of such lot or parcel shall not exceed an amount equal to four (4) times its width.
- 6a. No parcel of land in an AR District shall have an area of less than one (1) acre except for a lot split that creates a lot for agricultural purposes that cannot be combined with an adjacent lot due to taxing district boundaries. [11-4-2020]
7. Subject to requirements for Day-Care Homes specified in Section 719.
8. Subject to requirements for Bed and Breakfast specified in Section 709.
9. Subject to requirements for Home Occupations specified in Section 728.
10. Subject to requirements for Churches and Similar Places of Worship specified in Section 714.
11. Subject to requirements for Primary and Secondary Schools specified in Section 740.
12. Subject to requirements for Institutions of Higher Learning specified in Section 730.

Section 204

Single-Family Residence Districts

R-1, Rural Residence

R-2A, Medium Density Residence

R-2, Low Density Residence

R-2B, Medium-High Density Residence

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS				MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT (Feet)	Footnotes (Restrictions)
	R-1	R-2	R-2A	R-2B	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	YARD REQUIREMENTS (Feet)					
							FRONT (Setback)	SIDE		REAR (Setback)		
LEAST WIDTH		SUM of BOTH										
1. Bed and Breakfast [eff. 4-20-2000]	Y	Y	Y	Y	20,000 SF	100	35	12	30	50	35	1, 1a, 2, 5
	N	Y	Y	Y	12,000 SF	80	30	6	16	25		1, 1a, 2, 5
	N	N	Y	Y	7,500 SF	60	25	6	16	25		1, 1a, 2, 5
	N	N	N	Y	5,000 SF	50	25	6	16	25		1, 1a, 2, 5
2. Single-Family Dwellings	Y	Y	Y	Y	20,000 SF	100	35	12	30	50	35	1, 1a, 2
	N	Y	Y	Y	12,000 SF	80	30	6	16	25		1, 1a, 2
	N	N	Y	Y	7,500 SF	60	25	6	16	25		1, 1a, 2
	N	N	N	Y	5,000 SF	50	25	6	16	25		1, 1a, 2
Y = Yes (Permitted) N = No (Not Permitted)												

CONDITIONALLY PERMITTED USES (Requires BZA Approval):	ZONING DISTRICTS				MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT (Feet)	Footnotes (Restrictions)
	R-1	R-2	R-2A	R-2B	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	YARD REQUIREMENTS (Feet)					
							FRONT (Setback)	SIDE		REAR (Setback)		
LEAST WIDTH		SUM of BOTH										
1. Cemeteries	Y	N	N	N	3 Acres							12
2. Churches & similar places of worship	Y	Y	Y	Y	--	--	50	25	50	50	35	1, 6
3. Day-Care Homes	Y	Y	Y	Y	20,000 SF	100	45	20	40	60	35	1, 2, 13
	N	Y	Y	Y	12,000 SF	80	35	15	25	35		1, 2, 13
	N	N	Y	Y	7,500 SF	60	35	15	25	35		1, 2, 13
	N	N	N	Y	5,000 SF	50	35	15	25	35		1, 2, 13
4. Farm Markets	Y	Y	Y	Y								11
5. Group Care Homes	Y	Y	Y	Y	20,000 SF	100	35	12	30	50	35	1, 2, 10
	N	Y	Y	Y	12,000 SF	80	30	6	16	25		1, 2, 10
	N	N	Y	Y	7,500 SF	60	25	6	16	25		1, 2, 10
	N	N	N	Y	5,000 SF	50	25	6	16	25		1, 2, 10
6. Home Occupation	Y	Y	Y	Y								4
7. Hospitals & Auxiliary Facilities	Y	Y	Y	N	3 Acres	200	75	30	60	70	35	1, 9
8. Institutions of Higher Learning	Y	N	N	N	10 Acres	300	100	100	200	100	35	1, 8
9. Nursing Homes, Convalescent Homes, & Assisted Living Facilities [rev. 12-13-2013]	Y	Y	Y	N	1 Acre	150	50	30	60	70	35	1, 14
10. Primary & Secondary Schools	Y	Y	Y	Y	90,000 SF	300	100	100	200	100	35	1, 7
12. Radio, Television & Tele-Communication Transmission / Receiving Towers	Y	N	N	N	5 Acres							15
13. Zero Lot Line, Cluster, Detached, Semi-Detached or Attached Dwellings, or other housing types of a similar character	N	Y	Y	Y								1, 2, 16
Y = Yes (Permitted) N = No (Not Permitted)												

Footnotes to Section 204

1. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or from the Ohio EPA, as applicable. [eff. 4-4-1996; rev. 12-13-2013; rev. 11-4-2020]
- 1a. Manufactured housing subject to requirements for Manufactured Home specified in Section 740. [eff. 6-1-2000]
2. All Principal, Conditioned, and Conditionally Permitted Uses not served by public sewer and/or water shall have a minimum frontage, lot size(area), and setbacks as noted below: [eff. 12-1-2005]

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE	SETBACKS			
			Front	Side (Least Width)	Side (Sum of Both)	Rear
No public sewer or water	150 feet	1 acre	40 feet	15 feet	50 feet	60 feet
Public water only	125 feet	¾ acre	35 feet	12 feet	30 feet	50 feet
Public sewer only	100 feet	½ acre	35 feet	12 feet	30 feet	50 feet

3. Related buildings and structures may include private garages, and manufactured farm homes for full-time farm labor. The minimum yard and height requirements for single-family dwellings in the R-1 district shall apply to such related buildings and structures.
4. Subject to requirements for Home Occupations specified in Section 728.
5. Subject to requirements for Bed and Breakfast specified in Section 709.
6. Subject to requirements for Churches and Similar Places of Worship specified in Section 714.
7. Subject to requirements for Primary and Secondary Schools specified in Section 740.
8. Subject to requirements for Institutions of Higher Learning specified in Section 730.
9. Subject to requirements for Hospitals and Auxiliary Facilities specified in Section 729.
10. Subject to requirements for Group Care Homes specified in Section 727.
11. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent public right-of-way shall be required. No curb cuts along a public road shall be established and, adequate area for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
12. Subject to requirements for Cemeteries specified in Section 713.
13. Subject to requirements for Day-Care Home specified in Section 719.
14. Subject to requirements for Nursing Homes, Convalescent Homes, and Assisted Living Facilities specified in Section 737. [eff. 12-13-2013]
15. Subject to requirements for Radio, Television, and Telecommunication Transmission/Receiving Towers specified in Section 742.
16. Subject to requirements for Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings specified in Section 748.

Section 205 Multifamily Residence Districts
R-3, Medium Density Single- & Two-Family Residence
R-4, Multiple Family Residence

PRINCIPAL PERMITTED AND CONDITIONED USES: [rev. 11-4-2020]	ZONING DISTRICTS		MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT	Footnotes (Restrictions)
	R-3	R-4	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)			(Feet)	
						SIDE		REAR (Setback)		
						LEAST WIDTH	SUM of BOTH			
1. Single-Family Dwellings	Y	N	7,500 SF	60	25	6	16	25	35	1, 1a, 2
2. Two-Family Dwellings	Y	Y	10,000 SF	80	25	8	20	25	35	1, 2
3. Three-Family Dwellings	N	Y	11,000 SF	80	25	10	24	25	35	1, 2
4. Four-Family Dwellings	N	Y	12,000 SF	80	25	10	24	25	35	1, 2
5. Multiple-Family Dwellings	N	Y	--	100	25	12	28	25	45	1, 2, 3
6. Condominium Residences	N	Y								1, 2, 3, 12
		Y = Yes (Permitted) N = No (Not Permitted)								

CONDITIONALLY PERMITTED USES (Requires BZA Approval):	ZONING DISTRICTS		MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT	Footnotes (Restrictions)
	R-3	R-4	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)			(Feet)	
						SIDE		REAR (Setback)		
						LEAST WIDTH	SUM of BOTH			
1. Churches & Similar places of worship	Y	Y			50	25	50	50	35	2, 7
2. Community Facilities	N	Y	20,000 SF						35	1, 2, 11
3. Day-Care Centers	N	Y	1 Acre	150	50	30	60	50	35	2, 10
4. Day-Care Homes	Y	Y	7,500 SF	60	35	15	25	35	35	1, 2, 9
5. Group Care Homes	Y	Y	7,500 SF	60	25	6	16	25	35	1, 2, 8
6. Home Occupation	Y	Y								5
7. Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings, or other housing types of a similar character	Y	Y								1, 2, 6
		Y = Yes (Permitted) N = No (Not Permitted)								

Footnotes to Section 205

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size(area) as noted below: [eff. 4-4-1996]

<u>UTILITIES SERVING PROPERTY</u>	<u>FRONTAGE</u>	<u>LOT SIZE</u>
No public sewer or water -	150'	1 acre
Public water only -	125'	¾ acre
Public sewer only -	100'	½ acre

NOTE: Public sewer and water required for three-, four-, or multiple-family dwellings.

- 1a. Factory-built housing subject to requirements for Factory-Built Housing specified in Section 732. [eff. 4-4-1996]
2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or approval from the Ohio EPA, as applicable. [rev. 12-13-2013; rev. 11-4-2020]
NOTE: Public sewer and water required for three-, four-, or multiple-family dwellings. [eff. 4-4-1996]
3. The minimum lot size requirement for multiple-family dwellings (i.e., in excess of a four-family dwelling) shall be two thousand nine hundred (2,900) square feet in area for each dwelling unit. [eff. 4-4-1996]
4. Related buildings and structures may include private garages and manufactured farm homes for full-time farm labor. The minimum yard and height requirements for single-family dwellings in the R-3 or R-4 district, as applicable, shall apply to such related buildings and structures. [eff. 4-4-1996]
5. Subject to requirements for Home Occupations specified in Section 728.
6. Subject to requirements for Zero Lot Line, Cluster, Detached, Semi-Detached, or Attached Dwellings specified in Section 748.
7. Subject to requirements for Churches and Similar Places of Worship specified in Section 714.
8. Subject to requirements for Group Care Homes specified in Section 727.
9. Subject to requirements for Day-Care Home specified in Section 719.
10. Subject to requirements for Day-Care Centers specified in Section 718.
11. Subject to requirements for Community Facilities specified in Section 716.
12. Subject to requirements for Condominium Residences specified in Section 717.

Section 206 R-MHP, Residential Manufactured Home Park (Mobile Home)

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT	Footnotes (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	
			WIDTH (feet)	FRONT (Setback)	SIDE			
LEAST WIDTH	SUM of BOTH							
1. Communal Facilities	10,000 SF	300	50	30	60	50	35	1, 2, 3
2. Manufactured Homes	5 Acres	300	50	30	60	50		1, 2

Footnotes to Section 206

- The requirements for Manufactured Home Parks contained in Section 408 shall also apply.
- In any case where a lot is not provided with public water or disposal of sanitary wastes by means of public sewers, the proposed water supply system and/or disposal of wastes shall have approval from the legally authorized agency charged with issuing water and sewage permits for this type of use. [rev. 11-4-2020]
- Used in Section 206, Communal Facilities shall refer to those facilities which are shared among residents within the R-MHP including, but not limited to, activity hall/room, laundry room, swimming pool, outdoor recreation field. [11-4-2020]

Section 207 R-CL, Residential – Crystal Lakes District

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT	Footnotes (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	
			WIDTH (feet)	FRONT (Setback)	SIDE			
LEAST WIDTH	SUM of BOTH							
1. Bed and Breakfast	8,000 SF	80	25	15	30	25	35	1, 2, 4
2. Crystal Lakes Property Owners Association								1, 2, 10
3. Single-Family Dwellings	8,000 SF	80	25	15	30	25	35	1, 2

CONDITIONALLY PERMITTED AND (Requires BZA Approval):	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT	Footnotes (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	
			WIDTH (feet)	FRONT (Setback)	SIDE			
LEAST WIDTH	SUM of BOTH							
1. Churches & similar places of worship			25	15	30	25	35	1, 5
2. Day-Care Homes	8,000 SF	80	25	15	30	25	35	1, 2, 8
3. Farm Markets								9
4. Group Care Homes	8,000 SF	80	25	15	30	25	35	1, 2, 7
5. Home Occupation								3
6. Primary & Secondary Schools	90,000 SF	300	100	100	200	100	35	1, 6
7. Group Care Homes	8,000 SF	80	25	15	30	25	35	1, 2, 7

Footnotes to Section 207

1. In every case where a lot is not served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or from the Ohio E.P.A., as applicable.
[rev. 11-4-2020]
2. Manufactured housing subject to requirements for Manufactured Home specified in Section 732.
3. Subject to requirements for Home Occupations specified in Section 728.
4. Subject to requirements for Bed and Breakfast specified in Section 709.
5. Subject to requirements for Churches and Similar Places of Worship specified in Section 714.
6. Subject to requirements for Primary and Secondary Schools specified in Section 740.
7. Subject to requirements for Group Care Homes specified in Section 727.
8. Subject to requirements for Day-Care Home specified in Section 719.
9. Roadside sales of agricultural products at farm markets shall be permitted, provided that fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the farm market operator in a normal crop year. The size of structure shall not exceed one-hundred (100) square feet in area or ten (10) feet in height. There shall be no minimum lot size required for farm markets, however, a setback of twenty (20) feet from the adjacent public right-of-way shall be required. No curb cuts along a public road shall be established and, adequate area for parking shall exist adjacent to the market so as not to interfere with vehicular traffic on adjacent thoroughfares.
10. All property owned by the Crystal Lakes Property Owners Association, and use of said property as approved by the Crystal Lakes Property Owners Association except where regulated by other provisions of the Clark County Zoning Regulations.

Section 208 PD, Planned Development Districts

PRINCIPAL PERMITTED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT (Feet)	Footnotes (Restrictions)
	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)		REAR (Setback)		
				SIDE				
			LEAST WIDTH	SUM of BOTH				
1. PD-B (BUSINESS)								1
2. PD-C (CONSERVATION)								
3. PD-I (INDUSTRIAL)								1
4. PD-M (MIXED USE)								1
5. PD-O (OFFICE)								1
6. PD-R (RESIDENTIAL)								1
7. PD-O (OFFICE)								1
CONDITIONALLY PERMITTED USES (Requires BZA Approval):								
1. Home Occupation								2

Footnotes to Section 208

1. The requirements for Manufactured Home Parks contained in Section 408 shall also apply.
2. Subject to requirements for Home Occupations specified in Section 728.

Section 209

Office Districts

O-1, Office Business

OR-2, Office Residential

PRINCIPAL PERMITTED AND CONDITIONED USES:	ZONING DISTRICTS		MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT (Feet)	Footnotes (Restrictions)
	O-1	OR-2	LOT SIZE (Area)	FRONTAGE WIDTH (feet)	FRONT (Setback)	YARD REQUIREMENTS (Feet)				
						LEAST WIDTH	SUM of BOTH	REAR (Setback)		
1. Banks and Financial Institutions	Y	N	7,500 SF	60	50				45	1, 2, 3, 4, 5, 6, 7
2. Business and/or Professional Offices, including Medical and Dental Clinics	Y	N	7,500 SF	60	50				45	1, 2, 3, 4, 5, 6, 7
3. Business Service Establishments	Y	N	7,500 SF	60	50				45	1, 2, 3, 4, 5, 6, 7
4. Incidental Business Uses	N	Y	7,500 SF	60	25	6	16	25	35	1, 2, 6, 8, 9
5. Law, Real Estate, and Insurance Offices	Y	N	7,500 SF	60	50				45	1, 2, 3, 4, 5, 6, 7
6. Single-Family Dwellings	N	Y	7,500 SF	60	25	6	16	25	35	1, 2
		Y = Yes (Permitted) N = No (Not Permitted)								

Footnotes to Section 209

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size (area) as noted below:

<u>UTILITIES SERVING PROPERTY</u>	<u>FRONTAGE</u>	<u>LOT SIZE</u>
No public sewer or water -	150'	1 acre
Public water only -	150'	¾ acre
Public sewer only -	100'	½ acre

2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or approval from the Ohio EPA, as applicable. [rev. 12-13-2013; rev. 11-4-2020]
3. No side yard shall be required, except that a side yard of twenty-five (25) feet shall be required between the principal building within an O-1 District and the lot line of any lot within an A-1 or "R" district; and, if located on a corner lot, the side yard requirement shall be twenty-five (25) feet when such side yard abuts on a public thoroughfare.
4. The rear yard requirement for all Principal Permitted and Conditioned uses in the O-1 District shall be twenty (20) feet, except when a lot abuts an A-1 or "R" District, in which case the required rear yard shall be forty (40) feet.
5. All commercial areas adjacent to Agricultural or Residential Districts shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service and storage areas from the view of adjacent agricultural or residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
6. All uses, activities, and transactions (with the exception of off-street parking and loading/unloading) shall be conducted entirely within an enclosed building.
7. No business or office unit in this District shall contain more than five thousand (5,000) square feet of ground floor space.
8. Related buildings and structures may include storage structures and other accessory buildings as defined in Chapter 10.
9. Subject to requirements for Office-Residential uses specified in Section 738.

Section 210 B-1, Neighborhood Business [eff. 11-6-2008]

PRINCIPAL PERMITTED AND CONDITIONED USES	Footnotes (Restrictions)
1. Business and/or Professional Offices	1, 2, 3, 4, 5, 6
2. Banks, Financial Institutions, & Loan Businesses	1, 2, 3, 4, 5, 6
3. Custom Butcher Shop or meat market	1, 2, 3, 4, 5, 6
4. Funeral Homes & Mortuaries	1, 2, 3, 4, 5, 6
5. Local retail or service establishments, including: camera, photo, or electronic store grocery, fruit or vegetable store bakery goods, pizza or delicatessen store toy store, hobby store, or home decorations store book store, news stand, or stationery store drugstore, florist, jewelry, gift, or optical store laundromat, clothes cleaning & laundry pick-up station luggage or leather goods store health & fitness center including spas pressing, alteration, sewing & garment repair shoe store or shoe repair shop durable goods, furniture & appliance store hardware store, barber or beauty shop candy or ice cream store tattoo parlor [eff. 12-13-2013]	1, 2, 3, 4, 5, 6
6. Motor Vehicle Fuel Only Station [rev. 11-4-2020]	1, 2, 3, 4, 5, 6, 9
7. Radio and Television Broadcasting Studios	1, 2, 3, 4, 5, 6
8. Restaurant excluding: a) Drive-in or Drive-thru b) those providing entertainment or dancing	1, 2, 3, 4, 5, 6
CONDITIONALLY PERMITTED USES – Requires BZA Approval	
1. Churches & similar places of worship	1, 2, 3, 4, 5, 29
2. Clubs, Fraternal or Lodge Organizations	1, 2, 3, 4, 5, 6
3. Commercial Recreation – Indoor [rev. 11-4-2020]	1, 2, 3, 5, 6, 19
4. Daycare Centers	1, 2, 3, 4, 5, 6, 8
5. Nursing Homes, Convalescent Homes, and Assisted Living Facilities [eff. 12-13-2013]	1, 2, 3, 5, 10

Table 2.1

<u>MINIMUM LOT FRONTAGE</u> 75' (subject to Footnote 1)	<u>MINIMUM LOT AREA</u> 10,000 square feet (subject to Footnote 1)	<u>MINIMUM FRONT YARD SETBACK</u> 35'	<u>MAXIMUM BUILDING HEIGHT</u> 35'
MINIMUM BUILDING SIDE AND REAR SETBACKS			
When abutting any Districts except "O", "B", or "I" Districts Minimum Side Setback = 20' Minimum Rear Setback = 50'		When abutting any "O", "B", or "I" Districts Minimum Side Setback = 5' Minimum Rear Setback = 20'	
When abutting any zoning jurisdiction other than Clark County Minimum Side Setback = 20' Minimum Rear Setback = 50'			

Section 211 B-2, Community Business [eff. 11-6-2008]

PRINCIPAL PERMITTED AND CONDITIONED USES	Footnotes (Restrictions)
1. Uses listed as "Principal Permitted & Conditioned Uses" in the B-1 District but said uses must meet B-2 frontage, area, setbacks and other standards or Chapter 7 requirements if more restrictive.	
2. Air Conditioning, Plumbing, Heating, and Roofing Shops	1, 2, 3, 4, 5, 6
3. Antique and antique refinishing shop	1, 2, 3, 4, 5, 6
4. Automotive Parts Store selling new or newly remanufactured parts and/or tires and batteries	1, 2, 3, 4, 5, 6
5. Bowling alleys or billiard parlors	1, 2, 3, 4, 5, 6
6. Car Rental pick up facility	1, 2, 3, 4, 5
7. Car Washes	1, 2, 3, 4, 5, 16
8. Commercial Recreation – Indoor [rev. 11-4-2020]	1, 2, 3, 4, 5, 6, 19
9. Furniture upholstery & refinishing shop	1, 2, 3, 4, 5, 6
10. Garden Centers, Greenhouses, and Landscaping Businesses [rev. 12-13-2013]	1, 2, 3, 4, 5
11. Indoor Motion Picture Theaters	1, 2, 3, 4, 5, 6
12. Motor repair of small equipment excluding farm machinery and vehicles [eff. 12-13-2013; rev. 11-4-2020]	1, 2, 3, 4, 5, 6
13. Motor vehicle Fuel, Service and/or Repair [rev. 11-4-2020]	1, 2, 3, 4, 5, 6, 15
14. Printing, publishing, and lithograph shops	1, 2, 3, 4, 5, 6
15. Restaurants, including Drive-in, Carry-out, and Drive-thru excluding: a) those providing entertainment or dancing	1, 2, 3, 4, 5, 6, 14
CONDITIONALLY PERMITTED USES – Requires BZA Approval	
1. Uses listed as "Conditionally Permitted Uses" in the B-1 District but said uses must meet B-2 frontage, area, setbacks and other standards or Chapter 7 requirements if more restrictive.	
2. Animal Clinic or Hospitals, and Kennels	1, 2, 3, 4, 5, 6, 12
3. Bars and Taverns	1, 2, 3, 4, 5, 6, 13
4. Commercial Recreation – Outdoor [rev. 11-4-2020]	1, 2, 3, 4, 5, 6, 11

Table 2.2

<u>MINIMUM LOT FRONTAGE</u> 100' (subject to Footnote 1)	<u>MINIMUM LOT AREA</u> 15,000 square feet (subject to Footnote 1)	<u>MINIMUM FRONT YARD SETBACK</u> 35'	<u>MAXIMUM BUILDING HEIGHT</u> 35'
MINIMUM BUILDING SIDE AND REAR SETBACKS			
When abutting any Districts except "O", "B", or "I" Districts Minimum Side Setback = 25' Minimum Rear Setback = 60'		When abutting any "O", "B", or "I" Districts Minimum Side Setback = 5' Minimum Rear Setback = 20'	
When abutting any zoning jurisdiction other than Clark County Minimum Side Setback = 25' Minimum Rear Setback = 60'			

Section 212 B-3, General Business [eff. 11-6-2008]

PRINCIPAL PERMITTED AND CONDITIONED USES	Footnotes (Restrictions)
1. Uses listed as "Principal Permitted & Conditioned Uses" in the B-2 District but said uses must meet B-3 frontage, Area, setbacks and other standards or Chapter 7 requirements if more restrictive.	
2. Animal Clinic or Hospitals, and Kennels	1, 2, 3, 4, 5, 6, 12
3. Automotive sales – new & used	1, 2, 3, 4, 5
4. Building Material Sales Yard	1, 2, 3, 4, 5, 6, 17
5. Building and Related Trades	1, 2, 3, 4, 5, 6
6. Commercial Recreation – Indoor or Outdoor [rev. 11-4-2020]	1, 2, 3, 5, 11, 19
7. Drive-In Motion Picture Theater	1, 2, 3, 5, 18
8. Hospitals & Auxiliary Facilities	1, 2, 3, 4, 5, 6, 21
9. Motels and Hotels	1, 2, 3, 4, 5, 6, 20
10. Motor Vehicle Body Shop and/or Repair	1, 2, 3, 4, 5, 6, 15, 22
11. Restaurants, including Drive-in, Carry-out, and Drive-thru and those providing entertainment or dancing	1, 2, 3, 4, 5, 6, 14
12. Wholesale Establishments	1, 2, 3, 4, 5, 6
CONDITIONALLY PERMITTED USES – Requires BZA Approval	
1. Uses listed as "Conditionally Permitted Uses" in the B-2 District but said uses must meet B-3 frontage, area, setbacks and other standards or Chapter 7 requirements if more restrictive.	

Table 2.3

<u>MINIMUM LOT FRONTAGE</u> 100' (subject to Footnote 1)	<u>MINIMUM LOT AREA</u> 15,000 square feet (subject to Footnote 1)	<u>MINIMUM FRONT YARD SETBACK</u> 40'	<u>MAXIMUM BUILDING HEIGHT</u> 35'
MINIMUM BUILDING SIDE AND REAR SETBACKS			
When abutting any Districts except "O", "B", or "I" Districts Minimum Side Setback = 25' Minimum Rear Setback = 60'		When abutting any "O", "B", or "I" Districts Minimum Side Setback = 5' Minimum Rear Setback = 20'	
When abutting any zoning jurisdiction other than Clark County Minimum Side Setback = 25' Minimum Rear Setback = 60'			

Section 213 B-4, Heavy Business District [eff. 11-6-2008]

PRINCIPAL PERMITTED AND CONDITIONED USES	Footnotes (Restrictions)
1. Uses listed as "Principal Permitted & Conditioned Uses" in the B-3 District but said uses must meet B-4 frontage, area, setbacks and other standards or Chapter 7 requirements if more restrictive	
2. Bottling of Soft Drinks and Milk or Distribution Stations	1, 2, 3, 4, 5, 6, 23, 24, 26
3. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	1, 2, 3, 4, 5, 6, 25, 26
4. Carting, Express, or Hauling Establishment	1, 2, 3, 4, 5, 6, 24, 26
5. Commercial Recreation – Indoor or Outdoor [rev. 11-4-2020]	1, 2, 3, 4, 5, 11, 19
6. Contractor's Equipment Storage Yard or Storage & Rental of Contractor's Equipment	1, 2, 3, 4, 5, 24, 26
7. Mini-Warehouse or Self Storage Facility	1, 2, 3, 24, 26
8. Motor Vehicle, boat, & Camper Storage	1, 2, 3, 4, 5, 24, 26 & 27
9. Recycling center & transfer station	1, 2, 3, 4, 5, 6, 24, 26
10. Research facility [rev. 12-13-2013]	1, 2, 3, 4, 5, 6, 24, 26
11. Stone or Monument Works	1, 2, 3, 4, 5, 6, 24, 26
12. Trucking and Motor Freight Station or Terminal	1, 2, 3, 4, 5, 26
PRINCIPAL PERMITTED AND CONDITIONED USES	
CONDITIONALLY PERMITTED USES – Requires BZA Approval	
1. Uses listed as "Conditionally Permitted Uses" in the B-3 District but said uses must meet B-4 frontage, area, setbacks and other standards or Chapter 7 requirements if more restrictive.	
2. Adult Entertainment Establishments	1, 2, 3, 5, 6, 28
3. Truck Stop [11-4-2020]	1, 2, 3, 5, 30

Table 2.4

<u>MINIMUM LOT FRONTAGE</u> 100' (subject to Footnote 1)	<u>MINIMUM LOT AREA</u> 25,000 square feet (subject to Footnote 1)	<u>MINIMUM FRONT YARD SETBACK</u> 50'	<u>MAXIMUM BUILDING HEIGHT</u> 35'
MINIMUM BUILDING SIDE AND REAR SETBACKS			
When abutting any Districts except "O", "B", or "I" Districts Minimum Side Setback = 30' Minimum Rear Setback = 70'		When abutting any "O", "B", or "I" Districts Minimum Side Setback = 5' Minimum Rear Setback = 20'	
When abutting any zoning jurisdiction other than Clark County Minimum Side Setback = 30' Minimum Rear Setback = 70'			

Footnotes to Sections 210, 211, 212 & 213

1. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage and lot size(area) as noted below: [eff. 4-4-1996]

<u>UTILITIES SERVING PROPERTY</u>	<u>FRONTAGE</u>	<u>LOT SIZE</u>
No public sewer or water -	150'	1 acre
Public water only -	125'	¾ acre
Public sewer only -	100'	½ acre

NOTE: Public sewer and water required for three-, four-, or multiple-family dwellings.

2. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or from the Ohio EPA. [eff. 4-4-1996; rev. 12-13-2013; rev. 11-4-2020]
3. All areas not containing a building or which are not paved shall be landscaped. [eff. 11-6-2008]
4. Cross access for vehicular traffic shall be provided to existing or proposed adjacent commercial uses. [eff. 11-6-2008]
5. All commercial areas shall provide screening of shrubbery or artificial fencing so as to hide trash collection areas and service and storage areas from view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
6. All uses, activities, and transactions (with the exception of off-street parking, loading/unloading, and outdoor seating areas associated with restaurants) shall be conducted entirely within an enclosed building.
7. Subject to requirements for Funeral Homes and Mortuaries specified in Section 725.
8. Subject to requirements for Day-Care Centers specified in Section 718.
9. Subject to requirements for Motor Vehicle Fuel Only Stations specified in Section 734. [eff. 12-4-2020]
10. Subject to requirements for Nursing Homes, Convalescent Homes, Assisted Living Facilities specified in Section 737. [eff. 12-13-2013]
11. Subject to requirements for Commercial Recreation Outdoor specified in Section 715. [rev. 11-4-2020]
12. Subject to requirements for Animal Clinics or Hospitals, and Kennels specified in Section 707.
13. Subject to Requirements for Bars and Taverns specified in Section 708.
14. Subject to requirements for Drive-in Restaurants, Fast Food Restaurants, Carry-out Restaurants, and/or Drive-through Retail Establishments specified in Section 722.
15. Subject to requirements for Motor Vehicle Fuel, Service and/or Repair specified in Section 736. [eff. 12-4-2020]
16. Subject to requirements for Car Washes specified in Section 712.
17. Subject to requirements for Building Materials Sales Yards specified in Section 710.
18. Subject to requirements for Drive-In Motion Picture Theaters specified in Section 721.
19. Subject to requirements for Commercial Recreation Indoor specified in Section 715. [rev. 11-4-2020]
20. Subject to requirements for Motels and Hotels specified in Section 733.
21. Subject to requirements for Hospitals and Auxiliary Facilities specified in Section 729.
22. Subject to requirements Motor Vehicle Bod Shop and/or Repair specified in Section 735. [eff. 11-4-2020]
23. All buildings used for such processing and distribution together with loading space shall be at least one hundred (100) feet from any R-District.

24. All uses must comply with the following:
 - a) When conducted wholly within a completely enclosed building, said building must not be located within one hundred (100) feet of any R-District, PD District, or existing residential structure; or
 - b) When conducted within an area enclosed on all sides with a solid wall or solid fence not less than six (6) feet high, said use shall not be within two hundred (200) feet of any R-District, PD District, or existing residential structure.
25. Such uses shall not employ power driven tools except if employing such tools within a completely enclosed building and said building must be located at least one hundred (100) feet from any R-District or existing residential structure.
26. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried wastes.
27. Outside storage of motor vehicles, boats, and recreational vehicles shall be kept in an organized manner and completely enclosed area with a solid wall or fence eight (8) feet in height. This use shall not be considered to include junkyards, or disabled or inoperable vehicle storage as defined in Chapter 10. [rev: 12-13-2013]
28. Subject to requirements for Adult Entertainment Establishments specified in Section 704.
29. Subject to requirements for Churches and Similar Places of Worship specified in Section 714. [eff. 11-6-2008]
30. Subject to requirements for Truck Stops in Section 747. [eff. 12-4-2020]

Section 214 I-1, Light Industrial District [rev.11-4-2020]

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM LOT SIZE	MINIMUM FRONTAGE	Footnotes (Restrictions)
1. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	1 Acre	150 feet	1, 2, 3, 5, 12, 13
2. Carting, Express or Hauling Establishment	1 Acre	150 feet	1, 2, 3, 5, 12, 13
3. Commercial Recreation – Indoor & Outdoor	1 Acre	150 feet	1, 2, 3, 5, 16
4. Contractor's Equipment Storage or Storage & Rental of Contractor's Equipment	1 Acre	150 feet	1, 2, 3, 5, 12, 13
5. Light Industrial & Manufacturing Establishments	1 Acre	150 feet	1, 2, 3, 5, 12, 13
6. Manufacturing Retail Outlets	1 Acre	150 feet	1, 2, 3, 4, 5, 12, 13
7. Motor Vehicle, Boat & Camper Storage	1 Acre	150 feet	1, 2, 3, 5, 12, 13, 15
8. Recycling Center & Transfer Station	1 Acre	150 feet	1, 2, 3, 5, 12, 13
9. Research Facility	1 Acre	150 feet	1, 2, 3, 5, 12, 13
10. Self-Storage Facility	1 Acre	150 feet	1, 2, 3, 5, 12, 13
11. Stone or Monument Works	1 Acre	150 feet	1, 2, 3, 5, 12, 13
12. Trucking and Motor Freight Station or Terminal	1 Acre	150 feet	1, 2, 3, 5, 12, 13
13. Warehouses	1 Acre	150 feet	1, 2, 3, 5, 12, 13
14. Wholesale Establishments	1 Acre	150 feet	1, 2, 3, 5, 12, 13
CONDITIONALLY PERMITTED USES (Requires BZA Approval):			
1. Adult Entertainment Establishments			1, 2, 3, 5, 11
2. Ground Mounted Solar and All Other Small Solar Facilities (Principal Use)	1 Acre	150 Feet	1, 2, 3, 18
3. Resource and Mineral Extraction			19

Table 2.5

Minimum requirements unless more restrictive elsewhere in these Regulations, i.e. the most restrictive requirement takes precedence	
MINIMUM FRONT YARD SETBACK 50'	MAXIMUM BUILDING HEIGHT 50' – 3 Stories
MINIMUM BUILDING SIDE AND REAR SETBACKS	
When abutting any District except "O", "B" Districts Minimum Side Setback = 40' Minimum Rear Setback = 100'	When abutting any "O", "B", Districts Minimum Side Setback = 10' Minimum Rear Setback = 40'
When abutting any zoning jurisdiction other than Clark County Minimum Side Setback = 40' Minimum Rear Setback = 100'	

Section 215 I-2, Heavy Industrial District [eff. 12-4-2020]

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM LOT SIZE	MINIMUM FRONTAGE	Footnotes (Restrictions)
1. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	1 Acre	150 feet	1, 2, 3, 12, 14
2. Carting, Express or Hauling Establishment	1 Acre	150 feet	1, 2, 3, 12, 14
3. Commercial Recreation – Indoor & Outdoor	1 Acre	150 feet	1, 2, 3, 16
4. Contractor's Equipment Storage Yard or Storage & Rental of Contractor's Equipment	1 Acre	150 feet	1, 2, 3, 12, 14
5. Demolition Disposal Facility	1 Acre	150 feet	1, 2, 3, 10, 12, 14
6. Heavy Industrial and Manufacturing Establishments	1 Acre	150 feet	1, 2, 3, 12, 14
7. Mini-Warehouse or Self-Storage Facility	1 Acre	150 feet	1, 2, 3, 12, 14
8. Motor Vehicle, Boat and Camper Storage (Indoor or Outdoor)	1 Acre	150 feet	1, 2, 3, 12, 13, 15
9. Recycling Center and Transfer Station	1 Acre	150 feet	1, 2, 3, 12, 14
10. Research Facility	1 Acre	150 feet	1, 2, 3, 12, 14
11. Stone or Monument Works	1 Acre	150 feet	1, 2, 3, 12, 14
12. Trucking and Motor Freight Station or Terminal	1 Acre	150 feet	1, 2, 3, 12, 14
13. Warehouses	1 Acre	150 feet	1, 2, 3, 12, 13, 14
14. Wholesale Establishments	1 Acre	150 feet	1, 2, 3, 12, 13, 14
CONDITIONALLY PERMITTED USES (Requires BZA Approval)			
1. Adult Entertainment Establishments			1, 2, 3, 5, 11
2. Junkyards and Automobile Wrecking Yards			1, 2, 3, 6, 14
3. Penal and Correctional Facilities	5 Acre	250 feet	1, 2, 3, 8
4. Resource and Mineral Extraction	5 Acre	250 feet	1, 2, 3, 7
5. Sanitary Landfills	5 Acre	250 feet	1, 2, 3, 9
6. Truck Stops	5 Acre	250 feet	1, 2, 3, 17
7. Ground Mounted Solar and All Other Small Solar Facilities (Principal Use)	1 Acre	150 Feet	1, 2, 3, 18
8. Resource and Mineral Extraction			19

Table 2.6

Minimum requirements unless more restrictive elsewhere in these Regulations, i.e. the most restrictive requirement takes precedence	
<u>MINIMUM FRONT YARD SETBACK</u> 50'	<u>MAXIMUM BUILDING HEIGHT</u> 50' – 3 Stories
MINIMUM BUILDING SIDE AND REAR SETBACKS	
When abutting any District except "O", "B" or "I" Districts Minimum Side Setback = 40' Minimum Rear Setback = 100'	When abutting any "O", "B", or "I" Districts Minimum Side Setback = 10' Minimum Rear Setback = 40'
When abutting any zoning jurisdiction other than Clark County Minimum Side Setback = 40' Minimum Rear Setback = 100'	

Footnotes to Sections 214 & 215

1. In every case where a lot is not served with and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the proposed method of water supply and/or disposal of wastes shall have approval from the Clark County Combined Health District or approval from the Ohio EPA, as applicable.
2. All areas not containing a building or structure, or which are not paved, shall be landscaped. Landscape screening, consisting of shrubbery, trees, and/or fencing, shall be provided along all side and rear lot lines which abut lots in all districts except "B" or "I" Districts. All such plantings and fencing shall be properly maintained in a neat and tidy manner.

3. All trash collection areas shall be screened on both sides and rear with shrubbery or fencing with one-hundred (100) percent opacity. All such shrubbery and fencing shall be properly maintained in a neat and tidy manner.
4. Manufacturing retail outlets must be clearly an accessory use to the Principal Permitted Industrial or manufacturing use and shall not occupy greater than twenty-five (25) percent of the total floor area of the industrial or manufacturing establishment. Access to a major thoroughfare shall be required.
5. All uses, activities, and transactions (with the exception of off-street parking, loading/unloading areas) shall be conducted entirely within an enclosed building(s).
6. Subject to requirements for Junkyards and Automobile Wrecking Yards specified in Section 731.
7. Subject to requirements for Resource and Mineral Extraction specified in Section 743.
8. Subject to requirements for Penal and Correctional Facilities specified in Section 739.
9. Subject to requirements for Sanitary Landfills specified in Section 744.
10. Subject to requirements for Demolition Disposal Facility specified in Section 720.
11. Subject to requirements for Adult Entertainment Establishments specified in Section 704.
12. All uses must comply with the following:
 - a) When conducted wholly within a completely enclosed building, said building must not be located within one hundred (100) feet of any R-District, PD District, or existing residential structure; or
 - b) When conducted within an area enclosed on all sides with a solid wall or solid fence not less than six (6) feet high, said use shall not be within two hundred (200) feet of any R-District, PD District, or existing residential structure.
13. Allowed uses shall not employ power driven tools except if employing such tools within a completely enclosed building and said building must be located at least one hundred (100) feet from any R-District or existing residential structure.
14. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried wastes.
15. Outside storage of motor vehicles, boats, and recreational vehicles shall be kept in an organized manner and completely enclosed area with a solid wall or fence eight (8) feet in height. This use shall not be considered to include junkyards, or disabled or inoperable vehicle storage as defined in Chapter 10.
16. Subject to requirements for Commercial Recreation – Indoor; - Outdoor specified in Section 715.
17. Subject to requirements for Truck Stops specified in Section 747.
18. Subject to requirements for Ground Mounted Solar and All Other Small Solar Facilities (Principal Use) specified in Section 746.
19. Subject to the requirements for Resource and Mineral Extraction specified in Section 743

Section 216 **Mixed Use Districts** [eff. 12-4-2020]
 MU-1, Low Intensity MU-2, High Intensity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 217 “S”, Specific Use Control

There are certain limited circumstances under which the specific use control (S-District) may be allowed. The intent is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district where better control of its use is needed to ensure the health, morals, safety, prosperity, and general welfare of the community. Specific Use control classifies or reclassifies an area in a manner which cannot be controlled as similarly situated land. All requirements of the identified district and all other general requirements shall apply to the specified use or uses. [eff. 4-4-1996]

217.01 The Specific Use Control may be implemented in the following manner:

217.01.01 The property owner or lessee (or authorized agent) may state in the application for rezoning that the property shall be used for one or more specific uses and those uses only.

217.01.02 The County Planning Commission may state that the property shall be used for one or more specific uses in its recommendation to the Rural Zoning Commission.

217.01.03 The Rural Zoning Commission may state that the property shall be used for one or more specific uses in its motion which is forwarded to the County Commissioners.

217.01.04 The County Commissioners may state that the property shall be used for one or more specific uses in its motion to rezone said property. If the County Commissioners deny or modify the recommendation of the Rural Zoning Commission, a majority vote of the Board shall be required. [eff. 12-13-2013]

217.02 The Specific Use Control is subject to the following:

217.02.01 If the specific use (or uses) is a Principal Permitted Use of a particular zoning district, the rezoning to that specific use (or uses) becomes effective thirty (30) days after the date of adoption by the County Commissioners.

217.02.02 If the specific use (or uses) is a Conditionally Permitted Use of a particular zoning district, the Board of Zoning Appeals must also approve said use (or uses) as outlined in Chapter 7 of these Regulations. The property owner or lessee (or authorized agent) may apply to the Board of Zoning Appeals for approval of the Conditionally Permitted use (or uses) only after the County Commissioners have acted upon and approved said rezoning request. [eff. 12-13-2013]

217.03 The Specific Use Control shall be noted on the official zoning maps by the designation of an “S” immediately following the particular zoning district. (Example: B-1S, B-3S, I-1S, etc.)

217.04 Any S-District designated as B-1AS, B-2AS, M-1S, or M-2S are specific uses granted under the previous zoning regulations and therefore any change in use in these districts may be granted only if an appropriate district under these regulations is requested. No change in use of an S-District as regulated under the previous zoning will be permitted.

217.05 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.

217.06 Change of Use or Uses If a property owner wishes to change the use or uses on a parcel which is designated as S (Specific Use), an application for rezoning must be completed and filed which indicates either rezoning for another specific use or uses or rezoning to another zoning district without the S Specific Use Control. If the request is to change from one specific use to another specific use, the appropriate zoning district must be requested. All such requests will be processed in accordance with Section 907.02 of these regulations.

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CHAPTER 3 OVERLAY ZONING DISTRICT REGULATIONS

Section 301 FP, Flood Plain Overlay District.

301.01 Applicability. Certain unincorporated areas of Clark County have been determined to be subject to flooding and as such have been designated as flood hazard areas. The official flood hazard map shall be the current “Flood Insurance Rate Map” (FIRM). [eff. 12-17-2009]

301.02 Additional resources in determining flood hazard areas: any other relevant document or map based on sound engineering principles and accepted by the Flood Plain Administrator. [eff. 4-4-1996; rev. 12-17-2009]

301.03 These flood hazard areas shall be designated on the Official Zoning District Map(s) as Flood Plain Overlay District(s). The provision of the underlying base District(s) shall apply in full except that the provisions of this Overlay District shall supersede conflicting provisions of the base District(s). Nothing in this Section shall be less restrictive than the provisions of the Clark County Subdivision Regulations as said Regulations apply to the subdivision of lands within this Overlay District. [eff. 3-29-1990]

301.04 Principal Permitted Uses. The following open space uses shall be permitted within a Flood Plain Overlay District to the extent that they are not prohibited by any other code or ordinance and provided that they do not require structures, fill, or storage of materials or equipment.

301.04.01 Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, and truck gardening.

301.04.02 Industrial or commercial accessory uses such as loading areas, parking areas, rail sidings, and airport landing strips, if located within an underlying Zoning District in which the use is permitted.

301.04.03 Residential accessory uses such as lawns, gardens, parking areas, and play areas, if located within an underlying Zoning District in which the residential use is permitted.

301.05 Conditionally Permitted Uses. Any uses listed as Principal Permitted Uses or Conditionally Permitted Uses in the underlying Zoning District shall be permitted within the flood fringe area only. No other uses are permitted within the boundaries of the “Floodway”. [eff. 3-29-1990]

301.06 Nothing in this Section shall be less restrictive than the provisions of the Clark County Subdivision Regulations, as said regulations apply to the subdivision of lands within this Overlay District. [eff. 3-29-1990]

301.07 The storage or processing of materials in time of flooding which are buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life shall be prohibited. [eff. 3-29-1990]

301.08 A development permit shall be obtained prior to applying for a Zoning Certificate. [eff. 3-29-1990]

301.09 Definitions: [eff. 3-29-1990]

301.09.01 “Development” means any man-made change to improved or unimproved real estate.

301.09.02 “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

301.09.03 “Flood Fringe” area is the areas outside the floodway but within the general flood prone areas as noted on the official Flood Hazard Map.

Section 302 OS Open Space Overlay District

302.01 Applicability. Within the unincorporated area of Clark County there are certain water bodies and other natural and/or culturally significant features that are worthy of preservation because of their contribution to the public welfare. Such features include the Little Miami River Scenic Corridor, Clarence J. Brown Reservoir, Clark Lake, and their associated wetland areas. In order to protect and preserve these features, additional requirements shall be imposed on new construction activity within these areas. These areas shall be designated on the Official Zoning District Map(s) as Open Space Overlay District(s). The provisions of the underlying base District(s) shall apply in full except that the provisions of this Overlay District shall supersede conflicting provisions of the base district(s). Where an Applicant for a proposed use demonstrates to the satisfaction of the Board of Zoning Appeals that the location for such proposed use would not change the character of the land to the detriment of the public welfare, and should not therefore be included in the definition of the Open Space Overlay District, the Applicant shall be exempt from the provisions of this Section. The Applicant shall provide sufficient evidence for the Board of Zoning Appeals to clearly determine that the land in question should not be subject to the provisions of this Section.

302.02 Principal Permitted Uses. The following open space uses shall be permitted within an Open Space Overlay District to the extent that they are not prohibited by any other statute or ordinance of other governmental bodies, and provided that they do not require significant alteration of the area’s hydrological and geological conditions or cause permanent preemption of land through paving or construction of buildings.

302.02.01 Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, and truck gardening.

302.02.02 Public utility uses such as waterworks, pumping stations, impoundment basins, and essential services.

302.02.03 Residential accessory uses such as lawns, gardens, parking areas, and play areas, if located within an underlying Zoning District in which the residential use is permitted.

302.03 Conditionally Permitted Uses. Any other uses listed as Principal Permitted Uses or Conditionally Permitted Uses in the underlying Zoning District shall be Conditionally Permitted Uses in an Open Space Overlay District, and therefore shall be subject to approval by the Board of Zoning Appeals.

302.04 Performance Standards. The following performance standards shall apply to all applicable uses in an Open Space Overlay District:

302.04.01 All permitted buildings and structures shall be designed so as to adequately protect the water, shoreline aesthetic characteristics, and vistas, where applicable.

302.04.02 No use shall be permitted which is likely to cause pollution of surface or subsurface waters unless adequate safeguards approved by the Ohio Environmental Protection Agency are provided.

302.04.03 Sewage disposal facilities and water supply facilities shall be provided in accordance with state and local health regulations. Storm drainage facilities shall be separate, not combined with sewage disposal systems.

302.04.04 Adequate water supply shall be available so that the groundwater quality and quantity will not be endangered by over pumping.

302.04.05 It shall be unlawful for any person, firm, or corporation to remove, fill, or use for fill, dredge, store, or excavate rock, sand, gravel, dirt, or similar material within the boundaries of the Open Space Overlay District; to fill or reclaim any land by depositing such material or by grading of existing land so as to elevate or alter the existing natural grade; or to build, alter, or repair any bulkhead or retaining wall, or to rip-rap or otherwise change the grade or shore of waterfront property without a Conditional Use granted by the Board of Zoning Appeals. Granting of such a Conditional Use is subject to other requirements and prohibitions of these Regulations and other applicable statutes or ordinances of other governmental bodies.

302.04.06 Any agricultural use, as defined in these Regulations, shall be permitted when no roads or drainage canals or ditches are constructed which would have the effect of permanently impounding, obstructing, or diverting surface or subsurface waters. Nothing in this Section shall be construed as prohibiting the construction of irrigation ditches, temporary canals, plowing of land, and similar uses which are ordinarily a normal part of agricultural operations unless undertaken for the sole or predominant purpose of impounding or obstructing surface waters; nor shall this Section be construed as prohibiting the construction of temporary roads and drainage canals incidental thereto, which roads are constructed solely for inspecting, harvesting, or planting forestry or agricultural crops, when such roads are ordinary and incidental to a forestry or agricultural operation.

302.04.07 No part of this Section shall be construed to prevent the doing of any act necessary to prevent the harm to or destruction of real or personal property as a result of a present emergency such as fire, infestation by insects or other pests, or flood hazards resulting from heavy rains or winds, when the property is in imminent peril and the necessity of obtaining an Appeal, Variance, or Conditional Use is impractical and would cause undue hardship in the protection of the property.

302.04.08 The requirements of this Section shall not be construed to govern the normal and customary grading in the area of an existing or newly constructed building or structure, or the grading of a driveway serving such building or structure. Such grading and earth moving shall be approved by the Building Inspector at the time of issuance of the Building Permit, providing that a plan showing proper drainage and protection of adjoining property has been submitted.

302.04.09 Nothing in this Section shall be construed as prohibiting ordinary gardening activities in lawn or garden areas.

302.04.10 Non-conformities may be continued; any addition or modification, however, to an existing and legal Non-conforming Use shall be in conformance with the requirements of this Overlay District.

Section 303 EOD (Eastern Edge Overlay District) [eff. 9-4-2008]

This Section is based on the principles in the "Eastern Edge Corridor Plan".

303.01 Purpose. The Eastern Edge Overlay 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 Eastern Edge Overlay District 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 Plan 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 according to the standardized zoning.

303.01.01 This Section includes both required and recommended development standards. All required zoning regulations must be complied with. Landowners are specifically encouraged to comply with recommended district uses, design standards, and economic development objectives.

303.01.02 The policy objectives intended to be achieved by the imposition of the Eastern Edge Overlay District are to:

303.01.021 Provide a tool to encourage and restrict development in a manner that is consistent with Future Land Use, Corridor Plan Goals, and infrastructure capacity.

303.01.022 Be general enough to allow some flexibility, but strong enough to influence development patterns.

303.01.023 Maintain independent, interdependent, interlocking development segments from the corridor's urban core to the rural edge.

303.01.024 Consider all affected jurisdictions' needs and visions.

303.01.025 Guide and encourage contextually and geographically advantageous new development by creating intended growth sectors and providing guidance for development in each section.

303.01.026 Encourage and support successful development types in districts with business expansion and retention.

303.01.027 Respect the areas historic and natural character.

303.01.028 Provide best management for transportation safety and demand.

303.01.029 Develop incentives for the reuse of redevelopment of properties.

303.01.0210 Conform physical design proposals to community goals and social and economic policies.

303.02 Geographic Scope. The Geographic Scope of this Plan is the East National Road Corridor from Spring Street in Springfield to New Love Road in Harmony Township. This Plan divides the East National Road Corridor into six unique transect zones as follows:

303.02.01 This Section is intended to further and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the Clark County community. This chapter is further intended to enhance and protect property values in downtown Springfield and prevent impairment and destruction of property values.

303.03 General Requirements – Overall Corridor

303.03.01 Land Use Regulations

303.03.011 Large-scale development Planned Developments should conform to the properties designated future land use as set forth in this Section and the Eastern Edge Corridor Plan.

303.03.012 Small-scale developments should conform to the properties designated future land use as set forth in this Section and the Eastern Edge Corridor Plan.

303.03.02 Land Use Districts

303.03.021 (AOS) Agriculture and Open Space

- A. The Agriculture and Open Space District shall consist of Open Space that should be, but is not yet, protected from development.
- B. The Agriculture and Open Space District shall consist of the aggregate of the following categories:
 - 1. Flood plain, including Special Flood Hazard Areas
 - 2. Steep slopes
 - 3. Open Space to be acquired
 - 4. Corridors to be acquired
 - 5. Buffers to be acquired

303.03.022 (HRRC) Highway Rural Retail Conservation Edge

- A. Highway Rural Retail Edge: This district provides for a mix of highway oriented commercial, general retail, and open space. Contiguous open space must front US-40. The mix of uses should include thirty (30) percent contiguous open space and seventy (70) percent highway oriented commercial and general retail. New development must provide a buffer from adjoining residential and agricultural development.
- B. The Mixed Use Research and Development District shall be assigned to those locations that can support Mixed Use by virtue of proximity to an existing or planned Thoroughfare.
- C. Within the Mixed Use Research and Development District, Clustered Land Development (CLD) and Traditional Neighborhood Development (TND) shall be permitted.

303.03.023 (MSMC) Main Street Mixed Core District

- A. Uses consist of a mix small and medium-scale commercial, recreational/ entertainment, office, and residential uses. Primarily, development should be the same or similar to original use and building type, exterior should be the same or similar to original traditional exterior. Secondly, if the proposed development is not original in type or design, the new development must be consistent with traditional architecture, character, and cultural heritage of the district. High-density infill development is preferred in this district, limited parking to be located in the rear and accessed from rear yard. Pedestrian-oriented access is preferred and shared parking is required where possible.
- B. The Main Street Mixed Core District designation shall be assigned to areas that, by their Intrinsic Size, Function, or Configuration, cannot conform to the requirements of a CLD, a TND, or an RCD as set forth in the Eastern Edge Overlay Land Development Regulations.

303.03.024 Residential Low Density

- A. The purpose of this district is to provide for single-family residential development consistent with the single-family residential character of lowest density residential development in the county and township rural areas. The recommend density is 1 – 0.2 units to the acre.

303.03.03 Planned Development Standards

303.03.031 Development Planning Process

- A. All new large-scale developments along the Eastern Edge Corridor must be zoned and planned as a Planned Development.
- B. Small-scale developments in the Corridor Plan area may be developed according to the standardized zoning as set forth in this Section.
- C. All large-scale Planned Developments shall comply with Table 1: Land Use Planned Development Density and Composition Standards, Planned Development Requirements set forth in each Transect. These standards provide specific land-use based project composition ratio requirements for the preparation of Planned Development zoning districts. Individual lots in such developments shall comply with all relevant requirements set forth in the Overall Corridor On-Site Improvements: Single lot, Site, and Building Plan Review, and the Transect specific On-Site Improvements: Single lot, Site, and Building Plan Review.
- D. Small developments in the Corridor Plan area shall comply with all relevant requirements set forth in the Overall Corridor On-Site Improvements: Single lot, Site, and Building Plan Review, and the Transect specific On-Site Improvements: Single lot, Site, and Building Plan Review.
- E. Planned Developments shall be prepared according to Development Type Standards outlined below in Table 2. Planned Development may contain more than one development type.
- F. Once the Planning Commission approves a Plan, the parcel shall become a Planning Area and shall be marked as such on the Zoning Map. Within the Area, this Code shall be the exclusive and mandatory zoning regulation, and its provisions shall be applied in their entirety.
- G. Planned Developments shall include a Development Plan that demonstrates compliance with Tables 1-11. The Development Plan shall consist of one or more maps and regulating documents showing the following for each in the plan area, in compliance with the standards described in this Code:
 - 1. Use Zones
 - 2. Civic Zones
 - 3. Thoroughfare network
 - 4. Site Plan to include:
 - a. Building disposition
 - b. Building configuration
 - c. Building function
 - d. Parking location standards
 - e. Landscape standards
 - f. Signage standards
 - g. Drainage standards
 - h. Architectural standards
 - i. Lighting standards
 - j. Sound standards

303.03.032 Development Types

A. Clustered Land Development (CLD)

1. Clustered Land Development (CLD) should be permitted within the MUCE and CTC Land Use District and the MURD and HRRC Land Use District.
2. CLD should be structured by one standard pedestrian walkway and should consist of no fewer than ten (10) acres and no more than one hundred-twenty (120) acres.
3. CLD should include thirty (30) percent – forty (40) percent Green Space.

B. Traditional Neighborhood Development (TND)

1. A Traditional Neighborhood Development (TND) should be permitted within the MSMC, MUCE and the MUCD Land Use District.

C. Regional Center Development (RCD)

1. A Regional Center Development (RCD) should be permitted within the CTC Land Use District and the MURD and UCC Land Use District.
2. A RCD within the CTC Land Use District should be structured by one (1) long pedestrian walkway or linear pedestrian walkway and should consist of no fewer than thirty (30) acres and no more than one hundred twenty (120) acres.
3. For larger sites, a RCD may be adjoined without buffer by one or more TNDs. The simultaneous planning of adjacent parcels is encouraged. Any TND or RCD on an existing or projected rail or Bus Rapid Transit (BRT) network may be re-designated in whole or in part as Transit-Oriented Development (TOD) and permitted the higher Density.

D. Transit-Oriented Development (TOD)

1. Any TND or RCD on an existing or projected rail or Bus Rapid Transit (BRT) network may be re-designated in whole or in part as TOD and permitted the higher density.

E. Infill TND (Traditional Neighborhood Development)

1. Infill TND should be assigned to neighborhood areas that are predominantly residential with one or more mixed use corridors or centers.
2. The edges of an infill TND should blend into adjacent neighborhoods and/or a downtown without buffers.

1. Infill RCD (Regional Infill RCD) should be assigned to urban areas that include significant office and retail uses as well as government and other civic institutions of regional importance.

2. The edges of an infill RCD should blend into adjacent neighborhoods with buffers.

F. Center Development)

G. Infill TOD (Transit-Oriented Development)

1. Any infill TND or infill RCD on an existing or projected rail or BRT network may be re-designated in whole or in part as TOD and permitted the higher density.

303.03.033 Civic Zones

- A. Civic zones shall comply with Tables 5 and 9.
- B. Civic Zones dedicated for public use shall be required for each planned development and designated on the Planned Development as civic space (CS) and civic building (CB).
- C. Civic Zones dedicated for public use shall be required for each single lot development. Such civic zones shall include and comply with pedestrian-oriented space and feature requirements.
- D. Civic Building Zones may be sites dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, education, religion, government, transit and municipal parking.

303.03.04 On-Site Improvements: Single lot, Site, and Building Plan Review

303.03.041 Lot Configuration:

- A. The purpose and intent of the Lot Configuration regulations is to create a lot dimension that fulfills the goals of a transect-based land use system and limited access roadway system. Lot and streets should effectively use land, protect land value, protect natural features, and safely organize traffic. Lots and streets in each district should be compatible and should have transitioning features from the urban areas to rural areas to retain natural infrastructure and visual character.
- B. Lots shall conform to Tables 5 and 10.
- C. Parcels shall be required to connect to adjoining properties to provide cross access for parking, drive, and pedestrian walkways. This may require commitment of easement on subdivision plats, and or building site plans. Staff reserves the right to enforce through zoning and subdivision review.

303.03.042 Building Configuration:

- A. The purpose of Building configuration standards is to enforce the physical and visual connection between businesses, streets, residents, and open spaces in order to create a vibrant and attractive business and streetscape environment in urban areas, and retain natural infrastructure and visual character in rural areas.
- B. Building and site plans submitted under this code shall show the following, in compliance with the standards described in this code:

<ul style="list-style-type: none"> 1. Building disposition 2. Building configuration 3. Building function 4. Parking location standards/ pedestrian walkways 5. Landscape and green space standards 6. Signage standards 	<ul style="list-style-type: none"> 7. Drainage standards 8. Architectural standards 9. Lighting standards 10. Sound standards 11. Civic zones/pedestrian-oriented features
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- C. Building site plan shall comply with Tables 3-10.
- D. Single lots and buildings located within a Planned Development or infill shall be subject to the requirements of this Table 3. Lots contained in existing Planned Developments approved prior to the adoption of this code shall be exempt.

- E. Landscaping, building height, building location and orientation, massing, and architectural style should reflect local characteristics. They should be consistent with the positive attributes of the adjacent businesses and neighborhoods. Corridor specific design standards can be used to establish the positive attributes of an area.
- F. Physical and visual connection between businesses should be considered during the design phase.

303.03.043 Architectural:

- A. The purpose of architectural standards is to preserve, promote and enhance the historic, archeological, cultural, scenic, natural and recreational characteristics that are the intrinsic qualities of the East National Road Corridor by supporting the Goals of the East National Road Corridor Plan and the Ohio Historic National Road Corridor Management Plan.

303.03.044 Screening

- A. The purpose of the screening standards is to provide compatible screening of parking from streets, and transition between residential neighborhoods and businesses.
- B. See transect specific code to follow, and all applicable related codes.

303.03.045 Landscaping

- A. The purpose of the landscape standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to increase the compatibility between different intensities of land uses by providing visual barriers that minimize the impacts of noise, light and glare, interrupt the barren expanse of paved parking lots, contribute to the image and appeal of the community, and enhance property values.
- B. Landscaping, green space, and impervious surface coverage shall conform to Tables 3, 5, and 9.
- C. See transect specific code to follow, and all applicable related codes.

303.03.046 Lighting

- A. The purpose of the lighting standards is to establish lighting compatible with the development as well as the surrounding area and streetscape, and to promote pedestrian and vehicular safety, and to improve the aesthetic appearance of public and private streetlights.
- B. Lighting intensity shall conform to Table 11. [rev. 11-4-2020]
- C. Lighting type shall conform to Graphic 1.

303.03.047 Sound

- A. The purpose of the sound standards is to establish sound levels compatible with the development as well as the surrounding area.
- B. Sound intensity shall conform to Table 12. [rev. 11-4-2020]

303.03.048 Signage

- A. See transect specific code to follow, and all applicable related codes.

303.03.049 Parking Location and Drive

- A. The purpose of Parking and Drive standards is to minimize the impact of parking and drive facilities by treating them in a manner that does not dominate the main structures or pedestrian realm, maintains the safety and viability of the businesses,
- B. Parcels shall be required to connect to adjoining properties to provide cross access for parking, drive, and pedestrian walkways. This may require commitment of easement on subdivision plats, and or building site plans. Staff reserves the right to enforce through zoning and subdivision review.
- C. Parking shall comply with Table 4.
- D. Private and public drives shall comply with Tables 5-8.
- E. Parking should be accessed by rear drives, alleys or streets.
- F. Shared parking shall be used wherever possible.
- G. Transit should be utilized where possible.
- H. Structured parking shall be located at approved locations and conform to development standards.

303.03.0410 Natural Drainage

- A. Trees should be planted below the grade of the sidewalk and the street in structural cells with sufficient root space.
- B. Green walls, if provided, shall be restricted to non-invasive species.
- C. Native plant perennial landscapes shall replace turf grass wherever possible and be highly diverse. These should be placed lower than walkways, not mounded up.
- D. The landscape installed shall consist primarily of durable species tolerant of soil compaction.
- E. Planter boxes should be bottomless, flow-through boxes with native plants, placed next to buildings and designed to capture building runoff. They may be placed in courtyards or adjacent sidewalks with runoff sent to them via French drains or hidden pipes.

303.03.0411 Pre-Existing Conditions

- A. Existing buildings and appurtenances that do not conform to the provisions of this code may continue in use as they are until a substantial modification is requested.
- B. The modification of existing buildings is permitted if such changes result in greater conformance with the specifications of this code. Except as otherwise provided, a nonconforming structure may be structurally enlarged, provided it is structurally enlarged in a way that does not increase or extend the manner in which the structure in nonconforming.

303.03.05 Off Site Improvements

303.03.051 ROW Improvements: Public Frontages

- A. Public frontages should conform to Tables 4, 7, 9, and 10.
- B. The Frontage contributes to the character of the Transect Zone, and includes the types of Sidewalk, Curb, Planter, Bike Lanes and Street Trees.
- C. Within the Public Frontages, the prescribed types of Planting and Lighting should comply with the approved tree list and Tables 5, 8, 10, and 11. The spacing may be adjusted to accommodate specific site conditions.
- D. Right-of-Way width of forty (40) feet or less shall be exempt from the tree requirement.

303.03.052 Thoroughfare Standards

- A. Roadway Standards should comply with Tables 5 and 6.
- B. Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access between lots.
- C. Thoroughfares shall be designed in context with the urban form and the Transect Zones through which they pass.
- D. All Thoroughfares should terminate at other Thoroughfares, forming a network. Internal drives shall connect to those on adjacent sites in all cases in which it is possible or necessary for traffic and access management.

303.06 General Requirements – Rural Vista: Transect 1

On-Site Improvements: Single lot, Site, and Building Plan Review

303.06.01 Building Configuration

303.06.011 In rural/scenic locations the placement of new buildings should be based on minimizing the impact on natural features and the views from the road. Generous building setbacks will help preserve the rural character of these segments of the roadway corridor.

303.06.012 If visible from the road, place buildings toward the rear of the property.

303.06.013 If visible from the road, orient new structures so that the front door or perceived front of the structure faces the road.

303.06.02 Architectural

303.06.021 New architecture in rural and scenic locations should seek to compliment the historic qualities of the road through its character and style as well as its material and colors.

303.06.022 Use of natural materials such as brick, stone, and wood are encouraged on all buildings that are visible from the road.

303.06.023 Use of imitation finish materials, such as vinyl siding and cultured stone, should be properly detailed in terms of width, profile, grain, and jointing. Predominant building colors should be limited to muted earth tones to blend with the surrounding landscape.

303.06.024 Lighter colors, including white, are appropriate on smaller building types, but should not be used on larger building types such as industrial or warehouse structures.

303.06.025 In rural/scenic areas, new architecture should seek to incorporate traditional forms and details. When possible, preserve and integrate existing structures (i.e. barns, silos, outbuildings) into new architectural compositions. Integrate traditional elements such as gables and roof dormers into new structures.

303.06.03 Screening

303.06.031 In rural/scenic areas, solutions for screening should be subtle and appear natural.

303.06.032 Screening should include a split rail fence or a wood post and wire fence, as well as native shrub species and native tree species commonly found in rural hedgerows. The composition of the hedgerow and the level of opacity may vary based on the desired level of screening.

303.06.033 Parking areas should be screened with a continuous three (3) to four (4) feet high screen to shield headlights.

303.06.04 Landscaping

303.06.041 In rural and scenic settings, plant materials should complement architecture, frame or screen views, and blend with the rural and scenic setting.

303.06.042 Use native Ohio tree and shrub species. Native plants blend new development into the existing environment, require minimal maintenance, and provide appropriate habitat for local wildlife.

303.06.043 Choose foundation plantings carefully to avoid obscuring historic buildings or special architectural features. In some cases, natural stone foundations are important architectural details that should not be screened entirely.

303.06.05 Lighting

303.06.051 Use roadway lighting only to enhance safety where dangerous conditions exist. Lighting shall be directed or shielded to avoid light spillage to adjacent properties.

303.06.052 No lighting level measured at the building Frontage Line shall exceed 0.5 fc.

303.06.06 Sound: Sound levels measured at the building Frontage Line shall not exceed sixty-five (65) decibels from sunrise to midnight and fifty-five (55) decibels from midnight to sunrise.

303.06.07 Signage

303.06.071 The number of signs, the size of signs, and the amount of information placed on a sign can all distract a motorist and create visual clutter along this scenic byway. The number of signs should be limited to one (1) building-mounted wall sign along with one (1) ground-mounted sign.

303.06.072 In the rural/scenic, allow for one (1) building-mounted wall sign per business. The maximum allowable size should not exceed one (1) square foot of sign face for every lineal foot of width of building face to which the sign is attached. Painted barn signs may exceed this requirement.

303.06.073 Prohibited signs in rural/scenic areas of the corridor should include: off-premise signs, billboard signs, signs with flashing lights, roof signs, rotating or animated signs, and changeable copy signs. Special exceptions should be made to preserve Route 40 era diner and motel signs.

303.06.074 Wall signs should be lit by inconspicuous building-mounted fixtures with a concealed light source.

303.06.075 Monument signs should be up-lit from a ground-mounted fixture with a concealed light source.

303.06.076 New internally illuminated sign cabinets should be prohibited in rural/scenic areas.

303.06.08 Parking Location and Drive

303.06.081 In rural/scenic locations, the design and placement of parking areas should be based on minimizing the impact on natural features and the views from the road.

303.06.082 On larger parcels, place all parking areas no closer than one hundred (100) feet from the road right-of-way. If possible, locate new parking areas behind existing vegetation or existing landform to visually screen the parking lot from the road.

303.06.083 Access points (or driveways) along the road, while necessary, shall be carefully considered in order to maximize safety. Multiple site entrances and exits create traffic conflicts and visual clutter.

303.06.084 One (1) identifiable point of access (driveway) should be provided to all properties along the road. Multiple access points may be provided based on parcel size and use but shall be approved by the Ohio Department of Transportation (ODOT).

303.07 General Requirements – Historic Rural Pike Town: Transect 2

On-Site Improvements: Single lot, Site, and Building Plan Review

303.07.01 Building Configuration

303.07.011 The placement of new buildings in Pike Town settings should be consistent with existing structures in order to maintain the “building wall” that defines the road in these historic settings.

303.07.012 Orient all new primary structures, building additions, and accessory buildings so that they are consistent (parallel and perpendicular) with primary structures on adjacent properties.

303.07.013 Set back new structures from the road so that they are consistent with buildings on adjacent properties. If adjacent property setbacks are inconsistent, use a front setback line that is consistent with the majority of primary structures within the town. In Pike Towns, reinforce the major intersection with appropriate placement of new structures at the corners.

303.07.02 Architectural

303.07.021 Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling, except for a first floor Commercial Function, which shall be a minimum of eleven (11) feet and may be a maximum of twenty-five (25) feet. A single floor level exceeding fourteen (14) feet, or twenty-five (25) feet at ground level, shall be counted as two (2) stories.

303.07.022 New buildings should be carefully designed to blend with the existing Pike Town character. Designing a new building to “look old” is difficult and should be discouraged. However, creative and contemporary design solutions can be achieved while being sensitive to the existing context through the use of the appropriate building form, mass, materials, and placement.

303.07.023 Traditional building materials are encouraged for new construction including wood, brick, and stone. Look for historic precedent in existing structures including foundation materials, façade materials, and roof materials.

303.07.024 Encourage the use of colors that are compatible with natural materials.

303.07.03 Screening

303.07.031 Screen parking areas with a continuous three (3) to four (4) feet high screen to shield headlights.

303.07.032 Screening may be achieved with a dense vegetative hedge and/or a wood picket fence. Historic precedent exists in many of the Pike Towns for wood picket fences.

303.07.033 Screen larger unsightly elements such as dumpsters, mechanical equipment, and service areas with evergreen trees, large dense shrub masses, and/or a wood privacy fence. Wood fences should be simple in design with few, if any, ornamental details.

303.07.04 Landscaping

303.07.041 In Pike Town settings, plant materials should complement architecture and frame or screen views. Use native Ohio tree and shrub species. Avoid exotic plant types in areas visible from the road.

303.07.042 Avoid placing trees or shrubs in locations that will ultimately obscure the view of the structure from the road.

303.07.05 Lighting

303.07.051 In Pike Towns, site lighting should provide for a sense of security and way finding while not over-illuminating these quiet and understated communities. Accent lighting that is appropriately scaled and styled is encouraged for building-mounted fixtures.

303.07.052 Pedestrian-scale yard lights are encouraged, but should not exceed eight (8) feet in height.

303.07.06 Signage

303.07.061 The number of signs should be limited to one sign per business.

303.07.062 Signs in rural villages or Pike Towns should be understated and provide for the most basic function of business identification. Encourage the use of one of the following sign types:

- A. Wall Signs: These signs are panels, usually made of wood or metal, which are mounted flush against the building wall.
- B. Projecting Signs: Projecting signs are building-mounted signs that consist of a mounting bracket and a signboard that is hung from the bracket.
- C. Freestanding Signs: These signs are set permanently in the ground and supported by a frame, bracket or posts. When locating wall signs or projecting signs, avoid covering up important architectural details such as windows, transoms, cornice details, or porch elements.

303.07.063 Prohibited signs include: off-premise signs, billboard signs, signs with flashing lights, roof signs, rotating or animated signs, and changeable copy signs. Exceptions should be made for Route 40 era signage that may exist in these towns.

303.07.07 Parking Location and Drive

303.07.071 Parking should be accessed by Rear Alleys or Lanes, when such are available on the Regulating Plan.

303.07.072 A Building or Street screen should mask open parking areas from the Frontage.

303.07.073 Accommodations for off-street parking are rarely found in Pike Towns along the road. The creation of off-street parking areas is discouraged. In most of these towns along the road, parking is adequately provided as parallel parking along the edge or berm of the road.

303.07.074 On-street parking is recommended and currently provides a separation between the road and pedestrian areas while also acting as a traffic-calming device.

303.07.075 When the creation of a designated off-street parking area is required, set back the parking area behind the primary building setback line. Screening is required.

303.07.076 Access points shall be carefully considered in order to maximize safety and minimize their intrusion into the historic character of the town. Existing properties should continue to use the on-street parking and minimize the number of access drives along the road.

303.07.077 If a driveway is required, consider locating it along a side street or rear alley, if possible.

3.1 TABLES

Table 1: Land Use Planned Development Density and Composition Standards: All percentages are gross areas as a percentage of gross development plan land area, to be measured in square feet							
Land Use District	Maximum Gross Office Floor Area	Maximum Gross R&D Floor Area	Maximum Gross Commercial Floor Area	Maximum Gross Residential Floor Area	Maximum Gross Parking & Drive Area	Expected Gross Right of Way Area	Minimum Gross Open Space Area
Main Street Mixed Core	25%	0%	25%	10%	20%	10%	10%
Highway Rural Retail Edge	0%	0%	15%	0%	25%	20%	40%

Table 2: Land Use Single Lot Development Density and Composition Standards: All percentages are gross areas as a percentage of gross development plan land area, to be measured in square feet			
Land Use District	Maximum Gross Building Floor Area	Maximum Gross Parking & Drive Area	Minimum Gross Open Space Area
Main Street Mixed Core	85%	10%	5%
Highway Rural Retail Edge	25%	50%	30%

Table 3: Land Use Building and Parking Standards:								
Land Use District	Minimum Building Front Setback	Minimum Parking Front Setback	Minimum Building & Parking Side & Rear Setback	Maximum Front Setback	Minimum Height	Maximum Height	Minimum Onsite Parking Space per Square Foot	Maximum Onsite Parking Space per Square Foot
Main Street Mixed Core	0 Feet	N/A	0 Feet	10 Feet	20 Feet	50 Feet	N/A	1 per 500 SF
Highway Rural Retail Edge	100 Feet	100 Feet	15 Feet	N/A	15 Feet	35 Feet	1 per 400 SF	1 per 200 SF

Table 4 intentionally omitted.

Table 5: Vehicular Lane & Parking Assemblies			
	1 Lane	2 Lane	3 Lane
NO PARKING			

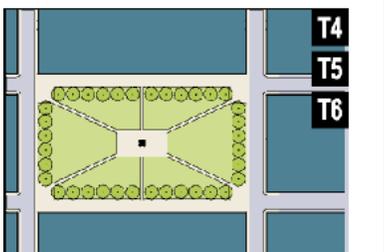
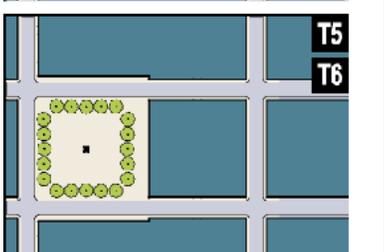
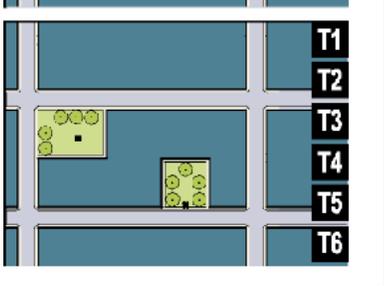
Table 6: Recommended Internal Project Roadway Types				
Development Land Use Type	Use Service Type	Dedicated Public Right of Way Vs. Private Drive	T1	T2
Main Street Mixed Core	Mixed			
Main Street Mixed Core	Mixed			
Highway Rural Retail Edge	Mixed Commercial	Private		A.1 or A.2
Green Space	Green Space / Residential	Private	A.1 or A.2	

TABLE 7: Public Frontages – General. The Public Frontage is the area between the private lot line and the edge of the vehicular lanes.

<p>a. (HW) For Highway: this Frontage has open swales drained by percolation, bicycle trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings and parking are buffered by distance or screening.</p>	
<p>b. (RD) For Road: this Frontage has open swales drained by percolation and a walking path or bicycle trail along one or both sides and yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.</p>	
<p>c. (ST) For Street: this Frontage has raised curbs drained by inlets and sidewalks separated from the vehicular lanes by individual or continuous planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced row, with the exception that streets with a right-of-way (R.O.W.) width of 40 feet or less are exempt from tree requirements.</p>	
<p>d. (DR) For Drive: this Frontage has raised curbs drained by inlets and a wide sidewalk or paved path along one side, related to a greenway or waterfront. It is separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced row.</p>	
<p>e. (AV) For Avenue: this Frontage has raised curbs drained by inlets and wide sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced row.</p>	
<p>f. (CS) (AV) For Commercial Street or Avenue: this Frontage has raised curbs drained by inlets and very wide sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible, but clears the storefront entrances.</p>	
<p>g. (BV) For Boulevard: this Frontage has slip roads on both sides. It consists of raised curbs drained by inlets and sidewalks along both sides, separated from the vehicular lanes by planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced row.</p>	

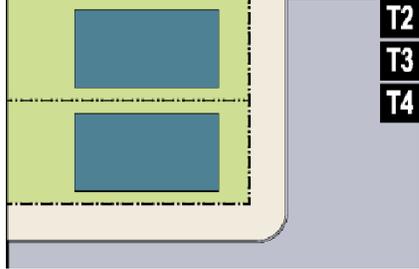
Credit: Duany Plater-Zyberk & Co.

TABLE 8: Civic Space. The intended types of civic space are diagrammed and described in this table. The diagrams are only illustrative; specific designs would be prepared in accordance to the verbal descriptions on this table.

<p>Park: a natural preserve available for unstructured recreation. A parkway be independent of surrounding building Frontages. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres.</p>	
<p>Square: an open space available for unstructured recreation and civic purposes. A square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be ½ acre and the maximum shall be 5 acres.</p>	
<p>Green: an open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be ½ acre and the maximum shall be 8 acres.</p>	
<p>Plaza: an open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be ½ acre and the maximum shall be 2 acres.</p>	
<p>Playground: an open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	

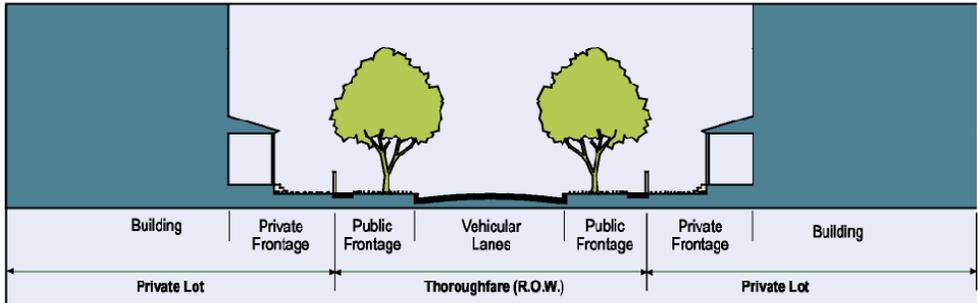
Credit: Duany Plater-Zyberk & Co.

TABLE 9: Building Disposition. This table approximates the location of the building relative to the boundaries of each individual lot. Each of these very general types is intrinsically more or less urban, depending on the extent that it completes the Frontage.

<p>Edgeyard: specific types – single family house, cottage, villa, estate house, urban villa. A building that occupies the center of its lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed backbuilding and/or outbuilding.</p>	 <p>T2 T3 T4</p>
<p>Sideyard: specific types – Charleston single house, double house, zero-lot-line house, and twin. A building that occupies one side of the lot with the setback to the other side. A shallow Frontage setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits a systematic climatic orientation in response to the sun or the breeze. If a sideyard house abuts a neighboring sideyard house, the type is known as a twin or double house. Energy costs and sometimes noise are reduced by sharing a party wall in this Disposition.</p>	 <p>T4 T5</p>
<p>Rear yard: specific types – townhouse, rowhouse, live-Work unit, loft building, apartment house, Mixed Use block, Flex building, perimeter block. A building that occupies the full Frontage, leaving the rear of the lots as the sole yard. This is a very urban type as the continuous façade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse. For its commercial form, the rear yard can accommodate substantial parking.</p>	 <p>T4 T5 T6</p>
<p>Courtyard: specific types – patio house. A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban types, as it is able to shield the private realm from all sides while strongly defining the public thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	 <p>T5 T6</p>

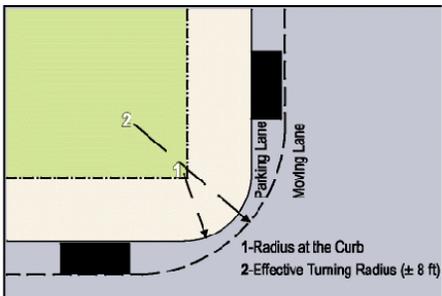
Credit: Duany Plater-Zyberk & Co

TABLE 10: Definitions Illustrated. This table provides a number of diagrams to support and clarify the Definitions.

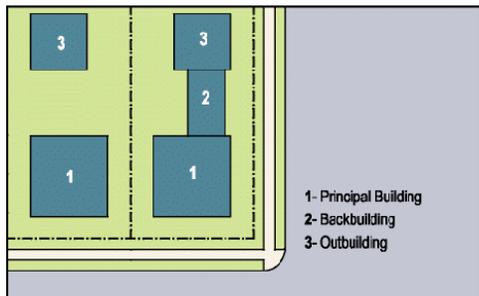


b. TURNING RADIUS

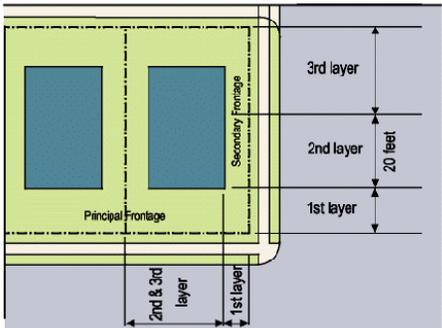
c. BUILDING DISPOSITION



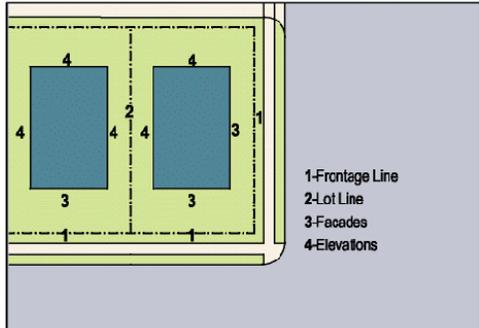
d. LOT LAYERS



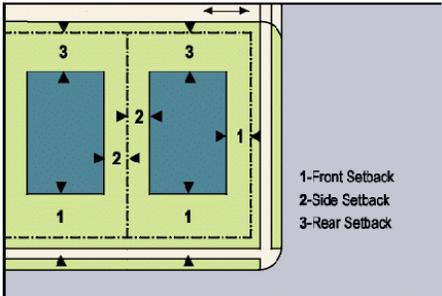
e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



g. NETWORK-BASED PEDESTRIAN SHED

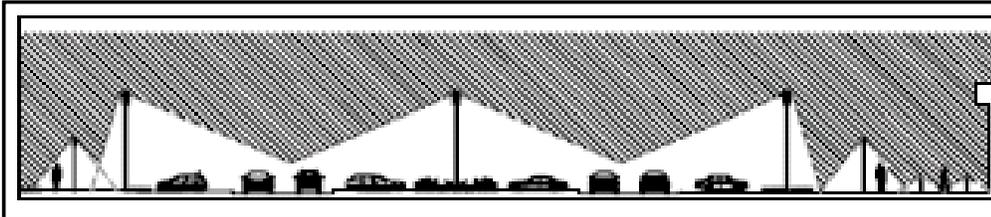


Credit: Duany Plater-Zyberk & Co.

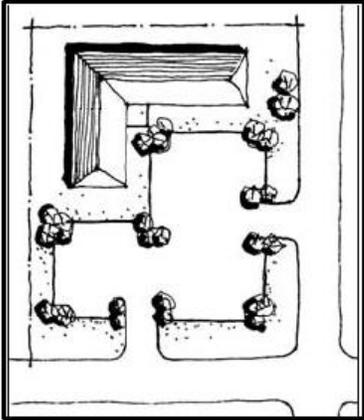
Table 11: Lighting Standards	
No lighting level measured at the property line shall exceed the following foot-candles (fc)	
T1	T2
0.5 fc	0.5 fc

Table 12: Sound Standards		
Sound levels measured at the building Frontage Line shall not exceed maximum decibels from sunrise to midnight and maximum decibels from midnight to sunrise		
	T1	T2
Maximum decibels from sunrise to midnight	65 dB	65 dB
Maximum decibels from midnight to sunrise	55 dB	55 dB

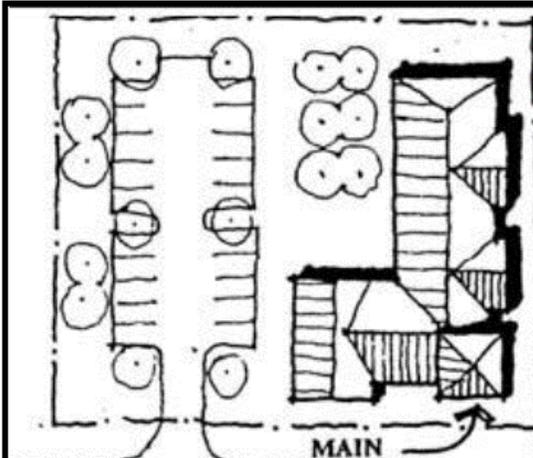
Graphic 1: Cut-off light fixtures Credit MSI



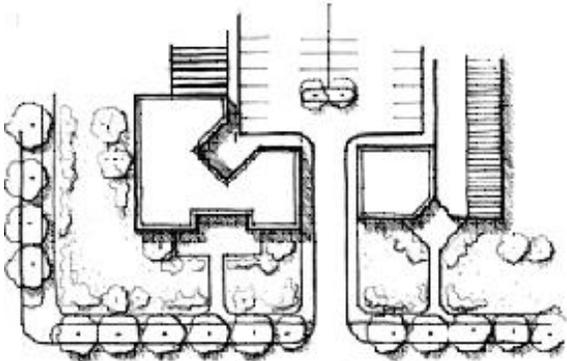
Graphic 2: Prohibited rear yard building configuration



Graphic 3: Building close to street



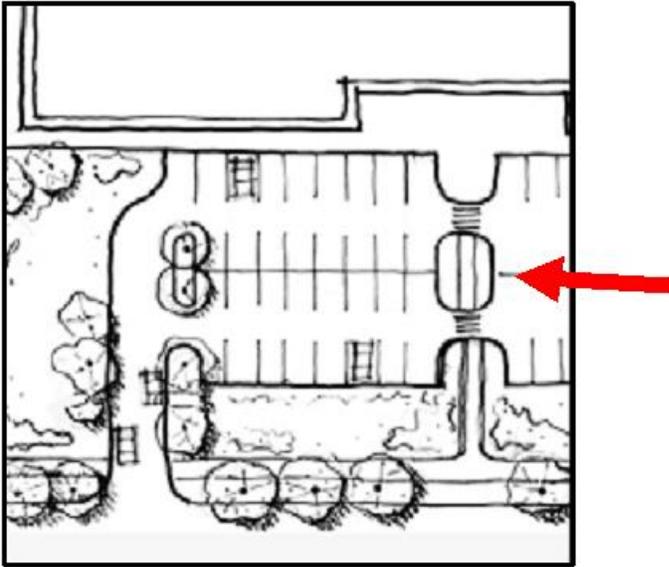
Graphic 4: Pedestrian access and shared vehicular access driveway



Graphic 5: Urban screening



Graphic 6: Walkway connecting the sidewalk and parking lot with the building



CHAPTER 4

PLANNED DEVELOPMENT DISTRICT REQUIREMENTS AND PROCEDURES

Section 401 PD Planned Development Districts Requirements & Procedures [eff. 3-25-2003]

401.01 Intent. The intent of the Planned Development Districts is 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. In addition, it is proposed to be flexible in the regulation of basic land planning and to encourage imaginative site planning that serves the overall development. Planned Development Districts are intended to be located in areas which are served with appropriate infrastructure.

401.02 Purpose. The PD Planned Development District is established to:

401.02.01 Permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone will not be contrary to the intent and purpose of the Zoning Code, inconsistent with the Land Use Plan, nor harmful to the neighborhood.

401.02.02 Conserve land through more efficient allocation of an overall development design through new techniques not available through strict adherence to usual zoning standards.

401.03 Applicability. The provisions of this Chapter may apply to any land within the unincorporated area of the County that are regulated by County Zoning, which are to be developed in a more flexible manner than permitted by the provisions of Chapter 2 of these Regulations. All requirements of the Clark County Subdivision Regulations shall be complied with.

401.04 Development Requirements.

401.04.01 The physical character of the site shall be suitable for development in the manner proposed, without hazards to persons or property on or off the site from possible flooding, erosion, subsidence or other dangers, annoyances or inconveniences.

401.04.02 The site shall have direct access to a major street* and not generate traffic on minor residential streets outside the district. This requirement does not apply to single family detached residential developments having an overall density of four dwelling units per acre or less.

* Major street is any street other than a "Local street" as shown on the Thoroughfare Plan.

401.04.03 Utilities and public facilities for the proposed development shall be installed at the expense of the developer.

401.04.04 The development shall provide for efficient, safe, convenient and harmonious grouping of structures, uses and facilities.

401.04.05 There shall be an appropriate relationship of space, inside and outside buildings, to the intended uses and structural features.

401.04.06 Provision shall be made at points of ingress, egress and within the district to ensure a free and safe flow of vehicular and pedestrian traffic.

401.04.07 Common areas and open space may be required.

401.04.08 All off-street common parking for more than five (5) cars, all service areas for loading and unloading vehicles, and all areas for storage and collection of trash and garbage shall be properly screened.

401.05 Standards for Planned Development “PD” Districts.

401.05.01 The planned development should be completed within the period of time specified in the schedule of development submitted by the developer.

401.05.02 The planned development shall not jeopardize public health, safety and morals.

401.05.03 The street system within the site shall be designed to adequately serve the proposed development, relative to use and type. If warranted or recommended by the County Engineer, the developer may be required to submit a traffic study to determine whether offsite improvements or devices are needed to maintain suitable level of service on the adjacent public roadways.

401.05.04 The development should not impose an undue burden on public services, utilities, or other infrastructure and facilities, including fire and police protection.

401.05.05 The development plan shall contain such proposed covenants, easements and other provisions relating to the proposed development standards, as are reasonably required for public health, safety and morals.

401.05.06 The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of the planned development not used for structures, parking and loading areas, or access ways, shall be landscaped, improved, or otherwise used appropriately in concert with the overall development.

401.05.07 When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear a relationship equal to or greater than to the total open space to be provided in the entire planned development as such stages or units completed or under development bear to the entire planned development.

401.05.08 A major change in the development plan is defined as: [eff. 9-4-2008]

401.05.081 An increase in the proposed baseline density of the entire project greater than fifteen (15) percent or any phase/section greater than ten (10) percent;

401.05.082 A change in the proposed uses or relocation of uses that change the character of the development;

401.05.083 A change in the proposed utilization of public infrastructure of more than fifteen (15) percent;

401.05.084 The possible creation of obstacles, barriers and service problems to traffic circulation, fire protection, public safety, and public utility services due to the revision(s);

401.05.085 A reduction by greater than five (5) percent of the designated open space;

401.05.086 An increase in any dimension of a building or structure by more than five (5) percent in any direction.

401.06 Criteria for Approval. In approving an application for a Planned Development the reviewing authorities shall determine:

401.06.01 That the proposed development is consistent with the purpose and intent applicable standards of these Zoning Regulations and the Comprehensive Plan.

401.06.02 That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained.

401.06.03 That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other Zoning Districts in these Regulations.

401.06.04 That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.

401.06.05 That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved unless left in a natural state.

401.06.06 The plan is acceptable, or will be acceptable, to the County Engineer, Clark Soil & Water Conservation District, the Clark County Combined Health District or Ohio EPA and the provider of public sewer and water (if applicable).

401.06.07 That significant cultural, historical and natural amenities of the site are preserved and protected.

401.06.08 That common areas and open space will be managed and maintained for the long term.

401.06.09 That infrastructure, including sewer and water, will be sufficient for the needs of the occupants and not precipitate health or safety problems in the future.

401.07 The Applicant/owner/developer is encouraged to undertake informal discussions of a concept plan with the County Planning Staff prior to submitting a preliminary PD plan.

401.08 Preliminary PD Plan. The owner of land, who wishes to develop his property according to the provisions of this chapter, shall submit six (6) copies of a preliminary PD plan and application for preliminary approval. The preliminary PD plan for the use and development of the area of land shall list all requested variations from requirements of the underlying district in which the tract of land is located. The preliminary PD plan may show a range of dimensions and need not have the specificity of the final plan. The application shall be accompanied by the following:

401.08.01 A location map affixed to the plan.

401.08.02 A preliminary PD plan of the proposed development drawn to an appropriate scale, showing:

401.08.021 Existing and proposed uses.

401.08.022 Topographic contours at two (2) foot intervals or less on the PD property and within two hundred (200) feet of the proposed development.

401.08.023 Location of floodplain and wetlands on the PD property and adjacent thereto.

401.08.024 Location of existing and proposed streets, including points of connection.

401.08.025 Location of existing and proposed utilities, including points of connection.

401.08.026 Location and type of drainage and storm water management facilities.

401.08.027 Approximate number of structures, by type use and size, proposed for the planned development.

401.08.028 For non-residential uses:

- A. Building size-to-lot ratio.
- B. Plans for storage of any items outside of buildings.
- C. Signage standards.

401.08.029 Proposed general arrangement of the buildings.

401.08.0210 Location and area (size) of proposed open spaces either to be held in common or publicly, and whether it is to be used for active recreational purposes or only as an environmental amenity.

401.08.0211 Sketches to show the general architectural design of buildings, types and character of the development.

401.08.0212 Legal description of the tract of land for the planned development.

401.08.0213 Parking provisions.

401.08.0214 Loading facilities, if any.

401.08.0215 Proposed landscaping approach (theme).

401.08.0216 Such other information as is necessary to ascertain compliance with the requirements of this chapter.

401.08.0217 An overview of existing and planned uses in surrounding area and expected impact of the proposed development on them.

401.08.0218 General description of natural features of the site (trees, vegetation, floodplain, wetlands, streams) and approach for preserving and protecting them during construction and final build out.

401.08.0219 Proposed timetable for development including general description and diagram of phases of development.

401.09 Preliminary PD Plan Approval. Approval of a preliminary PD plan shall be in accordance with procedures set forth herein. Approval of the zoning of the land to a PD district shall constitute approval of the preliminary plan. A preliminary PD plan shall be valid for no more than thirty-six (36) months, unless specifically provided otherwise in the PD approval. The Preliminary Plan shall be void unless a Final PD Plan has been submitted for the development within the thirty-six (36) month period for the area of land to which the PD applies or an application for a time extension is submitted prior to the thirty-six (36) month expiration date for the area of the land to which the PD applies and receives approval from the Clark County Rural Zoning Commission. [eff. 12-6-2007]

401.10 Report of County Planning Commission. Upon completion of review of the preliminary PD plan of the planned development, the Commission shall recommend either approval or denial of the plan and shall report its findings to the Rural Zoning Commission and County Commissioners. The report shall address the following: the variations in setbacks, lot area requirements, building heights, building types, sizes of buildings, consistency with the Comprehensive Plan, the combination of land uses, and traffic flow will be in the public interest, in harmony with the purposes of this code and other building regulations of the County and will not adversely affect nearby properties. [rev. 12-13-2013]

401.11 Changes in an Approved Preliminary PD Plan. Major changes in an approved preliminary PD plan shall be subject to the same procedures for approval as for the original approved plan. A major change is defined in Section 401.05.08. Any other changes are considered minor changes and may be approved by the Zoning Inspector.

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

401.12 Final PD Plan. Applications for approval of the final PD plan shall meet all the requirements of the preliminary PD plan and include the following:

401.12.01 Detailed plans and specifications of the planned development.

401.12.02 Building elevations and floor plans for all structures.

401.12.03 Details of materials to be used for exterior construction.

401.12.04 A landscape plan including screening and buffering, if necessary, between the proposed and existing development.

401.12.05 Maintenance/ownership details of open space areas including storm water facilities.

401.13 Final PD Plan of Phase/Section. After preliminary approval of the entire planned development is given, a final plan of a Phase/Section within the planned development may be approved if:

401.13.01 The plan of the Phase/Section meets all requirements of a final plan.

401.13.02 The dwelling unit density within the Phase/Section does not exceed the dwelling unit density allowable for the least restrictive use for that area under existing zoning.

401.13.03 The Phase/Section can function as an independent development unit with adequate access, services, utilities, open space, etc.

401.13.04 The developer subdivides and improves all public rights-of-way necessary to support the Phase/Section

401.13.05 The remaining Phase/Section is not left as an undevelopable remnant.

401.14 Final Plan Approval. Final approval of any PD plan, or Phase/Section thereof, shall be by:

401.14.01 Administrative Staff review for a PD not requiring the immediate or future subdividing of property, i.e. the PD is contained on one parcel and shall not be subdivided.

401.14.02 Review and approval by the Planning Commission as a subdivision when lots or parcels are shown or proposed, i.e. the normal subdivision process is required but only as a Final Subdivision Plat.

401.14.03 Approval shall be based on compliance with an approved preliminary PD plan and any modifications required by the County Rural Zoning Commission and County Commissioners at the time the land was zoned to PD. The Final Plan shall be considered void unless a building permit has been issued for the development within the thirty-six (36) month period for the area of land to which the PD applies unless an application for a time extension is submitted and approved. [rev. 12-13-2013]

401.15 Changes in an Approved Final PD Plan. Major changes in an approved final PD plan shall be subject to the same procedures for approval as for the original approved plan. A major change is defined in Section 401.05.08. Any other changes are considered minor changes and may be approved by the Zoning Inspector. [rev. 12-13-2013; rev. 11-4-2020]

401.16 Denial of PD Final Plan or Denial of Minor Change. Should a PD Final Plan be denied or a minor change be denied based on non-compliance with the PD Preliminary Plan, the Applicant may request a review by the Rural Zoning Commission for a determination of compliance or non-compliance. [rev: 12-13-2013]

Section 402 PD-R Planned Development – Residential District Requirements and Procedures [eff. 3-25-2003]

402.01 Intent. The intent of the PD-R district regulations is to:

402.01.01 Provide flexibility in architectural design, placement and clustering of buildings, use of open space, provision of traffic circulation facilities and parking, and related site and design considerations;

402.01.02 Encourage the preservation and best use of existing landscape features through development sensitive to the natural features of the surrounding area;

402.01.03 Promote efficient land use with smaller networks of utilities and streets;

402.01.04 Encourage and preserve opportunities for energy efficient development;

402.01.05 Promote an attractive and safe living environment that is compatible with surrounding residential developments; and

402.01.06 Provide an alternate method for redeveloping older residential areas and to encourage infill development.

402.02 Permitted Uses. Those uses specified as permitted principal uses, permitted accessory uses, and conditional uses in the “R-1”, “R-2”, “R-2A”, “R-3”, and/or “R-4” residential zoning districts, developed in a unified manner in accordance with the approved development plan.

402.03 Applicability. Housing shall be permitted as follows:

402.03.01 For Development of land of two (2) acres or more.

402.03.02 For development of land less than two (2) acres where such development is more appropriate and more efficient than conventional development because of environmentally sensitive areas, existing natural features or scenic assets, the amount of land available for infill development, or because of the age of existing development in the vicinity.

402.04 General Requirements. All PD-R developments shall meet the following criteria:

402.04.01 Land uses. Any residential uses are permitted. Combinations of land uses may include single-family, multifamily, and group care facilities.

402.04.02 Variations. Variations in the requirements of the underlying district may be permitted. However, setbacks required by the Ohio Revised Code, Ohio Building Code or the Residential Code of Ohio, whichever is applicable, shall be provided. [rev. 12-13-2013]

402.04.03 Dwelling unit density. The dwelling unit density shall be calculated on the buildable acreage (gross acreage less public and/or private street right-of-way, flood plain, etc.) divided by the minimum lot size (square footage) for the allowed “R” Zoning district. Lot sizes can be less than the minimum designated in the “R” District provided the dwelling unit density of the buildable acreage does not exceed the density permitted in the “R” District. Density should be in accordance with the comprehensive plan.

402.04.04 Streets. Planned developments shall make provision for the extension of streets, if any.

402.04.05 Storm water management. The planned development shall comply with the requirements for storm water management, including the provision of detention or retention basins. The developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs. Generally, such costs shall be shared by all owners of property located within the planned development, with unpaid costs becoming a lien against individual properties.

402.04.06 Open space. Except in a conventional subdivision, planned developments are encouraged to provide open space for flood control, agriculture, active or passive recreational purposes, etc., and to enhance the general character of the area. In the event the open space land is to be retained under private ownership, the developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs as with storm water detention or retention basins in Section 402.04.05.

402.04.07 Dedication of land for public or common use. All proposed dedications of land for public or common use, including those to be dedicated for recreational use, shall be approved in writing by appropriate departments of the County before the approval of the plan by the County Commissioners. [rev. 12-13-2013]

402.04.08 Ownership. At the time of approval of a preliminary plan, the developer must submit evidence of ownership of the property to be developed or show evidence of a legally binding executed option agreement for purchasing all the property.

402.04.09 Schedule of completion. A developer or sponsor of a planned development shall submit a signed statement generally describing the proposed development and setting forth an intended time schedule for the completion of various phases.

402.04.10 Other requirements. Other conditions may be imposed as deemed necessary to fulfill the purpose and intent of this chapter. Such conditions may include but are not limited to planting screens, fencing, construction commencement and completion dates, lighting, operational controls, improved traffic circulation, highway access restrictions, yards, and parking requirements.

Section 403 PD-O Planned Development – Office District Requirements and Procedures [eff. 3-25-2003]

403.01 Intent. The intent of the “PD-O” district regulations is to:

403.01.01 Provide for and recognize that many office establishments seek to develop within unified groupings, usually under single ownership and control, and typically called “office centers or office parks”;

403.01.02 Achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses;

403.01.03 Assure such groupings would have all necessary services and facilities comprehensively provided in accordance with an approved development plan; and

403.01.04 Encourage and preserve opportunities for energy efficient development.

403.02 Permitted Uses. Those uses include as permitted principal uses, accessory uses, and conditional uses in the “O-1”, and/or “OR-2” Office Districts. The Rural Zoning Commission or County Commissioners may exclude any proposed use determined inappropriate for the specific PD-O. [rev. 12-13-2013]

Section 404 PD-B Planned Development – Business District Requirements and Procedures [eff. 3-25-2003]

404.01 Intent. The intent of the “PD-B” District regulations is to:

404.01.01 Provide for business establishments seeking to develop within unified commercial areas, usually under single ownership and control, and typically called “shopping centers”;

404.01.02 Achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses;

404.01.03 Develop such centers with all necessary services and facilities comprehensively provided in accordance with an approved development plan;

404.01.04 Encourage and preserve opportunities for energy efficient development; and

404.01.05 Promote an attractive environment that is compatible with surrounding developments.

404.02 Permitted Uses. In general the uses for PD-B will be permitted principal uses, accessory uses, and conditional uses in the “B-1”, “B-2”, “B-3”, “B-4” Business Districts. The development plan should include proposed uses from the “B” Districts as well as any proposed business use not listed in the “B” Districts. The Rural Zoning Commission or County Commissioners may exclude any proposed use determined inappropriate for the specific PD-B.

Section 405 PD-I Planned Development – Industrial District Requirements and Procedures [eff. 3-25-2003]

405.01 Intent. The intent of the “PD-I” district regulations is to:

405.01.01 Provide for industrial establishments seeking to develop within unified industrial areas typically called “industrial parks”;

405.01.02 Encourage provisions of this zone to be formulated with a high degree of coordinated development including well-landscaped premises;

405.01.03 Promote efficient land use with smaller networks of utilities and streets;

405.01.04 Encourage and preserve opportunities for energy efficient development; and

405.01.05 Develop such centers with the necessary services and facilities comprehensively provided in accordance with a predetermined development plan. Particular attention is devoted to design of the periphery of the development with the objective of compatibility with surrounding land uses.

405.02 Permitted Uses. In general, the uses for PD-I will be permitted principal uses, accessory uses, and conditional uses in the “I-1” Industrial District, except uses listed in the “B” Districts (Sections 408 – 411). The development plan should include proposed uses from the “I” District, any proposed industrial use not listed in the “I” District, and signage plans. The Rural Zoning Commission or County Commissioners may exclude any proposed use determined inappropriate for the specific PD-I.

Section 406 PD-M Planned Development – Mixed Use District Requirements and Procedures [eff. 3-25-2003]

406.01 Intent. The intent of the PD-M District regulations is to:

406.01.01 Provide flexibility for a variety of land uses arranged in such a way as to develop a plan permitting a mixture of types of buildings and uses in harmony with each other which are not provided for in any of the other “PD” Districts;

406.01.02 Encourage the preservation and best use of existing landscape features through development sensitive to the natural features of the surrounding area;

406.01.03 Promote efficient land use with smaller networks of utilities and streets;

406.01.04 Encourage and preserve opportunities for energy efficient development; and

406.01.05 Promote an attractive environment that is compatible with surrounding developments.

406.02 Permitted Uses. Those uses included as permitted principal uses, accessory uses, and conditional uses in any zoning district except the R-MHP District. The Rural Zoning Commission or County Commissioners may exclude any proposed use determined inappropriate for the specific PD-M. [rev. 12-13-2013]

Section 407 PD-C Planned Development – Conservation District Requirements and Procedures [eff. 3-25-2003]

407.01 Intent. The intent of the PD-C District regulations is to:

407.01.01 Provide flexibility for a variety of land uses arranged in such a way as to develop a plan permitting a mixture of types of buildings and uses in harmony with the natural surroundings;

407.01.02 Maximize protection of the natural resources of the community;

407.01.03 Conserve the quality of a rural settings;

407.01.04 Establish development review criteria promoting design solutions which best conserves the resources of the area; and

407.01.05 Promote an attractive environment that is compatible with, or enhances, the surrounding developments.

407.02 Permitted Uses

407.02.01 Detached single-family dwellings;

407.02.02 Single-family cluster dwellings;

407.02.03 Single-family attached dwellings;

407.02.04 Recreational facilities for use by residents of the PD-C;

407.02.05 Other open space or natural areas for use by the residents of the PD-C; and

407.02.06 Agricultural uses.

407.02.07 The Rural Zoning Commission or County Commissioners may exclude any proposed use determined inappropriate for the specific PD-C. [eff. 12-13-2013]

407.03 Requirements

407.03.01 Minimum open space is forty (40) percent of gross area. Open space does not include:

407.03.011 Private roads and public rights-of-way;

407.03.012 Parking areas, access ways, and driveways;

407.03.013 Required setbacks between buildings and parking areas;

407.03.014 Required setbacks between buildings and streets;

407.03.015 Minimum spacing between buildings, and between buildings and parking areas;

407.03.016 Private yards; and

407.03.017 Other small fragmented or isolated open space areas.

407.03.02 PD-C subject to same requirements under Section 402.04 General Requirements.

Section 408 Residential Manufactured Home Park Development Requirements and Procedures

Manufactured home parks are permitted in the R-MHP Residential Manufactured Home Park District in accordance with the specifications listed in Chapter 2, and subject to the following conditions: [rev. 12-13-2013]

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

408.01.01 No one may apply for a Zoning Certificate for a manufactured home park without first obtaining approval from the Ohio Environmental Protection Agency and/or the Clark County Combined Health District.

408.01.02 Any manufactured home in a manufactured home park must be permanently affixed to the ground.

408.01.03 No manufactured home shall be used for any purpose other than single-family residential.

408.01.04 No existing manufactured home park may be expanded without making application for a Zoning Certificate and meeting the requirements of this Section.

408.01.05 Nothing in the provisions of these Regulations shall prohibit the replacement of a manufactured home at its same location.

408.02 Requirements and Filing Procedure for Manufactured Home Parks. The owner/developer(s) shall file a Manufactured Home Park Development Plan for the proposed manufactured home park with the Rural Zoning Commission. The Manufactured Home Park Development Plan shall include the following information: [rev. 12-13-2013]

408.02.01 The proposed location, site size, total number of manufactured home sites to be developed, and the production schedule for the development. [rev. 12-13-2013]

408.02.02 Proposed location, size, and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds, and other areas and spaces, including their suggested ownership.

408.02.03 Proposed provisions for water, sanitary sewer, surface drainage, and fire protection facilities, including engineering feasibility studies or other pertinent information.

408.02.04 Proposed traffic circulation pattern, including location of public and private streets, walks, and other access ways, showing their relationship to existing streets and topographic features.

408.02.05 Names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the tract proposed for development approval.

408.02.06 Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.

408.03 Design Standards [rev. 12-13-2013]

408.03.01 The tract of land to be developed as a manufactured home park shall contain a minimum of five (5) acres, said tract being served by public water and sewerage systems or approved off-site water and sanitary sewer systems.

408.03.02 Before a manufactured home park may be occupied, it shall be a condition that at least thirty (30) percent of the manufactured home lots be completed and ready for occupancy, which completion shall include, but not be limited to, the installation of all roadways and drives, sidewalks, lighting, public utilities, and service and management buildings serving the sites to be occupied. Before any site may be occupied, all facilities required for serving the site with emergency vehicles shall be completed.

408.03.03 Each manufactured home dwelling, including accessory buildings, garages, and porches, shall not cover more than forty (40) percent of the area of the manufactured home space or lot on which it is placed.

408.03.04 Every manufactured home placed on a manufactured home space or lot shall front upon an interior drive within the manufactured home park.

408.03.05 No manufactured home in a manufactured home park shall front upon or be located within seventy-five (75) feet of any public right-of-way.

408.04 Streets, Sidewalks, and Parking

408.04.01 Every manufactured home park shall provide a main entrance drive necessary for the use required as determined by the Clark County Engineer, except that no drive shall have a usable travel width less than twenty-four (24) feet with an inside radius on all curves of not less than forty (40) feet. [rev. 12-13-2013]

408.04.02 All drives shall be protected at the edges by curbs, gutters, or other suitable edging as necessary to provide for the stabilization of the pavement and adequate drainage.

408.04.03 All manufactured home spaces or lots shall abut a driveway. [rev. 12-13-2013]

408.04.04 Every manufactured home park shall contain continuous sidewalks not less than three (3) feet wide along all internal drives used on site frontage. [rev. 12-13-2013]

408.04.05 Within the boundary of each manufactured home space or lot there shall be at least two (2) paved parking spaces not closer than three (3) feet to the manufactured home dwelling, nor closer than ten (10) feet from any manufactured home dwelling on an adjoining space or lot. Said parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long when measured rectangular.

408.05 Utility requirements [rev. 12-13-2013]

408.05.01 Water. Every manufactured home park shall be served by an approved off-site water system.

408.05.02 Fire Protection. For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Clark County Engineer, which hydrants shall be located within five hundred (500) feet of every manufactured home space or lot within the manufactured home park.

408.05.03 Sanitary Sewers. Every manufactured home park shall be connected to an approved off-site sanitary sewerage system.

408.05.04 Storm Drainage. Adequate storm drainage for each manufactured home lot shall be provided.

408.05.05 Heating Fuel Supply. Fuel systems shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel storage containers, barrels, tanks, or cylinders and piping to the manufactured homes shall be securely fastened in place and protected against physical damage.

408.05.06 Natural Gas System. When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each manufactured home space or lot provided with piped natural gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved method to prevent accidental discharge of gas when the outlet is not in use.

408.06 Manufactured Home Stand and Skirts Each manufactured home dwelling shall be placed on and have its four corners supported by and anchored to a concrete foundation designed to carry the load placed thereon. Rigid skirts designed to screen and seal the space between the manufactured home and its concrete foundation shall be installed within sixty (60) days from the time that the manufactured home is placed on the space or lot. [rev. 12-13-2013]

408.07 Communal Facilities. In all manufactured home parks, the following facilities shall be provided and available to residents: [rev. 12-13-2013]

408.07.01 Management and maintenance offices including storage facilities for grounds-keeping equipment.

408.07.02 Laundry and drying facilities in a permanent structure which shall be in a convenient, accessible location, and which shall also provide laundry trays and sinks.

408.07.03 A safe, usable, conveniently located recreation area or areas shall be located in each manufactured home park, and shall comprise an area equal to one fifteen-thousandth (.015) of an acre for each manufactured home proposed to be located within such development.

408.07.04 No communal facilities in a manufactured home park shall front upon or be located within seventy-five (75) feet of any public right-of-way.

408.08 Peripheral Buffer No manufactured home in a manufactured home park shall be located within forty (40) feet of any other Zoning District. All manufactured home park tracts which are adjacent to a Residential Zoning district shall provide a twenty (20) foot wide planting strip which extends along all outside boundaries contiguous to the Residential District. The strips shall be planted with trees and shrubs that will provide a dense screen at all times, and shall be maintained in good condition by the owner. [rev. 12-13-2013]

408.09 Vehicular Entrances and Exits No vehicular entrance to or exit from any manufactured home park, wherever such park may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children. [rev. 12-13-2013]

408.10 Conditions of Approval

408.10.01 The basis for the approval of a Manufactured Home Park Development application shall be: [rev. 12-13-2013]

408.10.011 That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of these Regulations.

408.10.012 That the proposed development is in conformity with existing County and Township development plans.

408.10.013 That the proposed development advances the general welfare of the County or Township and the immediate vicinity.

408.10.014 That the design character and improved site arrangement justify the location and size proposed in the development.

408.10.015 That the water and sewerage facilities to serve the proposed development have been approved by the Clark County Sanitary Engineer, the Ohio Environmental Protection Agency, and/or the Clark County Combined Health District. [rev. 12-13-2013]

408.10.02 The approval shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Manufactured Home Park Development Plan, with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit, the approval shall be voided and the land shall automatically revert to the former underlying Zoning District, except when an application for a time extension has been submitted and approved by the County Commissioners. [rev. 12-13-2013]

408.10.03 The Rural Zoning Commission and/or the County Commissioners may impose any additional development standards and/or controls deemed necessary to ensure development in conformance with the intent and requirements of this Section. [rev. 12-13-2013]

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CHAPTER 5 OFF-STREET PARKING AND LOADING / UNLOADING REGULATIONS

Section 501 Design Standards for Off-Street Parking [eff. 11-6-2008] (See Figure 5-A, Table 5.1 and Figure 5-B for additional details)

All off-street parking shall be designed, built, and utilized in accordance with the following requirements. [eff. 12-17-2009]

501.01 Dimensions / spaces. Parking spaces shall be not less than nine (9) feet wide and eighteen (18) feet long and must comply with Table 5.1 (see other requirements noted on Figure 5-A and 5-B). Such spaces shall be measured rectangular and shall be served by aisle ways of sufficient width to permit easy and smooth access to all parking spaces and shall be maintained in good condition. Stacked parking is prohibited. Parking spaces for the disabled shall meet current national accessibility standards.

501.02 Paving. All parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement except for the following specific uses: [eff. 12-7-2009]

501.02.01 Agricultural Uses.

501.02.02 Parking strictly associated with a single- or two-family residence.

501.03 Driveways / Aisles / Access Drives

501.03.01 The number and location of driveways (aka access points / ingress & egress) to a public road shall be determined by the Clark County Engineer or ODOT.

501.03.02 Access drives within the parking lot area shall be of such width and general design as shown in Figure 5-A, including Table 5.1, and Figure 5-B. For access ways or drives not shown in Figure 5-A or Figure 5-B, the layout must be approved by the County Zoning Administrator who may consult with the County Engineer for appropriate design criteria. [eff: 12-13-2013]

501.03.03 All access drives shall be a minimum of five (5) feet from the side or rear lot line unless utilized for cross access between uses, or nearer than ten (10) feet to any existing public road right-of-way or proposed right-of-way line. [rev. 11-4-2020]

501.03.04 A driveway shall not be located closer than forty (40) feet to a public street intersection right-of-way (or proposed right-of-way) line.

501.03.05 Access drives provided for drive-thru or pick up windows shall be long enough to store waiting vehicles on-site with a means to allow other vehicles to bypass the line of said waiting vehicles, i.e., single access drive width twenty (20) feet minimum; with an additional access drive available, twelve (12) feet minimum (see Figure 5-B).

501.03.06 Commercial uses shall be required to provide cross access between abutting parcels for vehicular traffic.

501.04 Parking Lots and Location. Except in Agricultural Districts and on lots containing 1, 2, or 3 family dwellings, no parking lot or parking area shall be located nearer than five (5) feet to the side or rear lot line, or nearer than ten (10) feet to any public road right-of-way (or proposed right-of-way) line (see other requirements noted on Figure 5-A, including Table 5.1, and Figure 5-B). [eff. 11-4-2020]

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

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

501.04.021 Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap only upon the approval of the Zoning Inspector.

501.04.022 The Board of Zoning Appeals may authorize, as a Conditional Use, the establishment and operation of any off-street parking area in such parts of any A-1 or “R” District that abut at least fifty (50) feet, either directly or across an alley, a “B”, O-1, or I-1 District, subject to the requirements specified in Section 501.11.

501.04.023 In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring the retention for such purposes shall be properly drawn and executed by the parties concerned and approved as to form by a proper legal authority and shall be filed with the application for a building permit.

501.05 Screening / Landscaping. All off-street parking areas for more than five (5) vehicles shall be effectively screened on any side which abuts a lot in any Residential District or abuts a lot which contains a residential dwelling which is located within fifty (50) feet of the common lot line or abuts a lot containing an institutional premises, by a masonry wall or a solid fence of acceptable design with the exception of along the front lot line or along the street side lot line of a corner lot. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height, and shall be maintained in good condition at all times without any advertising. The space between such wall or fence and the lot line of the adjoining premises as noted above shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width and planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, or a combination of mounding and vegetation as approved by the Zoning Inspector, may be substituted and shall be maintained in good condition at all times. All areas not utilized for parking, access, buildings, or walkways shall be landscaped as approved by the Zoning Inspector. Landscaping shall not interfere with motorists visibility. [rev. 12-13-2013; rev. 11-4-2020]

501.06 Minimum Distances of Setback. No part of any parking area, including access drives or driveways, for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by a solid masonry wall or fence of acceptable design as determined by the Zoning Inspector. The wall or fence shall be set back from each street, the same as if it were a building wall, so as to observe the front yard and side yard and the street side yard requirements of these Regulations. In no case shall any part of the parking area be closer than ten (10) feet to any established street or alley right-of-way, or any proposed right-of-way designated on the Official Thoroughfare Plan of Clark County. With exception of points of ingress and egress, as approved

by the appropriate local, state, or federal agencies, this setback shall be in the form of a landscaped buffer upon which no permanent structure shall be located. [rev. 12-13-2013; rev. 11-4-2020]

501.07 Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to deflect the glare away from adjoining premises in any Residential District or premises occupied by a residential dwelling and from traffic on adjacent thoroughfares. See Section 803 for additional zoning regulations pertaining to outdoor lighting.

501.08 Computation of Required Off-Street Parking Spaces. In computing the number of required spaces, the following rules shall govern:

501.08.01 A floor area shall mean the gross floor area used or intended to be used, and shall not include areas used principally for storage or offices incidental to the management or maintenance of stores.

501.08.02 In hospitals, bassinets shall not be counted as beds.

501.08.03 In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under these Regulations.

501.08.04 In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as may be allowed as a Conditional Use, or as provided in Section 501.04.023.

501.08.05 Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.

501.09 Off-Street Parking Spaces Required for New Construction, Enlargement, Change in Occupancy. Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity, or otherwise to create a need for a cumulative increase of ten (10) percent or more of the number of parking spaces that existed at the time of enactment of these Regulations, such spaces shall be provided on the basis of the enlargement or change. In case a change in the floor area, number of employees, number of dwelling units, seating capacity, or other unit of measurement creates a need for an increase of less than five (5) off-street parking spaces, none shall be required. When a building or use existing prior to the enactment date of these Regulations is enlarged to the extent of fifty (50) percent or more in the floor area or in the use, said building or use shall then and thereafter comply with the entire parking requirements.

501.10 Off-Street Parking Spaces Required for Uses Not Listed. Off-street parking requirements for any use not specified in these Regulations shall be the same as that specified for a similar use, as determined by the Zoning Inspector. [rev. 12-13-2013; rev. 11-4-2020]

501.11 Restricted Business or Industrial Accessory Parking Areas. [rev. 11-4-2020]

The Board of Zoning Appeals may authorize, as a Conditional Use, the establishment and operation of any off-street parking area in such parts of any A-1, or "R" District that abut at least fifty (50) feet, either directly or across an alley, a "B", O-1, "I", or "MU" District, subject to the following requirements:

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

501.11.02 Each entrance and exit to and from such parking lot shall be located only along a major or secondary thoroughfare, and shall be at least twenty (20) feet from any adjacent property located in any "R" District.

501.11.03 The parking lot shall be subject to the requirements for off-street parking contained in Chapter 5, and shall comply with all applicable requirements for fencing, screening, and landscaping contained in Section 805. The parking lot shall further be subject to any other conditions or requirements with respect to development, maintenance, and operation which the Board of Zoning Appeals deems necessary or desirable for the protection of adjacent property or the public interest.

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

501.11.05 The parking or storage of motor vehicles, recreational vehicles, or trailers of any type for periods of time exceeding twenty-four (24) hours shall not be permitted.

Section 502 Specific Off-Street Parking Requirements [eff. 11-6-2008]

Notwithstanding the requirements of this section, sufficient spaces must be provided to meet parking demand. For uses not listed herein, the number of parking spaces will be determined by the Zoning Inspector. Off-Street parking shall be provided in accordance with the schedule outlined below: [rev. 12-13-2013]

1. Assembly Halls and Dance Halls with temporary seats	1 space for every 100 square feet of floor space used for assembly or dancing
2. Assembly Halls, Theaters, Auditoriums, and Sports Arenas with fixed seats [rev. 11-4-2020]	1 space for every 3 seats
3. Automotive Service Stations and/or Repair Garages	2 spaces for each service stall, PLUS 1 space for each employee on the largest shift
4. Banks and Financial Institutions, Business Professional Offices except Medical and Dental Offices or Clinics	1 space for every 400 square feet of office space, but not less than 2 spaces per office
5. Bowling Alleys	5 spaces per bowling lane plus the required spaces as set forth in this Section for affiliated uses such as restaurants, bars and the like
6. Churches and other similar places of worship or Public Assembly	1 space for every 8 seats in a main auditorium, OR 1 space for every 6 seats in churches and other places of worship
7. Day-Care Centers	1 space for each employee 1 space for each 10 children [eff: 3-29-90]
8. Single-Family Residences	2 spaces per dwelling unit
9. Housing for the Elderly	1 spaces per dwelling unit
10. All other residential uses	2 spaces per dwelling unit [eff: 10-17-85]
11. Nursing Homes, Convalescent Homes, and Assisted Living Facilities. [rev: 12-13-2013]	1 space for every 6 residents, PLUS 1 space for each employee on the largest shift
12. Fraternities and Sororities	1 space for every 3 beds
13. Funeral Homes and Mortuaries	4 spaces for each parlor, OR 1 space for every 50 sq. ft. floor area, whichever is greater
14. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops, over 1,000 sq. ft. in floor area	4 spaces, PLUS 1 space for every 400 sq. ft. of floor area over 1,000 sq. ft.
15. Hospitals and Auxiliary Facilities	1 space for every 2 beds, PLUS 1 space for every employee on the largest shift
16. Motels and Hotels and Bed & Breakfast Facilities	1 space for each lodging unit, PLUS 1 space per employee on the largest shift [eff: 3-29-90]
17. Industrial and Manufacturing Establishments	20 spaces, PLUS 1 space for every 2 employees, PLUS 1 space for each vehicle maintained on the premises
18. Medical and Dental Offices and Clinics	3 spaces for each examination room, PLUS 1 space for each doctor or employee
19. Museums, Libraries, Community Facilities, operated by a public agency or government	1 space for every 300 sq. ft. of area open to the public
20. Eating and Drinking Places, Bars, Taverns, and Night Clubs	1 space for every 100 sq. ft. of net floor area
21. Retail Sales or Service Establishments	1 space for every 200 sq. ft. of net floor area
22. Schools - Primary Schools	1 space for every 25 classroom seats
- Secondary Schools, Institutions of Higher Learning, Trade Schools	1 space for every 5 students, PLUS 1 space for each employee
- auditorium/gymnasiums [eff. 11-4-2020]	1 space for every 8 seats based on submitted plans
23. Wholesale Establishments, Warehouse, Manufacturing Retail Outlets	20 spaces, PLUS 1 space for every 2 employees on largest shift, PLUS 1 space for each vehicle maintained on the premises

Section 503 Design Standards for Off-Street Loading and Unloading [eff. 11-6-2008]

503.01 Off-street loading/unloading spaces or berths shall be provided in connection with every building or part of a building which has a floor area greater than ten thousand (10,000) square feet, and normally receives or distributes material by vehicle.

503.02 Off-street loading requirements for any use not specified in these Regulations shall be the same as that specified for a similar Permitted Use, as determined by the Zoning Inspector.

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

503.03 No such loading/unloading shall be located closer than fifty (50) feet to any lot in an "R" District or any lot occupied by a residential dwelling unless wholly within a completely enclosed building or unless enclosed on all sides by a solid wall or fence not less than six (6) feet in height which shall be maintained in good condition at all times. An evergreen hedge or planting no less than six (6) feet in height may be substituted for a fence if maintained in good condition at all times.

503.04 Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

503.05 Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity, or otherwise to create a need for a cumulative increase of ten (10) percent or more of the number of loading and unloading spaces that existed at the time of enactment of these Regulations, such spaces shall be provided on the basis of the enlargement or change. When a building or use existing prior to the enactment date of these Regulations is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then comply with the entire loading/unloading requirements.

503.06 All loading/unloading areas and adjacent aisles and driveways shall be paved with asphaltic material or cement.

Section 504 Specific Off-Street Loading and Unloading Requirements

Off-street loading and unloading shall be provided in accordance with the schedule outlined below:

1. Retail / Service / Office Establishments	1 space in excess of the first 10,000 sq. ft. of floor area, PLUS 1 space for each additional 20,000 sq. ft. thereafter
2. Truck Terminal / Warehouse / Wholesale Establishment	1 space for each 7,500 sq. ft. of floor area
3. Industrial Plants	1 space in excess of the first 10,000 sq. ft. of floor area, PLUS 1 space for each additional 20,000 sq. ft. thereafter

Parking Space, Drive & Aisle Dimensions

TABLE 5.1

A PARKING ANGLE	B STALL WIDTH	C LENGTH OF STALL	D AISLE WIDTH		E WIDTH OF ACCESS DRIVE	F BAY WIDTH *	
			ONE WAY	TWO WAY		ONE WAY	TWO WAY
0°	9 ft.	23 ft.	12 ft.	18 ft.	20 ft.	24 ft.	30 ft.
30° – 53°	9 ft.	18 ft.	13 ft.	20 ft.	20 ft.	42 ft.	49 ft.
54° – 75°	9 ft.	19 ft.	18 ft.	22 ft.	20 ft.	52 ft.	56 ft.
76° - 90°	9 ft.	18 ft.	22 ft.	24 ft.	20 ft.	58 ft.	60 ft.

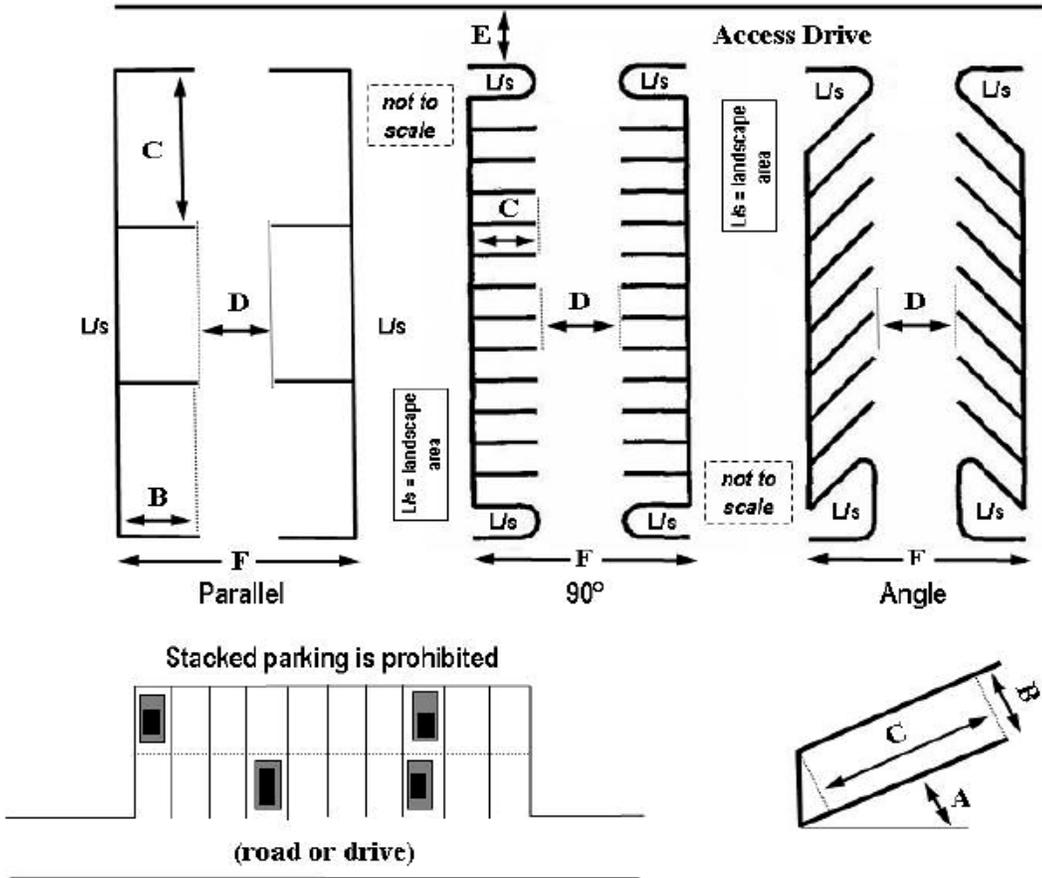


Figure 5-A

CHAPTER 6 SIGN AND BILLBOARD REGULATIONS

Section 601 Permitted Signs for Which No Certificate is Required The following signs shall be permitted in the unincorporated area of Clark County that is subject to these Regulations, according to the following regulations. No Zoning Certificate shall be required for any sign constructed or erected under the terms of this Section.

601.01 Signs for the Sale, Lease or Rent of the property on which the sign is located. [rev. 12-13-2013]

601.01.01 Residential Properties – Not more than two (2) two-sided signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six (6) square feet in area per side.

601.01.02 Commercial / Industrial Properties – Not more than one (1) two-sided sign shall be displayed on any parcel. For corner lots, one (1) two-sided sign shall be permitted per street frontage. Such signs shall not be illuminated and shall not exceed thirty-two (32) square feet in area per side.

601.01.03 All signs allowed under a) and b) above shall not interfere or obstruct visibility when entering or leaving said property and shall not be located within the public right-of-way.

601.02 Vehicular Signs. Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided the said signs are located outside the right-of-way of any public street or road, do not exceed two (2) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.

601.03 Name and address of Occupant of residential property. Such signs shall not be more than two (2) square feet in area per side and shall be located outside the right-of-way of any public road. Said sign shall not be higher than three (3) feet above the ground and not more than one (1) sign shall be permitted.

601.04 Temporary Signs announcing special public or institutional events. Such signs shall not exceed two (2) square feet in area per side in any “R” District, or twenty (20) square feet in area per side if relating to a church, school, community center, or other institutional or public building. Such signs shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event, and no such sign shall be closer than twelve (12) feet to the right-of-way of any public road unless attached to the building.

601.05 Signs approved in Planned Development District. Signs shall be constructed in compliance with the approved development plan. [rev. 12-13-2013]

601.06 Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises, and denoting membership in organizations. No more than one (1) sign of any type may be permitted and it shall be located at least forty (40) feet distant from the road right-of-way; provided, however, that if such sign is located within one hundred (100) feet of any principal building having a greater setback or front yard than required for such District, such sign shall not be erected nearer the road right-of-way than the established building line on such road, but need not exceed a distance of one hundred (100) feet, except that at the intersection of any state or federal highway, or major or secondary thoroughfare, the setback of any sign shall not be less than one hundred (100) feet from the established right-of-way line of each highway or thoroughfare, unless erected on or adjacent to the wall of a building or other structure or in such other manner as not to interfere with or obstruct clear vision of the intersection in any direction. No such billboard or sign shall be permitted which faces the front or side lot line of, or which faces

any public square, entrance to any public park, public or parochial school, library, church, or similar institution within three hundred (300) feet thereof. Advertising signs may not exceed thirty-two (32) square feet of area per sign and all other signs shall be limited to four (4) square feet in area per side.

601.07 Political Signs: Shall not be placed within any public right-of-way. [eff. 12-13-2013]

Section 602 Permitted Signs for Which a Certificate is Required The following signs shall be permitted in the unincorporated area of Clark County that is subject to these Regulations, according to the following regulations. Zoning Certificate shall be required for any sign constructed or erected under the terms of this Section.

602.01 Signs for Home Occupations. One (1) on-premise sign per lot shall be permitted for the purpose of announcing a home occupation. Such signs shall not be illuminated and shall not exceed two (2) square feet in area and shall be attached to the dwelling. No off-premise signs shall be permitted. [eff. 3-29-1990]

602.02 Off-Premise Signs, Defined: Advertising a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all Business Districts, the Industrial District, and /or lands used for agricultural purposes subject to regulations set forth herein.

602.02.01 Off-premise signs located adjacent to and intended for primary visibility on any street, road or highway in the unincorporated area of Clark County, shall not exceed one (1) sign face with a total of six hundred (600) square feet, or two (2) sign faces exceeding a total of one thousand two hundred (1,200) square feet on any single lot or location, excluding supports, decorative trim, or other embellishments. [eff. 3-29-1990; rev. 12-13-2013]

602.02.02 Off-premise signs shall conform to all applicable height regulations for the appropriate zoning district, except off-premise signs located along the interstate system may be constructed at a greater height in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code. [eff. 3-29-1990]

602.02.03 No off-premise sign shall be constructed closer than three hundred fifty (350) feet to another off-premise sign located on the same side of any thoroughfare in the unincorporated area of Clark County, unless the natural terrain or other obstructions prevents both signs from being seen at the same time along the main travel way. Off-premise signs along the Interstate System shall be separated by no less than eight hundred (800) feet from any other off-premise sign on the same side of the highway.

602.02.04 Off-premise signs shall not be located closer to the public right-of-way than the established building set-back requirements of the district in which the sign is located, and not closer than thirty (30) feet to any adjoining lot line. [rev. 12-13-2013]

602.02.05 No off-premise sign site shall be more than two (2) displays facing in the same direction of the main travel way.

602.03 On-Premise Signs, Defined: Free standing, building mounted, ground mounted, or monument signs identifying a multi-family residential development, a subdivision development, or a commercial or industrial use on the lot where the sign is located. If the signs are located within the Planned Commercial Development District or are erected pursuant to a Conditional Use, the location of said signs must be in strict compliance with the Development Plan or Conditional Use requirements, in addition to any restrictions imposed herein. [eff. 3-29-1990; rev. 11-4-2020]

602.03.01 No more than one (1) free standing or ground sign shall be provided for each business use, and in no case shall a lot containing more than three (3) free standing or ground signs. [rev. 3-29-1990]

602.03.02 No free standing, ground, or building mounted sign shall have a surface area of greater than one hundred (100) square feet per side. [rev. 3-29-1990]

602.03.03 No business, industry, or use shall maintain a gross sign area exceeding three hundred (300) square feet on the premises. [rev. 3-29-1990]

602.03.04 A Free Standing On-Premise Sign shall not exceed twenty (20) feet in height. [rev. 3-29-1990; rev. 11-4-2020]

602.03.05 Free standing or ground signs shall not be located closer than twelve (12) feet to any existing or proposed street right-of-way, and not closer than thirty (30) feet to any adjoining lot line. [eff. 3-29-1990]

602.03.06 A ground on-premise sign shall not exceed eight (8) feet in height as measured from the adjacent ground level to the highest point of the sign. [eff. 12-13-2013]

602.03.07 A wall sign shall not project above the top edge or beyond the side edge of the wall the sign is located on. [eff. 12-13-2013]

602.03.08 Electronic Message Display Sign (EMDS) is a specific type of on-premise sign whose content can be changed electronically on a fixed display surface composed of electrically illuminated changeable elements. One (1) EMDS shall be permitted per lot subject to the requirements of this sub-section. [eff. 12-13-2013]

A written certification and a photometric plan, both signed by the sign manufacturer or a professional engineer, must be provided when submitting a zoning permit application for an EMDS sign certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by these requirements and an affidavit signed by the sign's owner that the preset intensity level will not be increased in excess of the standards set forth by these Regulations.

602.03.081 The message shall relate to a business currently operating on the lot where it is located.

602.03.082 The EMDS shall not contain more than two (2) sides.

602.03.083 Each side of the message area shall not exceed a maximum eight (8) feet in width and four (4) feet in height. [rev. 11-4-2020]

602.03.084 The EMDS shall comply with all location and size requirements for On-Premise Signs.

602.03.085 The message shall not flash, scroll, blink, fluctuate or be animated in any way. The message shall only change by fading or dissolving.

602.03.086 There shall be a minimum hold time of eight (8) seconds before an image or message can change, and a maximum two (2) seconds for the change to be completed.

602.03.087 The intensity of the lighted message shall be such that it does not interfere with traffic or cause glare as determined by the Zoning Inspector. [rev. 11-4-2020]

602.03.088 The EMDS shall be equipped with an automatic dimmer to comply with the following luminance requirements:

- A. The maximum nits during daytime shall not exceed 5,000 except during inclement weather (i.e., fog, rain or snow) when it shall not exceed 3,000 nits.
- B. The maximum nits during night time shall not exceed 500 except during inclement weather (i.e., fog, rain or snow) when it shall not exceed 300 nits.

	1 st Sunday in November through 2 nd Sunday in March	2 nd Sunday in March through 1 st Sunday in November
Daytime	7:30 am to 6:00 pm	6:00 am to 7:30 pm
Nighttime	6:00 pm to 7:30 am	7:30 pm to 6:00 am

602.03.089 The EMDS shall be programmed so that in the event the display malfunctions in any manner it will automatically be set to go blank.

602.03.0810 Should the Zoning Inspector determine the EMDS no longer complies with the requirements of 602.03.08, and the sign cannot be promptly adjusted to comply with said requirements, the EMDS shall immediately be turned off until it is restored to operate in compliance with said requirements. [rev. 11-4-2020]

602.04 Portable Signs. Portable signs announcing a special event or advertising a product or service. Such signs shall be considered a Temporary Use and shall be permitted subject to regulations set forth herein.

602.04.01 All signs shall be located in compliance with all state and federal regulations controlling the same.

602.04.02 Such signs shall not be permitted for more than a total of ninety (90) days per calendar year.

602.04.03 Said signs shall be located outside the right-of-way limits of the road and shall not interfere with the visibility of vehicular traffic either entering or leaving any property or entering, leaving, or operating on any thoroughfare.

602.04.04 No illumination device shall be used which causes unnaturally high light levels to be cast upon adjacent residential lots, or which permits the direct beaming of light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic. The lighting requirements contained in 604.02 shall apply.

602.04.05 Said signs are capable of posting and removal without destruction of public or private property.

602.04.06 No portable sign shall exceed four (4) feet in height and eight (8) in width, and be mounted such that the overall height is not greater than seven (7) feet above the ground.
[eff. 12-13-2013]

Section 603 Prohibited Signs and Billboards The following signs shall be prohibited in the unincorporated area of Clark County:

603.01 All signs not specifically permitted by the express terms of these Regulations.

603.02 Signs or advertising devices erected and maintained on trees or painted or drawn upon rocks or other natural features.

603.03 Signs characterized by flashing lights or air-activated attraction devices, except for signs indicating time and temperature which operate by means of lighting changes alternating on not less than a five (5) second cycles.

603.04 Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the wall or roof of any building or structure. This restriction shall not restrict the use of aesthetic graphics such as murals or other illustrative or decorative paintings that are intended to be cosmetic devices.

603.05 No sign or billboard shall be painted on or attached to any awning, canopy, or balcony. No sign shall be attached to any fence within the right-of-way of any road, and no sign shall be attached to any board or wooden fence regardless of location without the permission of the owner of the fence.

603.06 Signs or advertising devices which attempt or appear to attempt to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.

603.07 Bench Signs, Defined: Any signs, excluding political signs, on benches except for “dedication” or “in-memory-of” type plaques. [eff. 12-13-2013]

Section 604 Design Standards for Signs and Billboards The following design standards shall apply to all signs and billboards located and erected within the unincorporated area of the County, regardless of type, style, location, design, or other classification.

604.01 Location. No sign shall be located within or project over the right-of-way of any public or private road. No sign shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate or primary highway system without complying with the provisions of Chapter 5516 of the Ohio Revised Code, and the regulations promulgated and enforced by the Director of the Ohio Department of Transportation, and the regulations specified herein. No sign in a “B”, O-1, or I-1 District shall face the side of any adjoining lot located in any “R” District unless the sign is located not less than fifty (50) feet from the lot. Said sign or signs shall be located in strict compliance with these Regulations, in strict compliance with the approved Development Plan or restrictions imposed by the Board of Zoning Appeals.

604.02 Lighting

604.02.01 Signs may be illuminated when such sign does not constitute a public safety or traffic hazard. Sign illumination shall be directed downward; up-lighting is not permitted. See Section 803 for additional zoning regulations pertaining to outdoor lighting.

604.02.02 No illuminated sign shall be constructed which will interfere with the operation or safety of any traffic control signal.

604.02.03 No flashing, rotating, or moving light source shall be permitted on any sign.

604.02.04 All wiring, fittings, and material used in the construction, connection and operation of signs shall be in accordance with the provisions of the Building Code. [eff. 3-29-1990]

604.03 Height. No sign shall be erected to a height greater than the maximum permitted height for the District in which the sign is located, except that signs located within six hundred sixty (660) feet of the edge of the right-of-way of a thoroughfare on the interstate highway system may be erected to a greater height, as may be specified by the Director of the Ohio Department of Transportation or his/her authorized representative, in accordance with the provisions contained in Chapter 5516 of the Ohio Revised Code.

604.04 Sight Interference. No sign shall be permitted which interferes with the visibility of pedestrian or vehicular traffic entering, leaving, or operating on thoroughfares.

604.05 Maintenance. All signs or billboards constructed or erected shall be maintained so that all sign surfaces, supports, braces, guys, and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.

604.06 Abandoned Signs

604.06.01 If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties.

604.06.02 A sign or billboard is abandoned if it meets any one (1) of the following criteria:

604.06.021 Any sign or billboard associated with an abandoned Non-conforming Use.

604.06.022 Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.

Section 605 Non-Conforming Signs and Billboards

605.01 Any sign or billboard in existence within the unincorporated area of the County prior to the effective date of these Regulations that does not conform with the provisions of this Chapter is considered to be Non-conforming.

605.02 Any sign or billboard that does not conform to the provisions of this Chapter shall be allowed to continue in its Non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

605.03 A Non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Chapter. Should any replacement or relocation take place without being brought into compliance the sign or billboard shall be existing illegally.

605.04 A Non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:

605.04.01 The size and structural shape shall not be changed or altered.

605.04.02 The copy may be changed provided that the change applies to the original Non-conforming Use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became Non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.

605.04.03 In the case where damage occurs to the sign or billboard to the extent of fifty (50) percent or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty (50) percent of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

Section 606 Zoning Certificate Required No signs, except as provided for in Section 601, shall be erected prior to the issuance of a Zoning Certificate by the Zoning Inspector.
[rev. 12-13-2013; rev. 11-4-2020]

606.01 The Applicant for a Zoning Certificate herein shall pay such fee as is prescribed by the County Commissioners.

606.02 The Zoning Certificate issued pursuant hereto shall be valid so long as the Owner complies with the terms and conditions of these Zoning Regulations or any amendment thereto.

606.03 The application for a Zoning Certificate for posting a sign or billboard that is considered a Temporary Use shall indicate the name and address of the person charged with removal of the sign or billboard.

606.04 All signs and billboards erected within the unincorporated area of the County are subject to inspection, whether a Zoning Certificate is required or not prior to erection. Such inspection may be made at any reasonable time and the Zoning Inspector may order the removal of any such sign or billboard that is not maintained in accordance with the provisions of these Regulations. [rev. 12-13-2013]

606.05 In the event that the owner of any sign or property fails to comply with the terms of these Zoning Regulations, said permit may be revoked upon compliance with the following terms:

606.05.01 The Zoning Inspector shall notify the owner of any deficiency or violation of these Regulations. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Chapter 9 of these Regulations. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within twenty (20) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by these Regulations.
[rev. 12-13-2013; rev. 11-4-2020]

606.06 The Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within the unincorporated area of the County. The Zoning Inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within one hundred eighty (180) days after mailing of notice by the Zoning Inspector, said sign may be destroyed. [rev. 12-13-2013; rev. 11-4-2020]

Section 607 General Requirements [eff. 3-29-1990]

607.01 No projecting sign shall be erected or maintained from the front face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.

607.02 No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

607.03 No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices.

607.04 No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

607.05 All signs hung or erected shall be marked with the name and the telephone number of the person or firm responsible for maintaining the signs.

607.06 No vehicle or trailer may be parked on a business premises or a lot for the purpose of the advertising a business, product, service, event, object, location, organization, or the like.

Section 608 Governmental Signs Excluded For the purpose of these Regulations, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation. [eff. 3-29-1990]

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CHAPTER 7

REGULATIONS FOR CONDITIONED AND CONDITIONAL USES

Section 701 Procedure

701.01 The purpose of a Conditional or Conditioned Use is to allow a proper integration into the County of uses which may only be suitable or controlled in specific locations within certain Zoning District(s) or only if such uses are designed or laid out in a particular manner on the site. [eff: 3-29-90]

701.02 Applications for Conditional Uses shall be presented to the Zoning Inspector and acted upon by the Board of Zoning Appeals. [rev. 12-13-2013; rev. 11-4-2020]

701.03 Approval by the Board of Zoning Appeals shall be required for all uses listed as Conditionally Permitted, prior to the issuance of a Zoning Certificate.

701.04 In considering an application for a Conditional Use, the Board of Zoning Appeals must make an affirmative finding that the proposed Conditional Use is to be located in a District wherein such use may be Conditionally Permitted, and that all conditions for approval of Conditional Uses have been met. In doing so, the Board of Zoning Appeals may request proof that the applicable requirements for the Conditional Use have been met.

701.05 The Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances. Consideration of the existing surrounding land uses and the identified future land uses, as determined by the Comprehensive Plan, shall be considered and weighed, even if all the required conditions have been met.

701.05.01 An application for a Conditional Use shall be made to the Zoning Inspector and submitted on such forms as designated by the Zoning Inspector. No application shall be considered unless the same is fully completed and accompanied by all required information as specified in Chapter 7. [rev: 12-13-2013; rev. 11-4-2020]

701.05.02 The application, and any plans, specifications and papers pertaining to the application, shall be transmitted by the Zoning Inspector to the Board of Zoning Appeals, who shall cause a public hearing to be held. [rev: 12-13-2013; rev. 11-4-2020]

701.05.03 Notice of the application for a Conditional Use and the hearing thereon shall be given to all property owners within two hundred (200) feet of the lot on which the use is planned. Notice shall be given by ordinary mail. In addition thereto, one (1) notice of said meeting shall be published in a newspaper of general circulation prior to the scheduled hearing. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. [rev. 11-4-2020]

701.06 The Board of Zoning Appeals shall make its decision within a reasonable time after the hearing. In the event the Board approves the Conditional Use, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the Zoning District.

701.07 The Board of Zoning Appeals may revoke approval of a Conditional Use for failure to comply with the conditions of that approval. The Board shall notify the holder of that approval by certified mail of its intent to revoke same and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he/she so requests. In lieu of said certified mail service, service may be made personally by the Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. [rev. 11-4-2020]

701.07.01 At the hearing, the holder may appear in person or be represented by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and may examine witnesses appearing for or against him/her. If no hearing is requested the Board may revoke approval without a hearing. The authority to revoke approval is in addition to any other means of zoning enforcement provided by law. [rev. 12-13-2013]

Section 702 Contents of Application_ [rev. 11-4-2020]

702.01 Each application for a Conditional Use shall contain the following information:

702.01.01 The name, address, and telephone number of the Applicant;

702.01.02 A brief narrative description of the existing use of the property;

702.01.03 Address and parcel number of the property;

702.01.04 Current zoning of the property;

702.01.05 A brief, narrative description of the proposed Conditional Use of the property;

702.01.06 A site plan, drawn at an appropriate scale, showing the following:

702.01.061 Base map of the property, indicating all existing and proposed structures, lot lines, general topography, drainage ways, bodies of water, and relationship to adjoining properties;

702.01.062 Locations of the nearest public rights-of-way and locations of all access points to the site, existing or proposed;

702.01.063 Locations of any easements, existing or proposed;

702.01.064 Locations of existing utilities and an indication of intent to provide any utility connections that may be required;

702.01.065 Locations of any existing or proposed sidewalks, parking areas, and driveways showing intent to comply with all parking requirements specified by these Regulations;

702.01.066 Proposed treatment of existing topography, drainage ways, and tree cover;

702.01.067 Building plans, including floor plans and exterior elevations; and

702.01.068 Proposed landscaping and lighting plans, if applicable.

702.01.07 Such other information as may be required by the Zoning Inspector or the Board of Zoning Appeals.

702.01.08 An application for a Conditional Use to extract resources and/or minerals shall contain the additional information as specified in Section 743.

702.01.09 The Zoning Inspector may waive the required submission of 702.01.02 and 702.01.06 if the Zoning Inspector feels that their inclusion in any individual application is unnecessary.

Section 703 Required Conditions for Approval

The following Sections contain additional required conditions to be met by an Applicant for a Conditioned Use or a Conditional Use. In addition to meeting the subsequent required conditions, all Applicants for Conditioned Uses and Conditional Uses shall be required to fully comply with any and all other applicable provisions of these Regulations, including specifically the requirements of Sections 801 and 805. [rev. 11-4-2020]

Section 704 Adult Entertainment Establishments

704.01 Zoning Districts Where Conditionally Permitted:

B-4, I-1, I-2 Districts. [eff. 3-29-90; rev. 11-4-2020]

704.02 The establishment shall be a minimum distance of:

704.02.01 One thousand (1,000) feet from any “R” District or from any lot upon which a residential dwelling is located.

704.02.02 One thousand (1,000) feet from any school, library, or teaching facility, whether public, private, governmental, or commercial, if such school, library, or teaching facility is attended by persons under eighteen (18) years of age.

704.02.03 One thousand (1,000) feet from any park or other recreation facility attended by persons under eighteen (18) years of age.

704.02.04 One thousand (1,000) feet from any other adult entertainment establishment.

704.02.05 Two thousand (2,000) feet from any two (2) of the following establishments:

704.02.051 Cabarets, clubs, or establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;

704.02.052 Establishments for the sale of beer or intoxicating liquor for consumption on the premises;

704.02.053 Pawn shops;

704.02.054 Pool or billiard halls;

704.02.055 Videogame or pinball arcades, or any other amusement game arcade; or

704.02.056 Dance halls or night clubs. [rev. 12-13-2013]

704.03 No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.

704.04 All building openings, entries, windows, etc. shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

704.05 No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters that can be seen or discerned by the public from public or semi-public areas.

704.06 Off-street parking shall be provided in accordance with the requirements of Chapter 5, and in an amount equal to that required for a similar Permitted Use, as determined by the Board of Zoning Appeals.

704.07 Section 704.02 may be waived by the Board of Zoning Appeals provided that the Applicant provides affidavits of fifty-one (51) percent of the property owners and residents within the above described radii, giving their consent to the establishment of the adult entertainment establishment, and if the Board of Zoning Appeals determines:

704.07.01 That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the intent of this Section will be observed;

704.07.02 That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area;

704.07.03 That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area; and

704.07.04 That all applicable requirements of this Section will be observed.

Section 705 Agricultural-Related Processing and Marketing

705.01 Zoning District Where Permitted as Conditioned Use: [eff. 4-4-96; rev. 11-4-2020]

A-1, AE District.

705.02 Minimum Lot Size: One (1) acre.

705.03 Minimum Frontage: One hundred fifty (150) feet.

705.04 Minimum Yard Requirements:

705.04.01 Front Yard: Fifty (50) feet. [eff. 3-29-90]

705.04.02 Side Yard: Thirty (30) feet.

705.04.03 Rear Yard: Fifty (50) feet.

705.05 Structures used for agricultural-related processing and/or related storage shall be a minimum distance of:

705.05.01 One hundred fifty (150) feet from any dwelling.

705.05.02 One hundred (100) feet from any "AR", "R", "R-MHP", "R-CL" or "PD-R" District.
[rev. 11-4-2020]

705.06 The site shall have adequate access onto a hard surfaced state highway, county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.

705.07 Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.

705.08 The Applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

705.09 No outdoor disassembly or repair of farm machinery shall be permitted.

705.10 All equipment used in the processing operations shall be constructed, maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.

705.11 All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property. [11-4-2020]

Section 706 Airports

706.01 Zoning District Where Conditionally Permitted:

A-1 District.

706.02 The Applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

706.03 The proposed facility shall meet the appropriate standards and requirements of the Federal Aviation Administration.

706.04 The airport, in accordance with the standards and requirements of the Federal Aviation Administration, will not require the heights of structures on adjacent land to be less than the height limit specifically prescribed for the District in which such land is situated.

706.05 All runways and service aprons shall have a dustless surface.

706.06 No area used by any aircraft under its own power shall be located within a distance of two hundred (200) feet from any property line; one thousand (1,000) feet from any public or private institution; or one thousand (1,000) feet from any "AR", "R", "R-MHP", "R-CL", "PD-R"; "B", or "O-1" district on the approach and departure ends of the runway. Buildings, hangars, or other structures shall be at least two hundred (200) feet from any property line and no parking of vehicles shall be allowed within one hundred (100) feet of any property line. [rev. 11-4-2020]

706.07 The Board of Zoning Appeals may require that the facility be surrounded by a substantial fence not less than six (6) feet in height, with suitable gates, effectively controlling access to such area.

706.08 Appropriate accessory uses may be permitted, such as restaurants, snack bars, auto rental agencies, airline business offices, and service facilities.

706.09 Adequate off-street parking and loading spaces shall be provided.

Section 707 Animal Clinic or Hospital, and Kennels [rev. 11-4-2020]

707.01 Zoning Districts Where Conditionally Permitted:

A-1, B-2 Districts. [rev. 4-4-1996]

707.02 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996; rev. 11-4-2020]

B-3, B-4 Districts.

707.03 Principal Permitted Uses:

707.03.01 The care of ill and/or injured household animals.

707.03.02 The overnight boarding of ill and/or injured household animals.

707.03.03 The overnight boarding of healthy household animals.

707.03.04 The sale of goods used in the care of household animals.

707.04 The care or overnight boarding of large animals such as horses or cattle is prohibited in any Zoning District except the A-1 District.

707.05 All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure.

707.06 A solid wood fence or masonry wall six (6) feet high shall be constructed where an animal hospital, veterinary clinic, or kennel is located adjacent to an "AR", "R", "R-MHP", "R-CL", or "PD-R" District. The Applicant shall also meet the requirements of Section 805. [rev. 11-4-2020]

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

Section 708 Bars and Taverns

708.01 Zoning Districts Where Conditionally Permitted:

B-2, B-3, B-4, I-1 Districts. [rev. 3-29-1990]

708.02 No bar or tavern shall be located closer than one hundred fifty (150) feet from a church, school, or similar institution.

708.03 An assessment shall be made of the probable effects of the proposed facility’s parking provisions and evening operations on the surrounding area.

708.04 Lot frontage, size, and building setbacks and height: [eff. 11-6-2008]

Minimum Lot Frontage – 100 ft. (Subject to Section 210, Footnote 1)

Minimum Lot Area – 15,000 Sq. Ft. (Subject to Section 210, Footnote 1)

Minimum Front Yard Setback – 50 ft. Minimum Side Yard Setback – 25 ft.

Minimum Rear Yard Setback – 50 ft. Maximum Building Height – 35 ft.

Section 709 Bed and Breakfast Facilities

709.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-20-2000; rev. 11-4-2020]

A-1, R-1, R-2, R-2A, R-2B, AR Districts.

709.02 The site shall have adequate access onto a hard surface state highway, or county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.

709.03 Information shall be submitted indicating that adequate off-street parking will be provided. All parking areas shall be screened from view from any adjacent existing residential development or from any adjacent dwelling, by a masonry wall or a solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height.

709.04 No more than one sign, no larger than six (6) square feet shall be permitted.

Section 710 Building Materials Sales Yards

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

B-3, B-4, I-1 Districts.

710.02 Immediate access to a major thoroughfare shall be required.

710.03 All storage that is not totally enclosed within a building shall be enclosed with a six (6) foot fence and gate that provides both security and a visual barrier. Where this outdoor storage is located adjacent to an “R” District, there shall be planted along the outside face of the required fencing mature evergreens at thirty (30) foot intervals.

Section 711 Campgrounds [eff. 12-4-2020]

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

711.02 A Site Plan shall be submitted with the application showing proposed incidental uses and their relationship to the site. Such incidental uses may include, but shall not be limited to, concession areas, food service and consumption areas, commissaries, laundry and drying facilities, management offices, toilet facilities and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary campground activity.

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

Section 712 Car Washes

712.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996]

B-2, B-3, B-4 Districts.

712.02 All washing facilities shall be included entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.

712.03 Vacuuming and/or steam cleaning equipment may be located outside, but shall not be placed in the front yard, a side yard facing a street, or in any yard adjoining an "R" District. Mechanical drying equipment and/or hand drying of motor vehicles must be performed on the premises.

712.04 A hard-surfaced exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.

712.05 A solid fence, wall, or hedge six (6) feet high shall be required when a car wash is adjacent to an "R" District.

712.06 The following hard-surfaced, dust-free, off-street parking shall be provided:

712.06.01 Six (6) waiting spaces and two (2) storage spaces for each car washing device or stall; or ten (10) off-street waiting spaces for an assembly line type washing establishment where vehicles await entrance to the washing process;

712.06.02 Two (2) employee parking spaces for every three (3) employees; and

712.06.03 Two (2) parking spaces at the exit end of each washing bay for drying and hand finishing of vehicles.

Section 713 Cemeteries

713.01 Zoning Districts Where Conditionally Permitted:

A-1, R-1 Districts.

713.02 Minimum Site Size: Three (3) acres.

713.03 Immediate access to a major thoroughfare shall be required.

Section 714 Churches and Similar Places of Worship

714.01 Zoning Districts Where Conditionally Permitted: [eff. 6-13-2002; rev. 12-13-2013; rev. 11-4-2020]

A, AR, R, B Districts.

714.02 Immediate access to a public thoroughfare shall be provided by at least two (2) entrance/exists.

714.03 An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.

714.04 Lot frontage, size, and building setbacks and height: [eff. 11-6-2008]

Minimum Lot Frontage – 100 ft. (Subject to Section 210 Footnote 1)

Minimum Lot Area – 15,000 Sq. Ft. (Subject to Section 210 Footnote 1)

Minimum Front Yard Setback – 50 ft.

Minimum Side Yard Setback – 25 ft.

Minimum Rear Yard Setback – 50 ft.

Maximum Building Height – 35 ft.

Section 715 Commercial Recreation – Indoor; – Outdoor [eff. 12-4-2020]

715.01 Zoning District Where Conditionally Permitted:

Commercial Recreation – Indoor: B-1 District.

Commercial Recreation – Outdoor: B-2 District.

715.02 Zoning Districts Where Permitted as Conditioned Use:

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

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

715.03 Requirements for Commercial Recreation – Indoor

715.03.01 All activities associated with a commercial recreation establishment shall be conducted within a completely enclosed building, with the exception of off-street parking and loading/unloading.

715.03.02 A solid fence, wall, or hedge six (6) feet high shall be constructed where a commercial recreation establishment is located adjacent to an “R” District. The Applicant shall also meet the requirements of Section 805.

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

715.03.04 No commercial recreation establishment shall have the effect of causing any increase in noise, litter, or vehicular or pedestrian traffic on any adjacent residential properties or uses of land.

715.04 Requirements for Commercial Recreation – Outdoor

715.04.01 The site shall have adequate access onto a hard-surfaced state highway, or county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.

715.04.02 A development Plan shall be submitted with the application, showing proposed incidental uses and their relationship to the site. Such incidental uses may include, but shall not be limited to, concession areas, food service and consumption areas, commissaries,

laundry and drying facilities, management offices, restroom and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary recreation activity.

715.04.03 A landscaping plan shall be submitted meeting the requirements of Section 805.

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

715.04.05 Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in a Residential District. The enclosure requirements for swimming pools contained in Section 802.02.032 shall be met.

715.04.06 In determining approval or disapproval, the Board of Zoning Appeals shall consider such potential nuisances as noise, lighting and dust, and their effect on adjacent properties.

Section 716 Community Facilities

716.01 Zoning District Where Conditionally Permitted: [eff. 3-29-1990]

R-4 District

716.02 Community facilities shall be of a cultural, educational, recreational, administrative, or service type, and shall not include repair garages, storage yards, repair yards, or warehouses.

716.03 An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.

716.04 An assessment shall be made of the probable reuse of the facility for non-public purposes in the future, with special consideration given to how facility design might limit preferred reuse alternatives.

716.05 Swimming pools, where applicable, shall conform to the enclosure requirements contained in Section 802.02.033.

716.06 In determining approval or denial, the Board of Zoning Appeals shall consider the appropriateness of facility size relative to use, access, screening, and buffers; and the effect of noise, light, and dust on adjoining property.

Section 717 Condominium Residences [eff. 4-4-1996]

717.01 The development shall have safe and adequate access to a public street as determined by the County Engineer for county and township roads and the Ohio Department of Transportation for state and federal highways.

717.02 A traffic impact statement shall be provided at an adequate level of detail to assess the effect of the development on adjacent streets.

717.03 In every case, the uses shall be provided with water and sewer systems approved by Ohio EPA or the Clark County Combined Health District. [rev. 12-13-2013]

717.04 Development plans shall be submitted with the application for Zoning Certificate for every condominium property which show the particulars of the site, proposed buildings and other improvements, including the layout of the interior streets, drives, and parking areas, the layout, location, designation, and dimensions of each unit, the layout and details of the water and sewer facilities serving the proposed condominium property, the layout and details of the soil erosion and storm water runoff control facilities proposed, and the location and dimensions of any existing or proposed easements. The name, registration number, and address of the design professional preparing such plans shall be clearly indicated thereon.

717.05 Approval shall be based on the development plan as submitted after review and approval by each of the related agencies, such as the County Engineer, Clark Soil & Water Conservation District and Utilities Department. [eff. 12-13-2013]

Section 718 Day-Care Centers

718.01 Zoning Districts Where Conditionally Permitted: [rev. 4-4-1996]

A-1, R-4, B, I-1 Districts.

718.02 A drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles.

718.03 A maximum of one hundred (100) children shall be permitted in all areas not provided with public water. [eff. 3-29-90]

718.04 An outdoor recreation area shall be provided as required by the appropriate state agency. A copy of the state agency's approval must be submitted. [eff. 3-29-90; rev. 11-4-2020]

718.05 All outdoor recreation areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition and constructed so as to preclude penetration by any person. [eff. 3-29-90; rev. 11-4-2020]

718.06 In all R-Districts, operating hours shall be limited to 6:00 am. to 9:00 pm. [eff. 3-29-1990]

718.07 The maximum percentage of site coverage by all principal and accessory buildings and outdoor play areas shall be seventy-five (75) percent. [eff. 3-29-1990]

Section 719 Day-Care Homes [eff. 3-29-1990]

719.01.01 Zoning Districts Where Conditionally Permitted:

R-1, R-2, R-2A, R-2B, R-3, R-4 Districts.

719.01.02 Zoning District Where Permitted as Conditioned Use: [eff. 4-4-1996]

A-1 District.

719.02 An outdoor recreation area shall be provided as required by the appropriate state agency. A copy of state agency's approval must be submitted. [rev. 11-4-2020]

719.03 All outdoor recreation areas shall be enclosed by a six (6) foot fence which shall be maintained in good condition so as to preclude penetration by any person; said fence shall not be permitted in the front yard. [rev. 11-4-2020]

719.04 Operating hours shall be limited to between 6:00 am. to 9:00 pm.

Section 720 Demolition Disposal Facility [eff. 3-29-1990]

720.01 Zoning District Where Conditionally Permitted: [rev. 11-4-2020]

I-2 Districts.

720.02 The Applicant shall submit a plan showing the property lines, the limits of area to be used for dumping of permitted materials, type and location of access to dumping area, description of uses within five hundred (500) feet of property line, and description of operation including (but not limited to) hours of operation, type of materials to be accepted, how the operator will control the materials dumped on-site, etc.

720.03 The demolition disposal facility shall have adequate access to a hard surfaced public street that is regularly maintained.

720.04 The demolition disposal facility site shall be a minimum distance of:

720.04.01 Two hundred (200) feet from a public street.

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

720.04.03 One thousand (1,000) feet from any residence.

720.05 Prior to a zoning certificate being issued for a demolition disposal facility, the owner shall have a valid demolition disposal facility permit from the Clark County Combined Health District and also any other required license or permit from any other Federal, State, or local agency. [eff. 12-13-2013]

Section 721 Drive-In Motion Picture Theatres

721.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996]

B-3, B-4, I-1 Districts.

721.02 Immediate access to a major thoroughfare shall be required, and points of ingress and egress shall be provided only from such thoroughfare.

721.03 All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicles shall be permitted to wait or stand within a dedicated right-of-way.

721.04 The area shall be arranged so as to prevent the motion picture screen from being viewed from residential areas or adjacent major or secondary thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed onto the premises of the drive-in theatre site.

Lot frontage, size and building setbacks and height: [eff. 11-6-2008]

Minimum Lot Frontage – 200 ft.

Minimum Lot Area – 3 acres

Minimum Front Yard Setback – 75 ft.

Minimum Side Yard Setback – 30 ft.

Minimum Rear Yard Setback – 70 ft.

Maximum Building Height – 35 ft.

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

722.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996; rev. 11-4-2020]

B-2, B-3, B-4 Districts.

722.02 There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of thirty (30) feet between them, and shall not exceed thirty (30) feet in width at the curb line, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in an "R" District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.

722.03 A solid wood fence or masonry wall six (6) feet high shall be constructed where the delivery window is located adjacent to an "R" District. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb. A raised curb six (6) inches high and six (6)

inches wide shall be constructed along all street frontages, except within driveway openings, and shall form a landscaped island having a minimum width of five (5) feet including the width of the curbs.

722.04 The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

Section 723 Farm Labor Housing [rev. 11-4-2020]

723.01 Zoning District Where Permitted as Conditioned Use: [eff. 4-4-1996]

A-1 District.

723.02 Said housing shall consist of a manufactured home and comply with all applicable health and building regulations. [eff. 11-4-2020]

723.03 A maximum of two (2) manufactured homes for said housing shall be allowed per parcel. Each manufactured home shall be located no closer than twenty-five (25) feet to another manufactured home and no closer than one hundred (100) feet to any lot line. [eff. 11-4-2020]

723.04 Each manufactured home shall be skirted, entirely enclosing the bottom section, within sixty (60) days after it is placed on the parcel. [eff. 11-4-2020]

723.05 A manufactured home shall be removed from the parcel within sixty (60) days when the dwelling is no longer used for Farm Labor Housing as defined in Chapter 10. [eff. 11-4-2020]

Section 724 Feed Lot, Grain Elevators and Slaughterhouse [eff. 3-29-1990]

724.01 Zoning District Where Conditionally Permitted:

A-1 District.

724.02 Minimum lot Size: Five (5) acres.

724.03 Minimum Frontage: One-hundred fifty (150) feet.

724.04 Minimum Yard Requirements:

724.04.01 Front Yard: Forty (40) feet.

724.04.02 Side Yard: Fifty (50) feet.

724.04.03 Rear Yard: Fifty (50) feet.

724.05 Structures shall be a minimum distance of:

724.05.01 One-hundred fifty (150) feet from any dwelling.

724.05.02 One-hundred (100) feet from any "R" District.

724.06 The site shall have adequate access onto a hard surface state highway, county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.

724.07 Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.

724.08 The Applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

724.09 No outdoor disassembly or repair of farm machinery shall be permitted.

724.10 All equipment used in the processing operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.

724.11 All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property in an "R" District or any adjoining dwelling in an A-1 District.

Section 725 Funeral Homes and Mortuaries

725.01 Zoning Districts Where Permitted as Conditioned Uses: [eff. 4-4-1996]

B-1, B-2, B-3, B-4, I-1 Districts.

725.02 Immediate access to a major thoroughfare shall be required.

725.03 An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

725.04 All hearses, limousines, and other related business vehicles shall be stored within an enclosed building when not in use.

725.05 The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.

Section 726 Garden Centers, Greenhouses and Landscaping Businesses

[eff. 1-13-01; rev. 12-13-2013]

726.01 Zoning District where permitted as Conditionally Permitted Use:

A-1 District.

726.02 Minimum Lot Size: One (1) acre.

726.03 Minimum Frontage: One Hundred Fifty (150) feet.

726.04 Minimum Yard Requirements:

726.04.01 Front Yard: Fifty (50) feet. [eff. 3-29-1990]

726.04.02 Side Yard: Thirty (30) feet.

726.04.03 Rear Yard: Fifty (50) feet.

726.05 Structures used for Garden Centers, Greenhouses and Landscaping Businesses shall be a minimum distance of: [rev. 12-13-2013]

726.05.01 One hundred-fifty (150) feet from any dwelling.

726.05.02 One hundred (100) feet from any "R" District.

726.06 The site shall have adequate access onto a hard surfaced state highway, county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.

726.07 Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.

726.08 The Applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.

726.09 No repair facilities shall be permitted.

726.10 All equipment used in the operation of Garden Centers, Greenhouses and Landscaping Businesses shall be maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity. [rev. 12-13-2013]

726.11 All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property.

Section 727 Group Care Homes

727.01 Zoning Districts Where Conditionally Permitted: [rev. 3-29-1990]

A-1, R-1, R-2, R-2A, R-2B, R-3, R-4 Districts.

727.02 The minimum lot size shall be as specified in Chapter 2. [eff. 3-29-1990]

727.03 No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.

727.04 Required Submittal:

727.04.01 Information explaining the need for the facility, the clientele to be served, and the financial resources that will be used to operate the facility.

727.04.02 Identification of community facilities and social services that will be used by the clientele of the group care home, including an indication from the Administrator of such facilities and services that the clientele of the group care home can be accommodated.

727.04.03 Prior to the issuance of a conditional or permanent Zoning Certificate, the Applicant shall provide evidence that a valid license has been issued or is obtainable. When a license is not required of the Applicant by a governmental agency, a written affidavit shall be presented as part of the application by the governmental agency to which that Applicant has accountability, stating that a license is not required. [eff. 3-29-1990]

727.04.04 A copy of the operational and occupancy standards that will be used in establishing the facility.

727.04.05 A detailed plan of services and programs to be offered to the clientele of the facility, including the nature of care to be provided and the types of services to be offered, and the individuals and/or agencies who will be responsible for administering such care and services.

727.04.06 The facility shall be serviced by adequate utilities for the intended use as approved by the Technical Review Committee.

727.05 Unless modified by this Section, the facility shall comply with all other applicable regulations prior to the issuance of a Zoning Certificate. [rev. 11-4-2020]

727.06 Criteria for Evaluation:

727.06.01 Is in fact the facility licensed by and/or does the facility have legal accountability to an established social service agency of local government, and can sufficient controls be exercised to insure continued compliance with the provisions of this Section?

727.06.02 Will the proposed facility be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity, and will such use not change the essential character of the neighborhood?

Section 728 Home Occupations, Minor and Major [eff. 12-4-2020]

728.01 Zoning Districts Where Conditioned or Conditionally Permitted:

A-1, AE, AR, R, MU Districts.

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

728.02.01 Examples of prohibited minor home occupations include, but are not limited to: dentists, physicians or other licensed medical practitioners, tree services, landscaping and lawn services, construction services, beauty salon or barbershop, etc.

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

728.03.01 The external appearance of the structure in which the use is conducted shall not be altered and there shall be no substantial indication of the non-residential use of the premises.

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

728.03.03 No more than one (1) sign, no larger than two (2) square feet shall be mounted flush to a wall of the structure and no off premise signs to be provided.

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

728.03.05 No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

728.03.06 No additional parking demand shall be created.

728.03.07 No more than one (1) person who is not a resident of the premises may participate in the home occupation as an employee or volunteer or independent contractor.

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

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

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

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

728.05.01 The external appearance of the structure in which the use is conducted shall not be significantly altered and there shall be no substantial indication of the non-residential use of the premise.

728.05.02 Not more than one (1) sign no larger than two (2) square feet shall be mounted flush to a wall of the structure and no off-premise signs to be provided.

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

728.05.04 No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

728.05.05 No additional parking demand shall be created.

728.05.06 Not more than two (2) non-residents of the premises shall be employed, be an independent contractor or volunteer on the premise.

728.05.07 No more than one (1) light duty commercial vehicle may be parked or stored on the property.

Section 729 Hospitals and Auxiliary Facilities

729.01 Zoning District Where Conditionally Permitted: [eff. 3-29-1990]

A-1 District.

729.02 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996]

B-3, B-4, I-1 Districts.

729.03 Immediate access to a major thoroughfare shall be required.

729.04 Maximum Lot Coverage: Twenty-five (25) percent

729.05 Setback Required for Off-Street Parking: Fifty (50) feet.

729.06 A six (6) foot solid wall or fence or compact hedge shall be required when located closer than one hundred fifty (150) feet to an existing or platted residential development.

729.07 An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

729.08 Lot frontage, size, and building setbacks and height: [eff. 11-6-2008]

Minimum Lot Frontage – 200'

Minimum Front Yard Setback – 75'

Minimum Rear Yard Setback – 70'

Minimum Lot Area – 3 acres

Minimum Side Yard Setback – 30'

Maximum Building Height – 35'

Section 730 Institutions of Higher Learning

730.01 Zoning Districts Where Conditionally Permitted: [rev. 4-4-1996; rev. 11-4-2020]

A-1, R-1, Districts.

730.02 Minimum Site Size: Ten (10) acres.

730.03 Immediate access to a major thoroughfare shall be required.

730.04 An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

730.05 All parking areas and/or areas where vehicles may pick up or discharge passengers shall be screened from view from any adjacent existing residential development.

Section 731 Junkyards and Automobile Wrecking Yards

731.01 Zoning District Where Conditionally Permitted:

I-1 District.

731.02 Immediate access to a major thoroughfare shall be required.

731.03 The lot shall be a minimum distance of:

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

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

731.04 The site shall be entirely surrounded by a solid wood or masonry fence or wall not less than six (6) feet high.

Section 732 Manufactured Home in Districts Other Than Residential Manufactured Home Park District (R-MHP) [eff. 3-29-1990]

732.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996]

A-1, R Districts.

732.02 The structure shall be installed upon and properly attached to a foundation that is in compliance with the one-family, two-family, and three-family Residential Code of Ohio, latest adopted edition or approved by the Manufactured Home Commission pursuant to Chapter 4781 of the Ohio Revised Code. [eff. 9-3-2004; rev. 12-13-2013]

732.03 All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.

732.04 The siting of the structure shall comply with all other requirements in effect for the district for which it is proposed.

732.05 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. [eff. 4-20-2000]

732.06 Aesthetic and compatibility requirements:

732.06.01 Roof Pitch: Pitch requirements entailing a three (3) inch vertical rise or more for each twelve inches of horizontal run. [eff. 4-20-2000]

732.06.02 Roof Overhang: Minimum overhang of over six (6) inches, except on gable ends, or where approved decks, or certain accessories are attached.

732.06.03 Roof Material: Wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, asphalt or fiberglass shingle (no corrugated metal or fiberglass).

732.06.04 Exterior Siding: One or a combination of materials such as brick, stone, stucco, clapboard or clapboard simulated vinyl or metal, wood shingles, shakes or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the top of the foundation.

Section 733 Motels and Hotels

733.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996]
B-3, B-4, I-1 Districts.

733.02 Immediate access to a major thoroughfare shall be required.

733.03 An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

733.04 Lot frontage, size, and building setbacks and height. [eff. 11-6-2008]

- | | |
|----------------------------------|---------------------------------|
| Minimum Lot Frontage – 150' | Minimum Lot Area – 1 acre |
| Minimum Front Yard Setback – 50' | Minimum Side Yard Setback – 30' |
| Minimum Rear Yard Setback – 70' | Maximum Building Height – 35' |

Section 734 Motor Vehicle Fuel Only Stations [rev. 11-4-2020]

734.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996]
B-1, B-2, B-3, B-4, I-1 Districts.

734.02 The entire lot area, exclusive of the area covered by the structures or planting areas, shall be paved.

734.03 The Clark County Engineer shall, upon application, and where permissible, issue an access permit that will indicate those locations along the lot for which access is acceptable and in conformance with generally accepted access regulations. [eff. 12-13-2013]

734.04 All service station buildings shall have a minimum front yard depth of fifty (50) feet. A twenty (20) foot buffer/no-build area is required around the perimeter of the property. [rev. 11-4-2020]

734.05 The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

734.06 No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental units shall not be permitted in the front yard.

734.07 Storage of motor vehicles shall not be permitted except when stored entirely within an enclosed structure; this section shall not apply to rental units.

734.08 A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the service station is located adjacent to a “AR”, R”, “R-MHP”, “R-CL”, “PD-R” District, or a lot containing a dwelling. [rev. 11-4-2020]

734.09 Lot frontage, size and building setbacks and height: [eff. 11-06-2008]

- | | |
|--|------------------------------------|
| Minimum Lot Frontage – 100 ft. (Subject to Section 210, Footnote 1) | |
| Minimum Lot Area – 20,000 Sq. Ft. (Subject to Section 210, Footnote 1) | |
| Minimum Front Yard Setback – 50 ft. | Minimum Side Yard Setback – 30 ft. |
| Minimum Rear Yard Setback – 50 ft. | Maximum Building Height – 35 ft. |

Section 735 Motor Vehicle Body Shop and/or Repair [rev. 11-4-2020]

735.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996]

B-3, B-4, I-1 Districts.

735.02 The entire lot area, exclusive of the areas covered by the shop structure or planting area, shall be paved.

735.03 The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

735.04 No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of any motor vehicles shall not be permitted in the front yard.

735.05 Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building.

735.06 A solid fence, wall or evergreen hedge six (6) feet high shall be constructed or planted where the shop or storage area is located adjacent to any "AR", "R", "R-MHP", "R-CL" or "PD-R" District or any lot containing a dwelling. [rev. 11-4-2020]

Section 736 Motor Vehicle Fuel, Service, and/or Repair [rev. 11-4-2020]

736.01 Zoning Districts Where Permitted as Conditioned Use: [eff. 4-4-1996]

B-2, B-3, B-4, I-1 Districts.

736.02 There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed thirty (30) feet in width at the curb line, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in a Residential District, nor ten (10) feet to an adjacent property line in any other Zoning District. On corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.

736.03 All repair garage buildings shall have a minimum front yard depth of fifty (50) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line. [eff. 3-29-1990]

736.04 The entire lot area, exclusive of the area covered by the garage structure or planting areas, shall be paved. [eff. 3-29-1990]

736.05 The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

736.06 No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers, or other motor vehicles shall not be permitted in the front yard. [eff. 3-29-1990]

736.07 Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building. [eff. 3-29-1990]

736.08 A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the garage or storage area is located adjacent to a "AR", "R", "R-MHP", "R-CL", "PD-R" District or a lot containing a dwelling. [eff. 3-29-1990; rev. 11-4-2020]

Section 737 Nursing Homes, Convalescent Homes and Assisted Living Facilities

737.01 Zoning Districts Where Conditionally Permitted: [rev. 3-29-1990; rev. 4-4-1996]

A-1, R-1, R-2, R-2A, B-1, B-2, B-3, B-4, I-1 Districts.

737.02 Immediate access to a major thoroughfare shall be required.

737.03 An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.

737.04 Where this use is adjacent to an existing or platted residential development, there shall be a twenty (20) foot buffer strip of mature evergreens to be planted along the outside face of the required fencing at thirty (30) foot intervals.

737.05 In every case, the use is to be provided with an adequate water supply for a fire suppression system. [eff. 4-4-1996]

737.06 Lot frontage, size, and building setbacks and height: [eff. 11-6-2008]

Minimum Lot Frontage – 150'	Minimum Lot Area – 1 acre
Minimum Front Yard Setback – 50'	Minimum Side Yard Setback – 30'
Minimum Rear Yard Setback – 70'	Maximum Building Height – 35'

Section 738 Office-Residential Uses [eff. 4-4-1996]

738.01 Only family members who reside in the dwelling on the property where the conditioned use is conducted shall be allowed to be employed in the business. Said use may be conducted within the dwelling or within an accessory building on the same lot as the dwelling.

738.02 Conditioned Uses – professional services, including but not limited to offices of physicians, dentists, lawyers, architects, insurance and real estate agents, and general contractors, surveyors, beauty shops and other similar professions.

738.03 The Conditioned Use shall be conducted principally during day light hours and shall not create a nuisance from noise, smoke, odor, vibration, electrical disturbances, or parking.

738.04 No alteration of the principal residential structure shall be made which changes the essential appearance thereof as a dwelling.

738.05 One sign shall be permitted. Such sign shall be attached flush to the wall of the structure and shall be no larger than four (4) square feet.

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

738.07 Outdoor storage of product(s), equipment, or commercial vehicles shall be permitted only in the rear yard. All such outdoor storage shall be enclosed with a six (6) foot fence that provides both security and a visual barrier.

738.08 An assessment shall be made of the probable effects the proposed use will have on the surrounding area including additional traffic and the proposed parking, loading, and unloading facilities.

Section 739 Penal and Correctional Institutions

739.01 Zoning District Where Conditionally Permitted:

I-1 District.

739.02 Minimum Site Size: Ten (10) acres.

739.03 The site shall be a minimum distance of:

739.03.01 Two thousand (2,000) feet from any residence, school, church, institution for human care, or similar institution.

739.03.02 One thousand (1,000) feet from any District not an A-1 District.

739.04 Immediate access to a major thoroughfare shall be required.

Section 740 Primary and Secondary Schools

740.01 Zoning Districts Where Conditionally Permitted: [rev. 3-29-1990]

A-1, R-1, R-1A, R-2, R-2A Districts.

740.02 There shall be a minimum yard requirement of one hundred fifty (150) feet in any yard from which unrestricted exit or entry to the principal structure on the lot is made.

740.03 All parking areas and/or areas where vehicles may pick-up or discharge passengers shall be screened from view from any adjacent existing or platted residential area. No on-street pick-up or discharge of passengers shall be permitted.

740.04 An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent thoroughfare(s).

740.05 An assessment shall be made of the probable reuse of the facility for non-public purposes in the future, with special consideration given to how facility design might limit preferred reuse alternatives.

Section 741 Public Recreation Areas [eff. 11-4-2020]

741.01 Zoning District Where Conditionally Permitted:

A-1 District.

Zoning District Where Permitted as Conditioned Use:

B-3, B-4, I-1, I-2 Districts.

741.02 The site shall have adequate access onto a hard-surfaced state highway, or county or township road that is regularly maintained and adequate to handle the additional traffic generated by the use.

741.03 A development Plan shall be submitted with the application, showing proposed incidental uses and their relationship to the site. Such incidental uses may include, but shall not be limited to, concession areas, food service and consumption areas, commissaries, laundry and drying facilities, management offices, restroom and shower facilities. Incidental uses shall clearly be appropriate to the proposed primary recreation activity.

741.04 A landscaping plan shall be submitted meeting the requirements of Section 805.

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

741.06 Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in a Residential District. The enclosure requirements for swimming pools contained in Section 802.02.032 shall be met.

741.07 In determining approval or disapproval, the Board of Zoning Appeals shall consider such potential nuisances as noise, lighting and dust, and their effect on adjacent properties.

741.08 The Board of Zoning Appeals may establish such requirements as the Board deems necessary to regulate the duration of stay by individuals or their recreation equipment at private or public campgrounds in order to preclude such extended periods of stay that might be construed as the establishment of permanent residency at the campground.

741.09 Lot frontage, size and building setbacks and height: [eff. 11-6-2008]

Minimum Lot Frontage – 150 feet.

Minimum Lot Area – One (1) acre or the site shall be appropriate for the proposed use, as determined by the Board of Zoning Appeals.

Minimum Front Yard Setback – 50 feet.

Minimum Side Yard Setback – 40 feet.

Minimum Rear Yard Setback – 70 feet.

Maximum Building Height – 35 feet.

Section 742 Radio, Television & Telecommunication Transmission/Receiving Towers

742.01 Zoning Districts Where Conditionally Permitted:

A-1 to the extent permitted by ORC 303.211 [rev. 12-13-2013; 11-4-2020]

R-1 District.

742.02 Minimum Site Size: Five (5) acres.

742.03 In no instance shall a transmission and/or receiving tower extend higher than the distance between such structure and any lot line of the parcel or tract upon which such structure is located; guy wires or other accessories shall not cross or encroach upon any street or other public or private space. [eff. 3-29-1990]

Section 743 Resource and Mineral Extraction

743.01 Zoning Districts Where Conditionally Permitted:

I-1, I-2 Districts.

743.02 Applications shall be submitted and hearings shall be conducted in the manner set forth in Section 701.

743.03 The Board of Zoning Appeals may impose any reasonable additional standards as may be necessary to protect the public interest, including changes to the reclamation plans, which do not unduly restrict the operation of the mining/extraction operation. [eff. 6-13-2002]

743.04 The Board of Zoning Appeals may require any modification of the submitted plan including, but not limited to, that which enhances the operations effect on the surrounding area or safety and which do not unduly restrict the operation of the mining/extraction operation. Said changes must be presented on revised plans which must be resubmitted to the Board for approval or further modification. [eff. 6-13-2002]

743.05 The Applicant shall provide the Zoning Inspector with a copy of the approved permit from the Ohio Department of Natural Resources. [rev. 11-4-2020]

743.06 An application for such operation shall set forth the following information in narrative (text) form: [eff. 6-13-2002]

- 743.06.01** Name of the owner or owners of land from which removal is to be made;
- 743.06.02** Name of the Applicant making request for such a permit;
- 743.06.03** Name of the person or corporation conducting the actual removal operation;
- 743.06.04** Location, description, and size of the area from which the removal is to be made;
- 743.06.05** Indicate proposed timetable including phases of the operation;
- 743.06.06** Indicate the hours of operation (note – said hours may be modified by the Board of Zoning Appeals);
- 743.06.07** Type of resources or materials to be removed including an estimate of the annual production rates for each mineral and describe in detail the type of operation proposed (sand & gravel, stone quarry, blacktop batch plant, etc.);
- 743.06.08** Proposed method of removal and whether or not blasting or other use of explosives will be required;
- 743.06.09** General description of the type and number of equipment to be used in all operations;
- 743.06.10** Method of rehabilitation and reclamation of the mine area and the entire site;
- 743.06.11** Cost estimate of restoration;
- 743.06.12** Demonstrate that the operations will not be detrimental to the vicinity or surrounding properties;
- 743.06.13** Indicate how all the equipment used in these operations will be constructed, maintained, and operated in such a manner as to eliminate, so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity;
- 743.06.14** A statement of whether any surface mining permits or coal mining and reclamation permits are now held by the Applicant in this state and, if so, the numbers of the permits and their location;
- 743.06.15** A statement by the Applicant indicating the reason(s) why the proposed site is suitable and sustainable for mineral extraction;
- 743.06.16** Ensuring that contamination of underground water supplies is prevented during mining and reclamation. Upon completion of reclamation, ensure that any watercourse, lake, or pond located within the site boundaries is free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, waterfowl, or other beneficial species of aquatic life;
- 743.06.17** Ensuring during mining and reclamation, that the effect of any reduction of the quantity of ground water is minimized;
- 743.06.18** Ensuring during mining and reclamation, drainage control will be provided so as to prevent the causing of flooding, landslides, and flood hazards to adjoining lands resulting from the mining operation and that any ponds left will be in such condition as to avoid their constituting a hazard to adjoining lands;
- 743.06.19** Ensuring during mining, the prompt removal, storage, or coverage of any coal, pyritic shale, or other acid producing materials in such a manner that will minimize acid drainage and the accumulation of acid water;

743.06.20 For any Applicant whose operation may result in dewatering, submit a report prepared by a qualified engineer which contains text and a drawing showing the projected cone of depression; and

743.06.21 A statement by the Applicant certifying that the Applicant has communicated with the County Engineer of the county in which the proposed surface will be located regarding any streets and roads under the county engineer's jurisdiction or township's jurisdiction that will be used by vehicles entering and leaving the proposed surface mining operation (NOTE: the local authority may enter into an agreement with the operator of a surface mining operation or of a proposed surface operation for the improvement of roads under the jurisdiction of that local authority that may be affected by the operation or for other improvements).

743.07 An application for such operation shall set forth the following information in visual (map / drawing / plan) form: [eff. 6-13-2002]

743.07.01 Map(s) showing the current property boundaries of the Applicant's site as well as all property lines within five hundred (500) feet of the Applicant's site. This map(s) shall also provide the following:

743.07.011 Current and proposed drainage including proposed retention/detention areas, if applicable;

743.07.012 Approximate boundary of total extraction area and the perimeter of the water area, if applicable;

743.07.013 Location of existing structures and uses;

743.07.014 All current and proposed road rights-of-way and easements within the site and within five hundred (500) feet of the property line. [rev. 12-13-2013]

743.07.02 Location of the processing plant to be used, if any, and any accessory or related operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation;

743.07.03 Location of all proposed buildings and location of all proposed uses;

743.07.04 A grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding areas within five hundred (500) feet of the property boundary line, drawn to contour intervals of five (5) feet or less;

743.07.05 Show the approximate location of buildings and uses after reclamation has been completed; and

743.07.06 If the eventual use includes the subdividing of lots after the reclamation process, delineate approximate lot lines of said future lots.

743.08 Development standards: Applicant must indicate how the plans meet these requirements. [eff. 6-13-2002]

743.08.01 No mining, gravel or sand extraction, or stockpile shall be permitted nearer than one hundred (100) feet to the boundary of the property being utilized for such use, or such greater distance as specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property, but in any such event, adequate lateral support shall be provided for said abutting property.

743.08.011 Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line.

743.08.02 In order to ensure adequate lateral support, all sand and gravel excavations shall be located at least one hundred (100) feet, or backfilled to at least one hundred fifty (150) feet, and all quarrying or blasting shall be located at least three hundred (300) feet from the right-of-way line of any existing or platted street, road, highway, or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, highway, or railway provided an approval is obtained from the appropriate highway/railway authority.

743.08.03 Commencing with the one hundred eightieth (180) day after operations have ceased at any mine, quarry, or gravel or sand pit, each day Sections 743.08.04, 743.08.05 743.08.09 have not been complied with by the Applicant/Owner will be considered a separate violation of these Regulations, and punishable as provided in Section 908.

743.08.04 All excavations of gravel or sand shall either be made to a water producing depth plus five (5) feet, or graded and/or backfilled with non-noxious and non-flammable solids to assure:

743.08.041 That the excavated area will not collect and retain stagnate water; and

743.08.042 That the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.

743.08.05 The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than three (3) feet horizontal to one (1) foot vertical, and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as prescribed herein.

743.08.06 Whenever the floor of a mine or quarry is more than five (5) feet below the average grade of the highway, road, street, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6) foot mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least twenty-five (25) feet from any street, road, highway, or boundary of the quarry property. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.

743.08.07 All quarrying, blasting, drilling, or mining shall be carried out in a manner and on such scale as to minimize dust, noise, and vibrations and to prevent adversely affecting the surrounding properties.

743.08.08 Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Clark County Engineer.

743.08.09 When any quarrying has been completed, such excavated areas shall either be left as a permanent spring-fed lake if such lake has an average depth of twenty (20) feet or more, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of

not less than a six (6) foot mound of earth planted with vegetation approved by the Clark Soil & Water Conservation District.

743.08.10 Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof to screen adjoining properties and/or protect the public safety. The Board of Zoning Appeals is authorized to impose such additional requirements with respect to providing adequate barriers as it may feel necessary to screen adjoining properties and/or protect the public safety.

743.09 Other requirements: [eff. 6-13-2002]

743.09.01 The Owner or Operator of the mining operation shall submit copies of any documents / reports sent to the Ohio Department of Natural Resources to the Clark County Zoning Inspector within thirty (30) days of submitting same to the state. [eff. 12-13-2013]

743.09.02 The Board of Zoning Appeals may revoke an authorized variance or conditional zoning certificate for the extraction of minerals if any condition of the variance or conditional zoning certificate is violated. The BZA shall notify the holder of the variance or certificate either by certified mail or, if the BZA has record of an internet identifier of record associated with the holder, by ordinary mail and by that internet identifier of record of its intent to revoke the variance or certificate, and of the holder's right to a hearing before the BZA within thirty (30) days of the mailing of the notice if the holder so requests. If the holder requests a hearing, the BZA shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the BZA may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law. [rev. 11-4-2020]

Section 744 Sanitary Landfills [eff. 6-1-2000]

744.01 Zoning District where conditionally permitted: [rev. 6-7-2001]

I-1 District.

744.02 The Applicant shall obtain approval from the Board of Directors of the Clark County Solid Waste Management District (CCSWMD) prior to the Zoning Inspector issuing a zoning certificate authorizing the Applicant to commence the construction or operation of the sanitary landfill as granted hereunder by the Board of Zoning Appeals. In order to obtain said CCSWMD Board of Directors approval, the Applicant must submit the landfill development proposal to the Solid Waste Facility Siting Review process contained in the current version of the Clark County Solid Waste Management Plan. [rev. 12-13-2013; rev. 11-4-2020]

744.03 The Applicant must secure both a permit and an operating license from the Director of the Ohio EPA prior to the Zoning Inspector issuing a zoning certificate authorizing the Applicant to commence the construction or operation of the sanitary landfill as granted hereunder by the Board of Zoning Appeals. [rev. 12-13-2013; rev. 11-4-2020]

744.04 In addition to the requirements of the CCSWMD Plan, the sanitary landfill site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained.

744.05 In addition to the requirements of the CCSWMD Plan, the sanitary landfill site shall be minimum distance of:

744.05.01 One thousand (1,000) feet from any state highway frontage.

744.05.02 One thousand five hundred (1,500) feet from any residence.

744.05.03 One thousand (1,000) feet from any “R” district.

744.06 The sanitary landfill site shall be properly screened for vector control so that refuse does not spill over onto adjacent property.

744.07 In order to obtain approval by the Board of Zoning Appeals of a proposal to construct and/or operate a sanitary landfill, the Applicant must provide a sufficient long-term and post-closure recreational end-use of a sanitary landfill. For purposes of determining whether the long-term and post-closure aspects of a sanitary landfill proposal are sufficient to obtain a Zoning Certificate, the Board of Zoning Appeals shall consider whether the developer has proposed a satisfactory recreational end use of the facility, such as a golf course, bike paths, soccer fields or a similar recreational activity. The Board of Zoning Appeals shall require the owner/operator/developer of a sanitary landfill to provide full and complete independent financial security to secure the construction of any proposed end use development. The failure of a developer to demonstrate a sufficient end use development or to provide adequate financial assurance, as described herein, shall constitute sufficient reason for the Board of Zoning Appeals to disapprove general plans and specifications for the proposed sanitary landfill and deny the conditional use.

744.08 The Siting Strategy of the Clark County Solid Waste Management Plan is incorporated herein by reference and is applicable to any proposal to construct a sanitary landfill subject to this section (Section 744 – regulations for Sanitary Landfills). The Siting Strategy as incorporated herein shall survive any determination by a court of competent jurisdiction or the Director of the Ohio Environmental Protection Agency that all or any portion of the plan is unenforceable. The Zoning Inspector shall not issue a Zoning Certificate authorizing the Applicant to construct or operate a sanitary landfill unless the County Commissioners determines that the proposed sanitary landfill complies with the Clark County Solid Waste Management Plan. In the event that all or any portion of the Clark County Solid Waste Management Plan is enjoined by a court of competent jurisdiction or by the Director of the Ohio Environmental Protection Agency, the County Commissioners shall nevertheless conduct a siting strategy review of a proposal for the construction and operation of a sanitary landfill for purposes of complying with this section (Section 744 – regulations for Sanitary Landfills) and shall make its determination of whether any such proposal complies with the Clark County Solid Waste Management Plan. The Board of Zoning Appeals shall not approve any proposals for the construction of a sanitary landfill, nor shall the Zoning Inspector issue a Zoning Certificate to an Applicant for the construction of a sanitary landfill if the Applicant fails or is not able to adequately address a significant adverse impact, as defined in the Clark County Solid Waste Management Plan, or the failure of an Applicant to comply with any other provision of the Siting Strategy or provisions of this section (Section 744 – regulation for Sanitary Landfills). [rev: 12-13-2013; rev. 11-4-2020]

Section 745 Self Storage Facility [eff. 11-4-2020]

745.01 Zoning Districts Where Conditioned Permitted:

B-4, I-1, I-2 Districts.

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

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

Section 746 Ground Mounted Solar Energy Systems and All other Small Solar Facilities (Principal Use)

746.01 Zoning Districts where Conditionally Permitted:

I-1, I-2 Districts

Minimum Lot Size: 1 acre

Minimum Frontage: 150 feet

746.01.01 Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Ground Mounted Solar Energy Systems and All Other Small Solar Facility (Principal Use) is located. An Emergency Operations Plan must be given to the local fire department and local fire officials.

746.01.02 Advertising: Ground Mounted Solar Energy Systems and All other Small Solar Facilities (Principal Use) and the property where it's located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising. Emergency contact signage shall be provided at all site access points.

746.01.03 Location: All other Small Solar Facilities (except components located entirely underground) shall be located entirely in the rear yard. All other small solar facilities shall be located behind a principal building or structure. In the case of corner lots, no Solar Facility shall be located between a principal building or structure and a public right-of-way.

746.01.04 Height: the maximum height shall not exceed 15 feet.

746.01.05 Buffers and Setbacks: Ground Mounted Solar Energy Systems and All other Small Solar Facilities (Principal Use) located on property adjacent to or in close proximity to property zoned for residential use (as determined by the zoning inspector), no part of the ground mounted solar energy system shall be located within 100 ft. of an existing residential parcel.

746.01.06 Visual Buffer: Ground Mounted Solar Energy Systems shall have a visual buffer or natural vegetation, plantings, and/or fencing designed.

746.01.07 Fencing: Any fencing and/or screening installed in connection with the Ground Mounted Solar Energy Systems and All Other Small Solar Facilities shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be eight (8) feet in height and maintained in good repair and in an aesthetic manner at all times. All visual buffers and/or fencing must fulfill the following outcomes: Enhances the view from any existing residential dwelling and from any public right-of-way; is in harmony with the existing vegetation and view shed in the area; and provides reasonable visual screening to minimize view and noise from the Solar Facility to adjacent lots and from any public right-of-way.

746.01.08 Glare: Ground Mounted Solar Energy Systems and All other small Solar Facilities (Principal Use) shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties or roadways. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties or roadways. All Solar Energy Systems must have anti-reflective coating to reduce glare. Ongoing maintenance is required as an element of continued compliance with these regulations.

746.01.09 Lighting: All lighting in, of, and associated with any Solar Facility or Solar System must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle.

746.01.10 Maintenance: Ground Mounted Solar Energy Systems and All other Small Solar Facilities (Principal Use) must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (90) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Ground Mounted Solar Energy System and All Other Small Solar Facilities (Principal Use) is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seed and/or landscaped state similar to its condition prior to the construction/installation.

746.01.11 Access: Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction. Emergency Access paths shall be provided and maintained, a safe lane being no less than 18 feet in width to accommodate fire and emergency medical apparatuses.

746.01.12 Storm Water: An erosion and sediment control and storm water management plan prepared to Ohio Environmental Protection Agency standards must be submitted.

746.01.13 Conditions:

A. Decommissioning Plan. The applicant shall submit a decommissioning plan developed in accordance with the Ohio Building Code, to be implemented upon abandonment and/or in conjunction with removal from the facility that shall include:

- 1) 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 battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
- 2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- 3) The anticipated life of the solar energy system and components;
- 4) The anticipated life of the battery energy storage system;
- 5) The estimated decommissioning costs and how said estimate was determined;
- 6) The method of ensuring that funds will be available for decommissioning and restoration;
- 7) The method by which the decommissioning cost will be kept current;
- 8) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- 9) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

10) The time required to decommission and remove the Solar Energy System and any ancillary structures.

11) The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

12) Incorporate a one [1] year post-decommissioning time period for remediation of any deficiency in the execution of the decommissioning plan.

B. Decommissioning Fund. The owner and/or operator of renewable energy generating or storage system, shall continuously maintain a fund or bond payable to the County, in a form approved by the County Prosecutor and County Auditor for the decommissioning of the system, in an amount to be determined by an independent third-party engineer that shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site. 1) The amount of the bond or non-cash security shall be no less than one hundred twenty-five [125] % of the calculated cost of the complete removal of the Energy System and restoration of the property with an escalator of two [2] % annually for the life of the Solar Energy System. 2) This fund may consist of a letter of credit from an Ohio licensed-financial institution. All costs of the financial security shall be borne by the applicant. 3) The decommissioning amount shall not be reduced by the amount of the estimated salvage value of the Solar Energy System. 4) In the event of default upon performance of such conditions, after proper A-21 notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the County, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed 5) The decommissioning bond must be reassessed for sufficiency every 5 years by an independent third-party engineer and increased as necessary to ensure full compliance.

Section 747 Truck Stops [eff. 11-4-2020]

747.01 Zoning Districts Where Permitted as Conditioned Use:

I-1, I-2 Districts.

747.02 Zoning District Where Conditionally Permitted:

B-4 District.

747.03 Size: Minimum 5 acres.

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

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

747.06 Location: The site shall be a minimum distance of:

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

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

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

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

Section 748 Zero Lot Line, Cluster, Detached, Semi-Detached or Attached Dwellings

748.01 Zoning Districts Where Conditionally Permitted:

R-2, R-2A, R-2B, R-3, R-4 Districts.

748.02 Any parcel of land which is under single ownership and consists of two (2) or more contiguous lots, each having a minimum area of five thousand (5,000) square feet, may be developed within single-family zero lot line, cluster, and/or other similar dwellings in accordance with the following provisions.

748.03 Minimum Frontage: Forty (40) feet per lot for detached structures or twenty-five (25) for attached or semi-detached structures.

748.04 Minimum Yard Requirements:

748.04.01 Front Yard: Twenty-five (25) feet, except that the setback may be reduced to not less than twenty (20) feet if an average twenty-five (25) foot setback is maintained for the total building width.

748.04.02 Side Yard: The minimum side yard requirements for zero lot line and/or detached cluster dwellings shall be ten (10) percent of the lot width for a one (1) story building and twenty (20) percent of the lot width for a two (2) story or taller building, except that said side yard need not exceed ten (10) feet and shall not be less than five (5) feet. In the case of half stories, each half-story shall be considered a story for the purpose of determining the side yard requirement.

748.04.021 In the case of zero lot line dwellings, the side yard requirement for one (1) side of the lot may be reduced to zero (0) feet, provided that the lot abutting said side of the lot is held under the same ownership at the time of the initial construction or the owners of adjacent properties record an agreement or deed restriction consenting in writing to a zero (0) foot side yard setback, and further provided that the side of the dwelling adjacent to said zero (0) foot side yard setback shall have no windows, doors, or other openings unless a two-story dwelling adjoins a single-story dwelling. Said side of the dwelling shall also be constructed so as to provide a minimum fire resistance rating of two (2) hours. Where adjacent zero (0) foot lot line dwellings are not constructed against a common lot line, the Applicant shall provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall.

748.04.022 Notwithstanding other provisions of this Section, the distance between one (1) side wall and any zero foot lot line dwelling and the side wall of any other dwelling shall be not less than twelve (12) feet. In the case of attached or semi-detached cluster dwellings, there shall be permitted a maximum of eight (8) dwelling units per group of connected dwellings, the common walls of which shall be constructed so as to provide a minimum fire resistance rating of two (2) hours. There shall be no minimum side yard requirement for attached or semi-detached cluster dwellings, except that on corner lots, the minimum side yard of the corner lot shall be twenty (20) feet. When an end unit of attached or semi-detached cluster dwellings does not side on a street, an open space of at least twelve (12) feet in width shall be divided between it and the adjacent group of cluster dwellings, and this open space shall be divided between the two (2) immediately adjacent cluster dwelling lots as to property or lot lines.

748.04.03 Rear Yard: Thirty (30) feet.

748.05 The maximum percentage of lot coverage by each dwelling unit shall not exceed fifty (50) percent.

748.06 Off-street parking shall be provided in the amount of two (2) spaces per dwelling unit.

748.07 In no case shall consideration be given by the Board of Zoning Appeals to a proposed development, which exceeds, either singly or cumulatively with adjacent similar development, the minimum acreage required for a PD District. Such proposed development shall instead be governed by the provisions for designating and developing a Planned Development, as specified in Section 401. [rev. 12-13-2013; rev. 11-4-2020]

748.08 The Board of Zoning Appeals may approve a zero-lot line or cluster development upon proper application for a Conditional Use, as specified in Sections 701 and 702, and if evidence is presented which establishes the following:

748.08.01 That individual lots, buildings, streets, and parking areas shall be designed and situated so as to minimize the alteration of natural site features.

748.08.02 That diversity and originality in lot layout and individual dwelling design shall be encouraged in order to achieve the best possible relationship between the development and the site.

748.08.03 That individual lots and dwellings shall be arranged and situated so as to relate to surrounding properties, to improve the views from, and the views of, the dwellings; and to lessen the land area devoted to motor vehicles.

748.08.04 That individual lots, dwellings, and parking areas shall be situated so as to avoid the adverse effects of shadows, noise, fumes, and traffic upon the residents of the area.

CHAPTER 8 SUPPLEMENTARY REGULATIONS

Section 801 Performance Standards to Regulate Potential Hazards and Nuisances

The following minimum standards shall apply to all uses within their permitted Districts.

801.01 Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

801.02 Air Pollution. No emission of air pollutants shall be permitted which violates the Clean Air Act Amendments of 1977 as enforced by the Ohio Environmental Protection Agency.

801.03 Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property where on the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.

801.04 Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

801.05 Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

801.06 Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.

801.07 Odors. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

801.08 Toxic Materials. No emission of toxic or noxious matter, which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life, shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.

801.09 Chemicals. The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other material shall be permitted subject to the following conditions:

801.09.01 No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in

accord with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.

801.09.02 The storage, utilization, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning is permitted; but only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.

801.09.03 All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors of gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above-ground storage shall be in enclosed fireproof vaults.

801.09.04 The storage, utilization, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids".

801.10 Radioactivity. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:

801.10.01 The applicable regulations of the Atomic Energy Commission.

801.10.02 The applicable regulations of any agency of the State of Ohio.

Section 802 Regulation of Accessory Structures and Uses [rev. 11-4-2020]

802.01 In each District, unless otherwise specifically prohibited, any use, building, and/or structure customarily incidental and accessory to a Permitted Use, structure, and/or building in such District may be permitted. [eff. 11-6-2008]

802.02 Without limiting the provisions of Section 802.01, the following specific uses, structures, and/or buildings shall be deemed accessory, except for a box from a truck, a shipping container or similar structure, shall not be construed as an accessory building on a residential lot. A box from a truck, a shipping container, or similar structure shall not be considered a principal building or dwelling unit.

802.02.01 Private landing fields for aircraft in the A-1 District only. [rev. 12-13-2013; rev. 11-4-2020]

802.02.02 Temporary buildings for uses incidental to construction work while construction is in progress. [rev. 11-4-2020]

802.02.03 Outdoor Swimming Pools: [eff. 12-4-2020]

Located on lots with single-family dwellings and intended for and to be used solely for the enjoyment of the occupants and their guests of the dwelling unit on the property on which it is located, or located within and intended to specifically serve a multi-family and/or condominium development whether or not such pool is owned or operated by a Home-Owners Association, or where permitted by these Regulations a Community, Commercial or Club swimming pool to be used for the enjoyment of the members and their guests.

802.02.031 Location:

- A. Private swimming pools shall be located completely in the rear yard and shall not be located closer than ten (10) feet to the principal structure or any property line.
- B. Swimming pools in a multi-family or condominium development shall be subject to the same yard requirements as those listed for principal structures in the respective zoning district.
- C. For Community, Commercial or Club Swimming Pools, the pool and all related accessory structures, including decks, shall not be closer than fifty (50) feet to any property line.

802.02.032 The swimming pool or applicable yard area shall be surrounded by a four (4) foot wall or fence. Such wall or fence shall be maintained in good condition and properly secured to prevent uncontrolled access.

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

802.02.033 Any outdoor swimming pool which is permanently drained and/or not properly maintained shall be considered a nuisance and must be filled in or properly maintained.

802.02.04 An accessory building or structure which occupies one hundred-twenty (120) square feet of area or more. [eff. 10-17-1985; rev. 11-4-2020]

802.02.05 Notwithstanding other provisions of these Regulations, a dwelling unit which is accessory to a commercial use and which is located within the principal building may be permitted but only upon the approval of the Zoning Inspector.
[eff. 11-6-2008; rev. 12-13-2013; rev. 11-4-2020]

802.02.06 An Accessory Family Suite or Accessory Dwelling Unit may be permitted if it meets all of the following requirements: [eff. 12-4-2020]

802.02.061 One (1) Accessory Family Suite may be located within the principal dwelling, and access between the accessory family suite and the principal dwelling shall be required.

802.02.062 One (1) Accessory Dwelling Unit may be located within a legal conforming or legal non-conforming accessory structure. Only one Accessory Family Unit may be allowed on a lot.

802.02.063 The maximum size shall not exceed one thousand (1000) square feet of livable space.

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

802.02.065 The property owner shall live within the principal dwelling or the accessory dwelling. The dwelling not occupied by the owner of the property shall not be used as a rental unit.

802.03 Residential accessory buildings shall be detached from the principle residential building, are preferred to be located in the rear yard and shall follow the development standards of Table 8.1. [rev. 11-4-2020]

802.03.01 Residential accessory building may be located in the side yard but shall follow the side yard requirements of the underlying zoning district. [rev. 11-4-2020]

802.03.02 Notwithstanding other provisions of these Regulations, a residential accessory building may be located in the front yard provided it is at least three hundred (300) feet from the road right-of-way. When located in the front yard, the applicable side yard setback of the underlying zoning district shall apply.

802.03.03 Where the natural grade of a lot at the front line of the principal building is such as to result in a driveway having a grade of twelve (12) percent or greater, a private detached garage may be erected within the front yard, but not within six (6) feet of any street right-of-way, provided that at least one-half (1/2) of the height of such detached garage shall be below the level of the yard, measured at the street level of the front line of the principal building.

802.03.04 No detached accessory building shall occupy more than twenty-five (25) percent of the area of the required side or rear yard. For computing the percentage of occupancy of a side or rear yard, if a detached building is connected to the principal building by a breezeway, the ground area of such a breezeway shall be considered as a part of the accessory building and shall be included in the computation.

802.03.05 Residential accessory buildings shall be constructed only in conjunction with, or after the construction of, the principal building on the parcel. However, in the A-1, AE, AR and R-1 zoning districts with a lot size equal to or greater than two (2) acres, an accessory building may be constructed prior to the primary building subject to the following requirements: [eff. 12-4-2020]

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

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

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

802.04 An accessory building shall not exceed the maximum allowable height as noted in Table 8.1 and the distance of such building from other separate buildings on the same lot shall be in accordance with the Ohio Building Code or the Residential Code of Ohio. [eff. 11-6-2008; rev. 12-13-2013]

802.05 Accessory buildings for non-residential uses shall preferably be located in the rear yard, shall be located at least five (5) feet from a side or rear lot line, and shall follow the same height limits of the underlying Zoning District.

802.05.01 Industrial uses may construct accessory buildings in the side or front yard as long as the side yard setback and front yard setback of the underlying zoning district are maintained. Accessory buildings shall follow the same height limits of the underlying zoning district.

802.06 Location, Numbering, and Size of Residential Accessory Buildings. [eff. 11-6-2008]

802.06.01 Unless otherwise permitted by these Zoning Regulations, a lot of less than one (1) acre zoned Residential or used for residential purposes, shall contain no more than two (2) accessory buildings and the sum of their square footage shall not exceed the maximum square footage noted in Table 8.1 [rev. 12-13-2013]

802.06.02 When two (2) or more accessory buildings are located on a lot utilized for residential purposes, the sum of their square footage shall not exceed the maximum square footage noted in Table 8.1.

802.06.03 Accessory building development standards shall be based upon the following table and requirements:

TABLE 8.1 – Accessory Building Development Standards [eff. 11-6-2008; rev. 12-13-2013]

Lot Size	Maximum Size of Accessory Building(s) (in square feet)	Maximum Height (in feet)	Set-Back From Side or Rear Property Lines (When located in rear yard) (in feet)
Under one (1) acre	1,500	18	5
Equal to or greater than one (1) acre but less than two (2) acres	3,000	20	5
Equal to or greater than two (2) acres but less than three (3) acres	4,500	25	10
Equal to or greater than three (3) acres but less than four (4) acres	6,000	25	10
Equal to or greater than four (4) acres but less than five (5) acres	6,000	25	10
Five (5) or more acres (non-agricultural)	6,000	25	10

802.07 Accessory buildings shall not infringe on sanitary or water systems. The location of accessory buildings shall comply with all applicable Clark County Combined Health District and/or Ohio Environmental Protection Agency regulations. [eff. 11-6-2008; rev. 12-13-2013]

802.08 Accessory buildings in excess of two hundred (200) square feet shall be subject to compliance with the Residential Code of Ohio. [eff. 11-6-2008; rev. 12-13-2013]

Section 803 Outdoor Lighting [rev. 11-4-2020]

803.01 Purpose Statement: Quality outdoor lighting provides for safe way-finding, supports crime prevention, and assists people with visual impairments. It also promotes flexibility in architectural design while minimizing undesirable light trespass onto adjacent properties, streets and into the sky. The following regulations of this sub-section are intended to promote their successful implementation in achieving quality outdoor lighting as described above and thereby reducing light pollution and improving quality of life.

803.02 Objectives:

803.02.01 Permit reasonable use of outdoor lighting for safety and security, commerce and enjoyment.

803.02.02 Improve the travel conditions for persons and vehicles on public ways by reducing glare.

803.02.03 Conserve energy and resources to the greatest extent possible thereby decreasing the expense of lighting.

803.02.04 Help protect the natural environment from the adverse effects of night lighting which threatens wildlife by disrupting biological rhythms and otherwise interfering with behaviors of nocturnal animals.

803.02.05 Curtail light pollution and improve the nighttime environment for astronomy.

803.03 Definitions: The following terms as used in Section 803 shall have the meaning as described below. The meaning of terms not listed in Section 803.03 shall therefore be in accordance with Chapter 10.

Direct light: illumination from a light fixture emitted directly or indirectly from its lamp source, measured in footcandles (fc).

Emergency lighting: emergency lighting used by police, firefighting or medical personnel for as long as the emergency exists.

Footcandle (fc): a unit of illumination equal to one (1) lumen per square foot of area. In more simple terms, footcandles are the US standard unit used to measure how much light is actually being put down on a surface.

Horizontal Plane: a plane parallel to the horizon, upon which it is assumed that objects are projected.

Indirect light: direct light that has been reflected from other surfaces such as the ground or building facades.

Light pollution: excessive, misdirected or obtrusive artificial outdoor light.



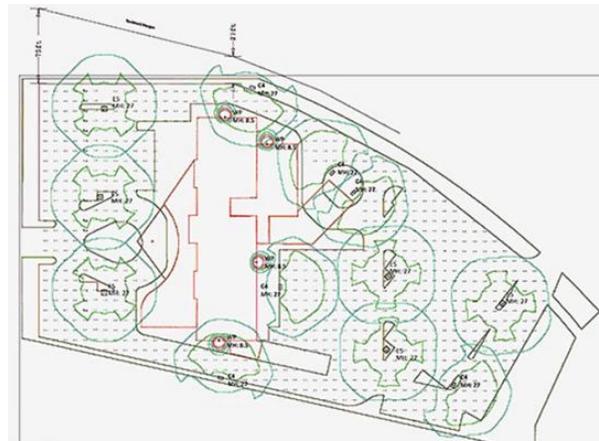
Skyglow (left), glare (center), and light trespass (right) are the three main components of light pollution. PAS Memo, May/June 2014. Photos by Bob Parks.

Light shield: a device added to a light fixture, or a permanent part thereof, intended to prevent illumination above the horizontal plane of the light fixture.

Light trespass: illumination that spills over property lines or into public ways that illuminates adjacent grounds or buildings where it is not wanted.

Outdoor Light Fixture: an illuminating device used to provide quality lighting of a property (i.e., building facade, outdoor product display, parking lot and walkways, and recreational area) for safety, advertisement or decoration.

Photometric Mapping: a digital point-by-point mapping, typically in a 10-foot by 10-foot grid, of a property's lighting plan that displays the illumination values of each light fixture across the entire area being illuminated and out to the property's lot lines. These illumination values are to be measured at the finished grade of the light fixture



Small Stand Alone Business: as used in Section 803, any non-single-family residential use that has less than 10 off-street parking spaces. A retail strip, as used in Section 803, is not considered a Small Stand Alone Business.

Up-lighting: illumination that is directed to shine light above the horizontal plane of the light fixture.

803.04 Requirements:

803.04.01 All outdoor lighting installed after the effective date of February 18, 2022 shall be installed in accordance with Section 803. This includes any new lighting and the changing of the type of lighting fixture. Multi-family residential and all non-residential uses shall submit a photometric map that documents compliance with Section 803.

803.04.02 Exceptions to Section 803.04.01:

803.04.021 Lighting within public right-of-way or easement for the principal purpose of illuminating streets.

803.04.022 Lighting for public monuments and statuary.

803.04.023 Lighting solely for temporary lighting for theatrical, television, performance areas and construction sites.

803.04.024 Underwater lighting in swimming pools and other water features.

803.04.025 Temporary outdoor lighting, including lighting for temporary uses, special events and seasonal holiday lighting; shall not exceed 60 consecutive days or more than 120 days during any one calendar year period.

803.04.026 Low voltage landscape controlled to turn off by an automatic device.

803.04.027 Lighting required by federal, state or local regulation.

803.04.028 Lighting specifically directed at a state or national flag.

803.04.029 Lighting necessary for construction projects or emergencies.

803.04.0210 Small Businesses, as defined in Section 803.03, are excluded from the required photometric mapping. The Standards listed in Section 803.05 still apply.

803.05 Standards:

803.05.01 All outdoor lighting shall be shielded in such a way as to restrict illumination above the horizontal plane of the light fixture, away from reflective surfaces, and away from all adjacent property. For any non-residential development located adjacent to a parcel zoned residential or having a residential use the foot-candle level at the common property line measured at ground level shall not exceed 0.5 fc.

803.05.02 The height of light fixtures shall not exceed 25 ft. for industrial uses and 20 ft. for all other non-residential uses. No light fixture shall exceed 15 ft. in height when located along the common lot line to a residential use or residential zoned property. The height of a light fixture shall be measured from the top of the fixture to the adjacent grade at the base of its support.

803.05.03 Laser: The use of laser source light, or any similar high intensity light, as an outdoor light fixture shall not project above the horizontal plane.

803.06 It is highly recommended that all newly installed lighting to be Amber LED (light-emitting diode) type. Illuminating Engineering Society recommends the color temperature of lighting not to exceed 3,500 Kelvin (K).

803.06 Examples of Preferred and Discouraged Lighting Fixtures.

Illustrations by Bob Crelin, 2005.

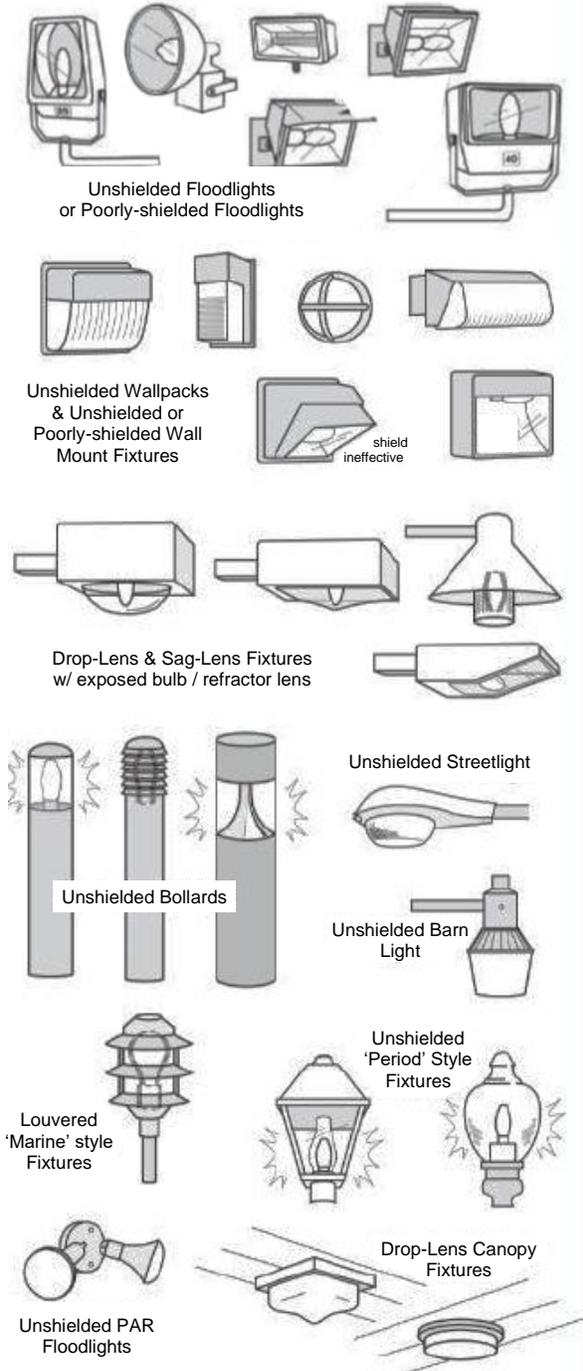
Preferred

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night.



Discouraged

Fixtures that produce glare and light trespass.



Section 804 Regulations of Permitted Temporary Uses & Structures [rev. 11-4-2020]

804.01 A Temporary Use of a structure or lot may not comply with the requirements of the underlying Zoning District. The Temporary Use shall be temporary in nature and does not involve the erection of a substantial structure. The Zoning Administrator may inspect any Temporary Use at any time and may request evidence from the property owner and/or occupant that they are in compliance with the required conditions as stated for each temporary use. The Temporary Use of a structure or lot as identified in Section 804.02 is permitted subject to requirements as listed. A Zoning Certificate is not required for the following temporary uses. [rev. 11-4-2020]

804.01.01 The orderly display of products normally sold at Fueling Only Stations or Fueling Full Service Stations. Such display shall be setback not less than ten (10) feet from the front lot line and not less than five (5) feet from any side or rear lot line. [rev. 11-4-2020]

804.01.02 Promotional activities of a permitted retail establishment involving the display of goods and merchandise in open air or under a tent may be conducted for a time period of not more than fourteen (14) days in any three (3) month period. No portion of the display shall be on or over publicly owned property, except for sidewalk sales. Public access shall be maintained throughout such sales. [rev. 11-4-2020]

804.01.03 Garage sales, yard sales, and rummage sales shall be permitted at individual dwellings in the A-1, AE, AR, R, R-MHP, PD and MU Districts, not to exceed two (2) times per calendar year for a total time not to exceed seven (7) days per calendar year. No more than two (2) signs (not to exceed four (4) sq. ft. each) per sale shall be permitted. [rev. 12-13-2013; rev. 11-4-2020]

804.01.04 Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development, to continue only until the sale or lease of all dwelling units within the development.

804.01.05 Contractor's office, trailer, and equipment shed (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.

804.01.06 Christmas tree sales in the Industrial district or in any "B" district for a time period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.

804.01.07 Open-air carnivals or tent circuses, but only in the B-2, B-4, I-1 or I-2 Districts, and then only for a time period that does not exceed one (1) week. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets. [rev. 11-4-2020]

804.01.08 Festivals sponsored by non-profit organizations in any District for a time period of only three (3) days. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.

804.01.09 The posting of portable signs and billboards announcing a special event or advertising a product or service for a time period may not exceed ninety (90) days per calendar year. The additional requirements contained in Section 602 shall also apply.

804.02 All of the Temporary Uses described in Section 804.01 shall be conducted and all merchandise displayed in an orderly and safe manner, free from injurious or offensive effects to

the occupants of adjacent premises and to the public in general, and shall be effectively screened from adjoining "R" Districts where required by the Zoning Inspector. [rev. 12-13-2013; rev. 11-4-2020]

Section 805 Required Fencing, Screening, and Landscaping

805.01 Statement of Intent The intent of this Section is to outline the regulations of fencing, screening, and landscaping which will serve to provide for orderly transition between land uses, to protect and screen private property, to inhibit access to industrial and commercial sites, to give security and privacy to residents, to provide a physical and visual barrier, to reduce wind and modify climate, to define property lines, to identify and emphasize entrances, to create and define outdoor living space, and to generally improve the aesthetic appearance of a site.

805.01.01 No Zoning Certificate shall be required for a fence, screening or landscaping project, but shall be in accordance with the requirements of Section 805. [rev. 11-4-2020]

805.02 Design Standards

805.02.01 Front Yard: [eff. 11-4-2020]

A fence or wall in the front yard on a lot used for residential purposes shall not exceed four (4) feet in height. A fence or wall in the front yard of a non-residential use shall not exceed six (6) feet in height.

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

805.02.012 Hedges not to exceed six (6) feet in height may be located in any front yard but shall be subject to Chapter 10 Traffic Visibility.

805.02.013 A fence or wall in the front yard shall not be installed in the right-of-way and is be subject to Traffic Visibility defined in Chapter 10.

805.02.014 A fence or wall on a corner lot shall be subject to Traffic Visibility defined in Chapter 10.

805.02.02 Side or Rear Yard: [eff. 11-4-2020]

A fence or wall in the side or rear yard shall not exceed six (6) feet in height.

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

805.02.03 A fence, wall, or screen shall be located between land uses according to the following:

805.02.031 Whenever a business or industrial use is located on a lot which adjoins a Residential District, an effective buffer or screen consisting of a solid wall or fence, landscaped earth mound, or view-obscuring dense planting, or various combinations thereof, shall be provided at the lot lines adjoining residential uses. Such masonry wall, wooden fence, or earth mound shall not be less than five (5) nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy for the adjacent residential property owner, and shall be maintained in good condition by the Owner. The proposed fencing, screening, and/or landscaping shall be subject to the approval of the Zoning Inspector.

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

805.02.032 Any premise which is used or intended to be used, as permitted by these Regulations, for auto wrecking or for the open storage of auto bodies, or other metal, glass, bottles, rags, cans, sacks, rubber, paper, or other articles commonly known as junk, or for any articles known as secondhand goods, wares, or merchandise, must be enclosed with a masonry wall or tight board or similar fence not less than six (6) feet high, painted a neutral

color, and continuously maintained in good and slightly condition. The fence is to be constructed of an opaque material. [eff. 3-29-1990]

805.02.04 When any open off-street parking or loading area used for any nonresidential purpose containing more than two (2) spaces is not separated from an "R" District by a dedicated street, an effective buffer or screen, consisting of a solid wall, fence, landscaped earth-mound, or view-obscuring dense planting of evergreen shrubs, hedge tree line, mass tree planting, or various combinations thereof, shall be provided at the lot lines adjoining said "R" District. Such wall, fence, or earth mound shall be not less than four (4) nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy of the adjacent residential property owner, and shall be maintained in good condition by the owner. Exception to this height requirement occurs at the immediate exit point from the parking or loading/unloading area.

805.02.05 All open-off-street parking or loading/unloading areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs, and/or trees, which shall be maintained in good condition by the owner.

805.02.06 All commercial, industrial, multiple-family residential, and office uses that provide trash and/ or garbage collection areas shall enclose such areas on at least three (3) sides by a solid wall or fence six (6) in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the Zoning Inspector, shall be required. [rev. 12-13-2013]

805.02.07 A security fence provided for a school, park, business, and/or industry in any District shall be an open fence with a ratio of the open portion to the solid portion of not less than six-to-one (6:1), not more than ten (10) feet in height, and located in a side or rear yard.

805.02.08 Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements in this Section.

805.02.09 Any and all plants required by these Regulations which become diseased or dead shall be removed and replaced with healthy specimens by and at the expense of the property owner.

805.02.10 All fences, screens, and landscaping required by the provisions of this Section shall meet with the approval of the Zoning Inspector. [rev. 12-13-2013]

Section 806 Allowable Modifications of Yard Requirements

806.01 Supplementary Yard Requirements

806.01.01 In any "R" District in which the average existing front yard setback on two (2) or more lots located within one hundred (100) feet and in the same block as the lot in question is either less or greater than the minimum front yard requirement specified in the appropriate Section of Chapter 2 of these Regulations, the front yard requirements shall be modified as follows:

806.01.011 The modified front yard shall not be less than the average setback of the existing front yards of the two (2) lots immediately adjacent to the lot in question, or if a corner lot, then the same as the setback on the immediately adjacent lot; and

806.01.012 In no case shall any front yard be modified to require less than ten (10) feet nor more than fifty (50) feet.

806.01.02 On all corner lots, all yards which front on streets shall be considered front yards, and as such, shall meet the minimum front yard requirement specified for the District in which such lot is located. Of the remaining yards, one yard shall meet the minimum rear yard setback requirements while the other remaining yard shall meet the minimum side yard setback requirements.

806.01.03 On all lots having frontage on two (2) streets which do not intersect, the minimum front yard setback specified for the District in which the lot is located shall apply to each yard with street frontage; such lots need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard.

806.01.04 In computing the depth of the rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (1/2) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

806.01.05 Each side yard shall be increased in width by two (2) inches in any "R" District for each foot by which the length of the side wall of the building adjacent to the side yard exceeds forty (40) feet.

806.01.06 Side yard width may be varied where the side wall of a building is not parallel with one (1) side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall be not less than the otherwise required least width. Such side yard, however, shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than three (3) feet in any case. This requirement notwithstanding, no new addition to any building shall encroach upon the minimum required side yard.

806.01.07 The width of one (1) side yard may be reduced when authorized by the Board of Zoning Appeals in the case of a single-family or two-family dwelling, to a width not less than three (3) feet if the sum of the widths of the two (2) side yards is not less than the required minimum, and if the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than the required minimum sum of the widths of two (2) side yards. Such reduction may be authorized only when the Board of Zoning Appeals finds it to be warranted by the location of existing buildings or conducive to the desirable development of two (2) or more lots.

806.01.08 In all districts the minimum lot width requirement may be reduced by one-third (1/3) if the lot has side lot lines radial to the center of a cul-de-sac as defined herein, but in no case shall the minimum lot width be less than forty (40) feet. [eff. 4-4-1996]

806.01.09 On a lot adjoining any Zoning District boundary line, which lot is situated in the less restricted Zoning District, any abutting side or rear yard shall have a minimum width and depth equal to the average of the required minimum width or depth for such side or rear yards in the two (2) Districts on either side of such Zoning District boundary line, unless subject to greater restrictions or requirements by other provisions of these Regulations. In case the height of a proposed structure on such lot in the less restricted District is greater than the maximum height permitted in the adjoining more restricted District, the minimum width or depth of the side or rear yard for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted District by one (1) foot for each two (2) feet by which the proposed structure exceed the maximum height permitted in said more restrict District.

806.01.10 For 1, 2, or 3 family dwelling units, the minimum side yards ("least width" and "sum of both") may be modified on an existing lot of record which has less than the minimum frontage of the District in which it is located. Said least width may be modified to not less than ten (10) percent of the lot width except as permitted by (g) above and the sum of both side

yards may be modified to not less than thirty (30) percent of the lot width. For 1, 2, or 3 family dwelling units located on existing lots having a lot depth which is less than the lot width, then the rear yard setback need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet. [eff. 2-14-1985]

806.02 Projections Into Yards

806.02.01 There may be projections into required yard areas as follows:

806.02.011 Architectural features such as awnings, canopies, cornices, eaves, window wells and other similar features may project a distance of not more than two (2) feet, six (6) inches. [rev. 12-13-2013]

806.02.012 Outside stairs and landings without cover may project a distance not more than six (6) feet in front or rear yards but in no case shall any such outside stair or landing extend above the entrance.

806.02.013 Fire escapes may project not more than four (4) feet, six (6) inches.

806.02.014 Patios and open porches may be located in side and rear yards provided they are not closer than six (6) feet to any adjacent property line. In case of the corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard. [eff. 12-17-2009]

806.02.015 Front porches may project into a front yard a distance not to exceed eight (8) feet, provided it is open on three (3) sides, except for railings or banisters.

806.02.016 Bay windows, balconies, and chimneys may project into a yard for a distance not to exceed three (3) feet, provided, however, that the aggregated width of such projection does not exceed one-third (1/3) of the length of the wall upon which it is located.

806.02.02 Subject to the limitations in Section 806.02.01, the above named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one-fifth (1/5) of the required least width or such side yard, but not exceeding three (3) feet in any case.

Section 807 Parking and Storage of Recreational Vehicles, Utility Trailers, Boats, Disabled Vehicles, School Buses, and Semitrailers

807.01 Recreational vehicles, utility trailers, and boats, not including mobile homes as herein defined, may be parked or stored only in an A-1, any "R" District, or PD District subject to the following: [eff. 12-13-2013]

807.01.01 Said vehicles, trailers or boats should be parked or stored entirely within an enclosed building. If not within an enclosed building, no more than two (2) such vehicles, trailers or boats shall be parked on any parcel and shall be parked or stored in the side or rear yard not less than three (3) feet from any lot line. In the case of a corner lot, the street side yard shall be considered a front yard and no camping or other recreation equipment shall be parked or stored thereupon. In no case shall any camping or other recreation equipment be parked or stored on any public road. [rev. 11-4-2020]

807.01.02 Notwithstanding the provisions of Section 807.01.01, camping and recreation equipment may be parked or stored in the front yard subject to all of the following:

807.01.021 The Zoning Inspector finds that compliance with Section 807.01.01 is not possible. [rev. 12-13-2013; rev. 11-4-2020]

807.01.022 Such equipment shall be parked or stored at least three (3) feet from adjoining property and at least five (5) feet from the street right-of-way, provided however in no case shall the visibility of vehicular traffic upon a public street or alley or visibility of vehicles entering or leaving properties in the area be hindered so as to create a hazardous condition as determined by the Zoning Inspector or other official. [rev. 12-13-2013; rev. 11-4-2020]

807.01.023 Such equipment is parked or stored on concrete, asphalt, gravel, or similar surface. [eff. 2-28-1985]

807.01.03 Notwithstanding the provisions of Section 807.01.01, camping and other recreation equipment may be parked at any point on a lot for loading and unloading purposes for a period of time not to exceed forty-eight (48) hours. [rev. 11-4-2020]

807.01.04 No such camping or recreation equipment shall have fixed connections to electricity, gas, water, or sanitary sewer facilities, nor shall such equipment be used as a dwelling in any case.

807.02 No property owner or occupant shall cause or permit a motor vehicle or parts thereof to be parked or stored in any district in the open for seven (7) days or longer when either of the following applies: [rev. 11-4-2020]

807.02.01 The motor vehicle is apparently disabled as defined in Chapter 10. [eff. 3-29-1990]

807.02.02 The motor vehicle does not bear a valid current license plate. [eff. 3-29-1990]

807.02.03 Section 807.02 shall not apply to:

807.02.031 Any vehicle stored in an enclosed building.

807.02.032 Licensed junk yards or scrap metal processing facilities per Ohio Revised Code, Section 4735.05 to Section 4735.12.

807.02.033 Collector's vehicles which bear a current validation sticker and a "Collector's Vehicle" license plate as described in Section 4503.45 of the Ohio Revised Code.

807.02.034 Historical vehicles which bear a current validation sticker and a "Historic Vehicle-Ohio" license plate as described in Section 4503.181 of the Ohio Revised Code.

807.02.035 Road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five (25) miles per hour, or less, threshing machinery, hay baling machinery, corn shelter, hammer mill and agricultural tractors and machinery used in the production of horticultural, agricultural, and vegetable products.

807.02.04 Procedure: Notification by certified mail that the property owner or occupant shall have thirty (30) days after receipt of the letter to either: [rev. 11-4-2020]

807.02.041 Remove the vehicle(s) from the premises;

807.02.042 Store or park said vehicle(s) in an enclosed building; or

807.02.043 Meet the standards for a non-disabled vehicle.

807.03 School buses may be parked or stored in the A-1, O-1, and I-1 Districts or in any "B" District. If parked or stored in any "R" District, school buses may be parked or stored entirely within an enclosed building, or if not within an enclosed building, shall be parked or stored in the side or rear yard not less than three (3) feet from any lot line. In the case of a corner lot in an "R"

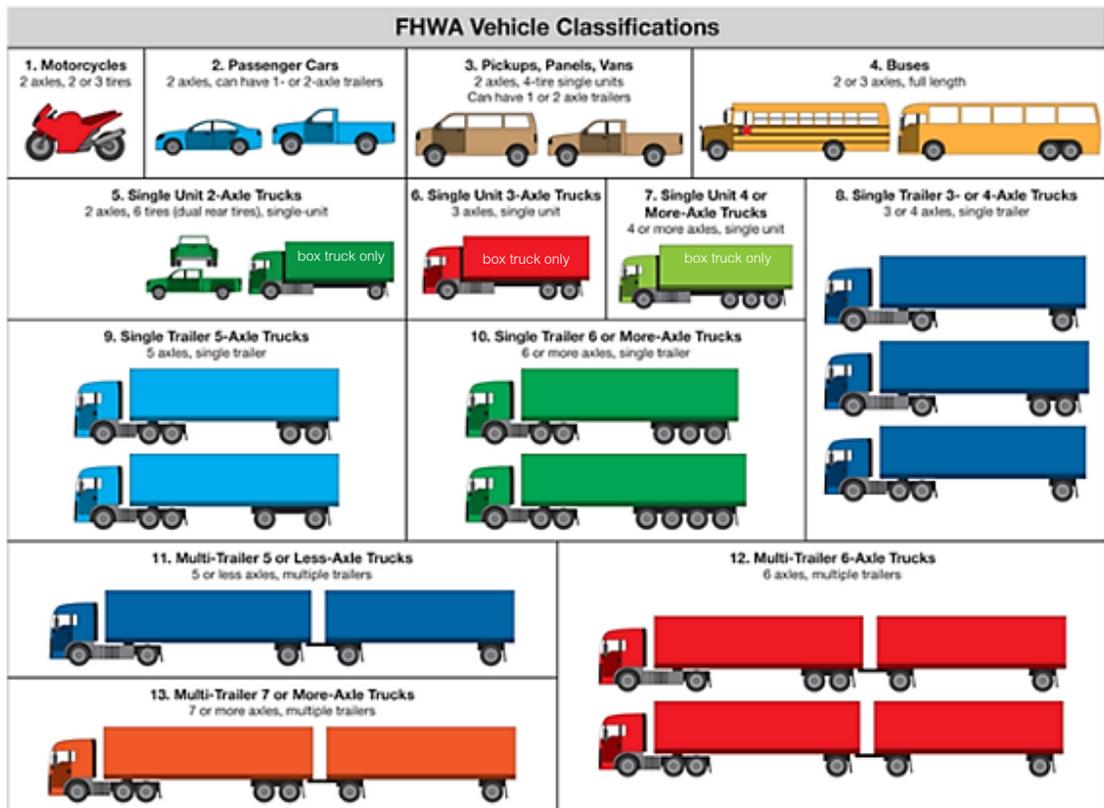
District, the street side yard shall be considered a front yard and no school bus shall be parked or stored thereupon. [eff. 3-29-1990]

807.04 The parking of Light Duty and Heavy Duty Commercial Vehicles and Farm Vehicles are permitted as follows: (Y = Yes; N = No) [rev. 11-4-2020]

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

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

- (1) Whenever the adjoining parcel is in any A-1, AE, AR, R or PD-R District, the commercial vehicle shall be parked or stored a minimum distance of 50 ft. from said lot line.
- (2) Parking of a Light Duty Commercial Vehicle shall be on a gravel or paved surface.



Section 808 Miscellaneous

808.01 Frontage Required: All lots created after the adoption of these Regulations shall have frontage on a public dedicated and accepted thoroughfare other than a controlled or limited access thoroughfare.

808.01.01 The minimum frontage for each lot, parcel, or tract shall be as noted in Chapter 2. [eff. 4-4-1996]

808.01.02 Notwithstanding other sections of these Regulations, lots, parcels, or tracts created after the adoption of these regulations shall have the minimum frontage (in accordance with Chapter 2) as follows: [eff. 4-4-1996]

<u>LOT SIZE</u>	<u>MINIMUM FRONTAGE</u>
5 to 10 Acres	250 feet
More than 10 Acres	350 feet

808.02 Unsafe Buildings: Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

808.03 Exceptions to Height Limitations: The structure height limitations set forth in these Regulations shall not apply to structures such as church spires, domes, flag poles, windmills, chimneys, cooling towers, smokestacks, tanks, water towers, transmission and receiving towers, private radio and television antennas, observation towers, fire towers, barns, silos, or necessary mechanical equipment; or to parapet walls extending not more than four (4) feet above the limiting height of the building or structure; or to places of public assembly in churches, schools, or other permitted public and quasi-public buildings, provided that the places of public assembly are located on the first floor of such buildings and provided that, for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the District, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the District. [rev. 11-4-2020]

808.03.01 In no instance shall such structures occupy more than twenty-five (25) percent of the area of the lot, nor extend higher than the distance between the structure and any lot line of the lot upon which the structure is located.

808.03.02 The Board of Zoning Appeals may permit the extension upward of a building existing at the time of enactment of these Regulations by the construction of additional stories above the height limit herein prescribed if the original plans approved by the Chief Building Official provided for such additional stories and such buildings were actually designed and constructed to carry such additional stories. [rev. 12-13-2013]

808.04 Structure Separation: Except as provided in Section 802.02.03, the separation of structures shall be in accordance with the Ohio Building Code or the Residential Code of Ohio. [eff. 3-29-1990; rev. 12-13-2013]

808.05 Sanitary Sewer Requirements and Pollution Control: All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Clark County Combined Health District. [eff. 3-29-1990; rev. 12-13-2013; rev. 11-4-2020]

808.06 Water Impoundments: All water impoundments such as ponds, lakes, or wetlands shall be constructed and developed in compliance with the following standards: [eff. 4-12-2012]

808.06.01 The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes, wetlands, or other water detention/retention structures. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

808.06.02 No applicable structure shall hereafter be located, constructed, repaired, extended, enlarged, converted or altered without full compliance with the terms of these regulations. Said construction, alterations or modifications require a Zoning Certificate. [rev. 11-4-2020]

808.06.03 "DETENTION POND" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are designed to complement large scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. No Zoning Certificate Required. [rev. 11-4-2020]

808.06.04 "RETENTION POND" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. No Zoning Certificate Required. [rev. 11-4-2020]

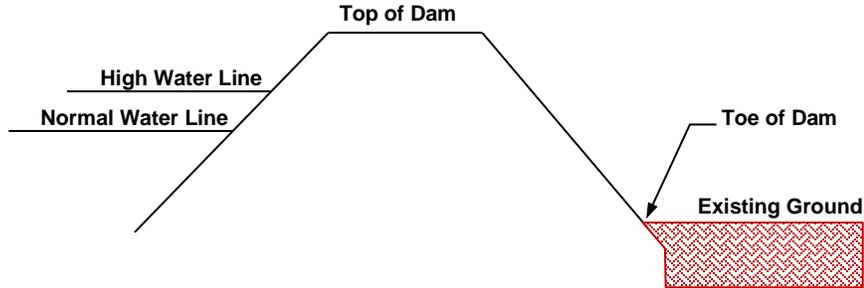
808.06.05 "AGRICULTURAL PONDS" shall mean a natural or artificially formed structure which serve as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities including aquaculture, hatcheries, hydroponics or irrigation and animal related maintenance and/or production activities. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses nor in any commercial recreational activities such as, but not limited to, fishing or swimming. Zoning Certificate subject to agricultural exemption in accordance with ORC 303.21. [rev. 11-4-2020]

808.06.06 "RECREATIONAL PONDS" shall mean a new artificially formed structure over five hundred (500) square feet which is intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year round use. Such ponds are to be designed for year round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. Ponds must be reviewed by the Clark Soil and Water Conservation District. Pond design and installation is recommended to follow the standards and specifications of the Natural Resource Conservation Service (See NRCS Spec. 378 or http://efotg.sc.egov.usda.gov/references/public/OH/Oh378_Standard_Pond.pdf). Zoning Certificate is Required. [rev. 11-4-2020]

808.06.07 Ponds shall not be located closer than twenty-five (25) feet from any lot lines and where applicable, they shall not be located closer than seventy-five (75) feet from a road right-of-way or easement located on any parcel. In addition, they shall meet current Clark County Combined Health District on-site utilities horizontal isolation distances for private water systems and sewage disposal systems. Ponds should not present a contamination hazard to groundwater or local drinking water sources. A site approval, from the Clark County

Combined Health District, is required prior to approval of plans for pond construction. They shall not restrict or block existing or future surface and/or sub-surface drainage systems. No pond shall be located on a parcel less than five (5) acres in size.

808.06.08 Setbacks shall be measured from the high water line or toe of dam, whichever is closer.



808.06.09 Large ponds of a sufficient size, determined by the Ohio Dam Safety Law, may be subject to review approval and annual inspection by the Ohio Department of Natural Resources, Division of Water.

808.06.10 The property owner and/or Applicant will be required to submit to the Zoning Inspector a copy of the proposed construction plan which has been approved by the authorized agency and other necessary documentation for the purpose of obtaining a Zoning Certificate. [rev: 12-13-2013; rev. 11-4-2020]

808.07 {reserved} [rev. 11-4-2020]

808.08 Emergency and Temporary Housing

808.08.01 Emergency Housing: The Zoning Inspector may, in times of emergency, issue a Temporary Zoning Certificate for the placement of not more than one (1) manufactured home or a recreational vehicle on a lot for use as temporary housing by any family or resident whose dwelling has been rendered uninhabitable by flooding, fire, wind, or other catastrophe. Such manufactured home or recreational vehicle may remain on the parcel during construction of the new dwelling. Such manufactured home or recreational vehicle shall be removed within sixty (60) days after a certificate of occupancy for the 'new' dwelling has been issued. Said manufactured home or recreational vehicle shall have appropriate water and sanitary sewer connection approved by the proper authority. [rev: 12-13-2013; rev. 11-4-2020]

808.08.02 Temporary Housing, Purpose: to allow a property owner housing on site while the permanent dwelling is being constructed. Temporary housing shall be a Recreational Vehicle, as herein defined, allowed only in the A-1 District and not in a platted subdivision. A Temporary Zoning Certificate may be issued only after the construction plans have been approved by the Chief Building Official. The recreational vehicle shall be removed within sixty (60) days after a Certificate of Occupancy for the 'new' dwelling has been issued. Said recreational vehicle shall have appropriate water and sanitary sewer connection approved by the proper authority. [eff. 12-4-2020]

808.09 Solar Equipment: Use of solar energy equipment as an accessory use as defined in this Subsection is encouraged in Clark County. The placement of the solar energy equipment on roofs of principal buildings is also encouraged. Zoning Certificates for solar energy equipment are subject to the following regulations: [eff. 12-17-2009; rev. 11-4-2020]

808.09.01 Any solar panel attached or located on the roof or wall of a building that lies flat on or no more than twenty (20) degrees from that surface is exempt from obtaining a Zoning Certificate. [rev. 11-4-2020]

808.09.02 The maximum height of solar panels on a flat roof, a wall or ground mounted is fifteen (15) feet. For all other roof types, solar panels shall not extend above the peak of the roof. [rev. 11-4-2020]

808.09.03 Solar Panels shall meet all regulations of the FAA. [rev. 11-4-2020]

808.09.04 No ground mounted solar panel shall be located in the front yard unless they are at least 300 feet from the road right-of-way. The applicable side yard setback outlined in Table 8.3 shall apply.

808.09.05 When two (2) or more solar panels are located on a lot, the sum of their square footage shall not exceed the maximum square footage noted in Table 8.2.

808.09.06 All Ground Mounted Solar Energy Systems for onsite consumption, solar panels not located on the roof or wall of a structure, shall be located in the side or rear yard and shall be based upon the standards of Table 8.2.

Property Size	Max Size of Ground Mounted Solar (in Sq. Ft.)
Under one (1) acre	3,000
Equal to or greater than one (1) acre but less than two (2) acres	6,000
Equal to or greater than two (2) acres but less than three (3) acres	9,000
Equal to or greater than three (3) acres but less than four (4) acres	12,000
Equal to or greater than four (4) acres but less than five (5) acres	15,000
Five (5) acres or more	20,000

Size of Solar (in Sq. Ft.)	Setback from Side and/or Rear Property Line (in Ft.)
3,000	10
6,000	15
9,000	25
12,000	50
15,000	75
20,000	100

808.09.07 Ground Mounted Solar Energy Systems and All Other Small Solar Facilities as a Principal Use

808.09.071 Ground Mounted Solar Energy Systems and all other Small Solar Facilities as a Principal Use shall be a permitted use on parcels identified as former landfill or barrel fill sites regardless of the underlying zoning district.

808.09.072 Ground Mounted Solar Energy Systems and all other Small Solar Facilities as a Principal Use shall be a Conditional Use in I-1 (Light Industrial) or I-2 (Heavy Industrial) zoning districts and shall follow the requirements laid out in Section 746.

808.10 Single Dwelling Per Lot: Except for an Accessory Dwelling Unit, only one (1) single-family dwelling shall be permitted on a parcel of land in the A-1, AE, AR, R-1, R-2, R-2A, or R-2B R-CL Zoning District. [eff. 10-17-1985; rev. 11-4-2020]

Section 809 Treatment, Storage, and Disposal of Hazardous Substances

Purpose – The purpose of this Section of the Clark County Zoning Regulations is to regulate potential problem areas in dealing with hazardous substances that are not covered by Federal and State laws. It is not the intent of these Regulations to override, displace, or negate any Federal or State laws that are or will be in effect concerning hazardous substances.

809.01 Rule by Reference: The Clark County Zoning Regulations shall comply with all regulations adopted by the Administrator of the United States Environmental Protection Agency under the “Resource Conservation and Recovery Act”, 42 U.S.C. Sec 6901 et. Seq., and the Director of Environmental Protection under Ohio Revised Code Section 3733.12. These regulations and all subsequent amendments are hereby incorporated by reference and made a part of this rule as if fully stated herein.

809.02 Definition: For the purposes of this section, the following words and phrases shall have the following meaning ascribed to them respectively:

809.02.01 “Hazardous Substances” means any of the following: any hazardous waste, any radioactive material, or PCBs (polychlorinated biphenyls). [rev. 11-4-2020]

809.02.02 “Hazardous Wastes” means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the EPA, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

809.02.021 Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness: or

809.02.022 Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

809.02.023 Hazardous wastes include any substance identified as a hazardous waste by the U.S. EPA, Ohio EPA, or is listed in the Code of Federal Regulations (CFR), Title 40, Part 261, Subpart A 261.3 and all other subparts that define, describe and identify hazardous waste. All subsequent amendments to the CFR, Title 40, Part 261 which define, describe and identify hazardous wastes will automatically become a part of this section as of the effective dates of each amendment, subject to the provisions of this section.

809.02.03 “PCB” and “PCBs” means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances, or mixture which contains chlorinated biphenyl molecules.

809.02.04 “PCB Article” means any manufactured article other than a PCB Container that contains PCBs and whose surface(s) has been in direct contact with PCBs. “PCB Article” includes capacitors, transformers, electric motors, pumps, pipes, and any other manufactured item (1) which is formed to a specific shape or design during manufacturing, (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.

809.02.05 “PCB Equipment” means any manufactured item, other than a PCB Container or a PCB Article Container, which contains PCB Article or other PCB Equipment, and includes microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.

809.02.06 “PCB Container” means any package, can, bottle, barrel, drum, tank or other device exclusive of a “PCB Article” or “PCB Equipment” that contains PCB or PCBs Article and whose surface(s) has been in direct contact with PCBs.

809.02.07 “Chemical Substance”, except as provided in Section 809.02.073, means any organic or inorganic substance of a particular molecular identify, including:

809.02.071 Any combination of such substances occurring in whole or part as a result of a chemical reaction or occurring in nature, and

809.02.072 Any element or uncombined radical.

809.02.073 Such term does not include:

809.02.073.1 Any mixture,

809.02.073.2 Any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide.

809.02.073.3 Tobacco or any tobacco product.

809.02.073.4 Any source material, special nuclear material, or by-product material (as such terms are defined in the Atomic Energy Act of 1954, as amended, and regulations issued under such Act, and Energy Reorganization Act of 1974 and any regulations issued under such Act.

809.02.073.5 Any article the sale of which is subject to the tax imposed by Section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by Section 4182 of Section 4221 or any provisions of such Code), and

809.02.073.6 Any food, food additive, drug, cosmetic, or device (as such terms are defined in Section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food additive, drug, cosmetic, or device.

809.02.08 “Mixture” means any combination of two (2) or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

809.02.09 “By-product” means a chemical substance produced without separate commercial intent during the manufacturing or processing of another chemical substance(s) or mixture(s).

809.02.10 “Use” – putting into service to attain an end other than disposal.

809.02.11 “Store for Disposal” means to store, confine or contain for or incidental to discarding, destroying, decontaminating, degrading, reprocessing or recycling of substances whose useful life has been terminated or completed, or which have otherwise been taken out of service.

809.02.12 “Person” means any natural or legally created artificial person including any individual corporation, partnership, or association. “Person” includes any individual, partnership, association, or corporation engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarded, as those terms are used in the Interstate Commerce Act, as amended.

809.02.13 “Radioactive Material” means any material or combination of materials, which spontaneously emits ionizing radiation. Materials, in which the estimated specific activity is not greater than 0.002 microcuries per gram, and in which the radio-activity is essentially uniformly distributed, and not considered to be radioactive materials.

809.02.14 “Curie” means an expression of the quantity of radiation in terms of the number of atoms which disintegrate per second; a curie is that quantity of radioactive materials which decays such that thirty-seven (37) billion atoms disintegrate per second.

809.02.15 “Microcurie” means one millionth of a curie.

809.02.16 “Waste Oil” – used products primarily derived from petroleum, which includes, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids and dielectric fluids.

809.02.17 “Hazardous substance Disposal Site” means any chemical waste landfill or incinerator used to dispose of hazardous substances.

809.02.18 “Chemical Waste Landfill” means a landfill at which protection against risk of injury to health or the environment from migration of hazardous substances to land, water, or the atmosphere is provided from hazardous substances deposited therein by locating, engineering, and operating the landfill in accordance with federal and state law.

809.03 Treatment, Storage and Disposal of Hazardous Wastes

809.03.01 No person shall knowingly, knowingly cause by contract, or negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, into or atop of any aquifer, any hazardous waste as described in the Code of Federal Regulations or is listed as a hazardous waste by the US EPA or the Ohio EPA.

809.03.02 No person shall store for treatment or disposal any hazardous waste as identified in Section 809.02.02 unless the person meets the requirements as set forth in Section 3733.02 Part F of the Ohio Revised Code.

809.03.03 No person shall store for treatment or disposal any hazardous waste within Clark County at any of the following locations: within any flood plain, atop any aquifer, or within any drainage basin of any aquifer, stream, lake, or pond.

809.04 Disposal and Storage of PCB or PCBs

809.04.01 No person shall knowingly, knowingly cause by contract, or negligently discard, dispose, discharge, deposit, inject, dump, spill, leak, spray, place or otherwise cast into or upon any land, whether improved or unimproved, upon any public or private street, roadway or highway, into any drain, gutter, sewer or culvert, into any lake, pond, water course or ditch, or into any pit or excavation, or into or atop of any aquifer, any PCB or PCBs either in liquid, crystalline or solid resin form, within Clark County. [rev. 12-13-2013]

809.04.02 No person shall store or cause any other person or persons by contract or otherwise to store for disposal any PCB or PCBs regardless of form, in one or more PCB Containers, within Clark County at any of the following locations:

809.04.021 Within any flood plain, atop any aquifer, or within any drainage basin of any aquifer, stream, lake, or pond;

809.04.022 Any other location not permitted in Title 40, Part 761 of the U.S. EPA Toxic substance Control Act.

809.04.03 The term “PCB” and “PCBs” as used in Section 809.04 Refers to any chemical substance, combination of substances, or mixture that contains fifty (50) parts per million (on

a dry weight basis) or greater of PCBs, as defined in Section 809.02.03, fractured at any point in the process.

809.04.031 Substances that are regulated by Section 809.04 include, but are not limited to, dielectric fluids, contaminated solvents, waste oils, heat transfer fluids, hydraulic fluids, paints, sludges, slurries, dredge spoils, soils, materials contaminated as a result of spills, and other chemical substances, including impurities and by-products, provided, such chemical substances, or combination of substances of mixtures, regardless of form, contain PCP or PCBs.

809.04.04 Storage or use of PCB or PCBs in PCB Articles, or PCB Equipment is not in violation of this Section. Disposal of PCB Articles or PCB Equipment containing any measurable amount of PCB or PCBs therein as regulated in Title 40 of the U.S. EPA Toxic Substance Control Act is not a violation of this Section.

809.05 Use of PCB or PCBs No person shall use any PCB or PCBs other than its use in the manufacturing or processing of other substances of mixtures, or its use in PCB Articles, PCB Equipment, or its use incidental to placing into service or continuing service of PCB Articles or PCB Equipment, unless said permitted uses are restricted or prohibited by federal or state law.

809.06 Transportation and Shipment of Radioactive Material No person shall ship or transport into, within, through or out of the County any radioactive material contrary to the applicable federal regulations of the United States Department of Transportation and the United State Nuclear Regulatory Commission in effect at date of shipment or transport.

809.07 Application of Other Regulatory Provisions Regardless and notwithstanding the provisions of Section 809.04, any and all applicable provisions, resolutions and regulations requiring permits for the storage of any hazardous materials are still in full force and effect unless otherwise specifically repealed.

809.08 Exemptions

809.08.01 The provisions of this Chapter shall not apply to the storage of disposal of hazardous waste, and PCB or PCBs in any hazardous substance disposal facility specifically approved by either the United States Environmental Protection Agency or the Ohio Hazardous Waste Facility Approval Board and which comport to federal and state law.

809.08.02 The provisions of Sections 809.04 and 809.05 shall not apply to the use of waste samples of PCB or PCBs, samples of other substances or material containing PCB or PCBs poor PCB or PCBs reference samples for or in conducting analytical tests to determine the composition of characteristics of the sample.

809.08.03 The provisions of Section 809.03 shall not apply to the discharge of waste water or waste water derivatives authorized under a valid National Pollution Discharge Elimination System permit, or otherwise authorized to be discharged into a publicly-owned water treatment works.

809.08.04 The provisions of 809.04.04 shall not apply to the temporary storage of PCB or PCBs taken out of service, provided:

809.08.041 The temporary storage does not exceed sixty (60) days for the date that the PCB or PCBs are taken out of service;

809.08.042 The PCB or PCBs being temporarily stored were previously placed into use and taken out of service within Clark County;

809.08.043 The PCB or PCBs being temporarily stored remain in the possession, custody, control or ownership of the person who used the PCB or PCBs;

809.08.044 The previous use of the PCBs being temporarily stored was in conformance with Section 809.05;

809.08.045 The PCB or PCBs being temporarily stored are separately containerized according to the date removed from service; and

809.08.046 The date that the PCB or PCBs are taken out of service and an indication that the containerized substance or mixture is PCB or PCBs is clearly and indelibly marked on each respective storage container utilized whether a “PCB Container”, or other container, or receptacle. The date so marked shall be prima facie evidence of the date the PCB or PCBs were taken out of service.

809.08.05 Notwithstanding the provisions of Section 809.08.04, the provisions of Section 809.04.04 shall not apply to the temporary storage or temporary accumulation of PCB or PCBs taken out of service and being temporarily stored or temporarily accumulated, prior to the effective date of these Regulations, which storage or accumulation is prior to the movement of the PCB or PCBs off site for disposal at another location outside Clark County. [eff. 12-13-2013]

809.08.051 The incidental temporary storage or accumulation does not exceed sixty (60) days from the date that respective PCB or PCBs were taken out of service.

809.08.052 The date or dates the PCB or PCBs were taken out of service are clearly and indelibly marked on each respective storage container, whether a “PCB Container”, or other container or receptacle in which the PCB or PCBs are being temporarily stored or temporarily accumulated, together with a clear and indelible indication that the particular containerized substance or mixture is PCB or PCBs. The date or dates so marked shall be prima facie evidence of the date or dates the PCB or PCBs were taken out of service.

809.09 Inspections The law enforcement officer, Building Official or Zoning Inspector shall have the authority to inspect all structures and premises, as often as may be necessary for the purpose of ascertaining or causing to be corrected, any condition which may be a violation of this Section, or otherwise enforcing any provisions of this Section. [rev. 11-4-2020]

809.10 Right of Entry Whenever necessary for the purpose of enforcing the provisions Section 809, or whenever any law enforcement officer, or any Building Official or Zoning Inspector has a reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this Section, said officials may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officials by law; provided that if said structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the official seeking entry shall have recourse to every remedy provided by law to secure entry. [rev. 11-4-2020]

Section 810 Small Wind Farm Projects

810.01 Purpose – The purpose of this section is to accommodate small wind farm projects that are designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts for on-site home, farm, commercial or industrial use, in appropriate locations, while minimizing any adverse visual, safety, and environmental impacts of the system. In addition, this section provides a permitting process for small wind project to ensure compliance with the provisions of the requirements and standards established herein. “Economically Significant Wind Farms” as defined in ORC 4906.13 are not subject to these regulations.

810.01.01 Small wind projects are a conditioned use pursuant to this section in all zoning districts.

810.01.02 No small wind project shall be erected, constructed, installed or modified without first receiving appropriate permits pursuant to Section 810.

810.01.03 No small wind project shall be erected, constructed, installed or modified without first receiving a building permit in accordance with the State of Ohio Building Code.

810.02 General standards – Small wind projects that are designed for, or capable of operation at an aggregate capacity of less than five (5) megawatts shall be evaluated for compliance to the following standards:

810.02.01 Fall Zone – A small wind project shall have a fall zone at least one hundred-ten (110) percent of the total height from:

810.02.011 Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.

810.02.012 Any future road right-of-way pursuant to the Clark County Thoroughfare Plan.

810.02.013 Any overhead utility lines.

810.02.014 All property lines, unless the affected land owner provides written permission through a recorded easement allowing the wind energy system's fall zone to overlap with the abutting property.

810.02.015 Any travel ways to include but not limited to driveways, parking lots, government designated nature trails, public multi-use trails, or sidewalks.

810.02.016 Any principal structure on the parcel where the small wind project is being requested or any neighboring parcel.

810.02.02 The fall zone shall be measured to the center of the tower's base.

810.02.021 Guy wires used to support the tower are exempt from the small wind project fall zone requirements but must be located entirely within the parcel where the small wind project is to be located unless permission through a recorded easement is presented at the time of application submittal.

810.02.03 A structure mounted wind energy system shall not exceed fifty (50) kilowatts and shall project no more than fifteen (15) feet above the highest point of the roof of the structure.

810.02.04 Tower: Wind turbines may only be attached to freestanding or guy wired monopole or lattice towers.

810.02.041 The tower height shall not exceed two hundred (200) feet.

810.02.042 The Applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

810.02.05 Sound Level: Operation of small wind projects shall not exceed fifty-five (55) decibels, except during short-term events such as severe wind storms and utility outages. This information shall be obtained from the manufacturer of the turbine, and all readings, if necessary, shall be taken from the nearest neighboring property line.

810.02.051 Audible noise due to small wind project operations shall not exceed fifty (50) decibels for any period, when measured at any off-site residence, school, hospital, church or public library existing on the date of approval of the wind energy facility.

810.02.06 Shadow Flicker: Small wind projects shall be sited in a manner that does not result in significant shadow flicker impacts. The Applicant has the burden of proving that this does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

810.02.07 Signs: All signs, both temporary and permanent, are prohibited on small wind projects, except as follows:

810.02.071 Manufacturer's or installer's identification on the wind turbine.

810.02.072 Appropriate warning signs and placards.

810.02.08 Code Compliance: Small wind projects shall comply with all applicable sections of the Ohio Building Code.

810.02.09 Aviation: Small wind projects shall be built to comply with all applicable Federal Aviation Administration regulations. If proposed small wind farm project is located within a designated Wright-Patterson or Springfield-Beckley Airport Zoning Overlay, evidence of compliance or non-applicability shall be submitted with the application.

810.02.10 Visual Impacts: It is inherent that wind energy systems may pose some visual impacts due to the total height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to wind resources.

810.02.101 The Applicant shall demonstrate through project site planning and proposed mitigation that a small wind project's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.

810.02.102 The color of small wind project shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.

810.02.103 Small wind projects shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the Applicant shall provide a copy of the Federal Aviation Administration determination to establish the required markings and/or lights for the small wind project.

810.02.11 Utility Connection: Small wind projects proposed to be connected to the power grid through net metering shall adhere to Ohio Revised Code Section 4928.67.

810.02.12 Access: All electrical and control equipment shall be labeled and secured to prevent unauthorized access.

810.02.121 The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of ten (10) feet above the ground.

810.02.13 Wiring and Electrical Apparatuses: All electrical wires and apparatuses associated with the operation of a small wind project shall be located underground or within an enclosed secure building.

810.02.131 The Applicant shall provide documentation that the proposed small wind farm project shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

810.02.14 Maintenance: All small wind projects shall be maintained in good working order.

810.02.141 Any physical modification to the small wind project that alters the mechanical load, mechanical load path, or major electrical components shall require reapplication for conditioned use under this section. Like kind replacements shall not require reapplication.

810.02.142 Prior to making any physical modifications (other than like-kind replacement) the owner or operator shall request, in writing, a determination from the Zoning Inspector whether

the physical modification requires reapplication for conditioned use permit. The Zoning Inspector shall, in his/her sole and absolute discretion, make such determination.

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

810.02.15 Multiple Small Wind Projects: Multiple small wind projects are allowed on a single parcel so long as the owner/operator complies with all regulations set forth in Section 810.

810.02.16 Historic Sites: No small wind projects shall be located within one thousand (1,000) feet of any historic site or historic district.

810.02.161 Written proof of compliance with this requirement must be provided by the Ohio Historic Preservation Office and be submitted with the conditioned use application.

810.02.17 Controls and Brakes: All small wind projects shall be equipped with a redundant braking system which must include:

810.02.171 Aerodynamic over-speed controls which include variable pitch, tip and other similar systems and;

810.02.172 Mechanical brakes which must be operated in fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

810.03 Procedure for Review: In accordance with Section 810, a small wind project shall be subject to receiving a Conditioned Zoning Certificate prior to installation or modification thereof. The issuance of a Conditioned Zoning Certificate shall abide with the following requirements:

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

810.03.01 Site Plan Review: Prior to issuance of a Conditioned Zoning Certificate, a site plan shall be submitted for review. The following items shall be the minimum requirements for a completed application. The site plan shall include the following: [rev. 11-4-2020]

810.03.011 Property lines and physical dimensions of the property where the small wind project is proposed to be located.

810.03.012 Location, dimensions and types of existing major structures on the property.

810.03.013 Location of the proposed small wind project, foundations, guy wires and associated equipment.

810.03.014 Fall Zone depicted as a radius around the center of the tower.

810.03.015 The right-of-way or future right-of-way according to the Clark County Thoroughfare Plan and any public road that is contiguous with the property or within the fall zone.

810.03.016 Location, width, and purpose of any easement located on the property.

810.03.017 Any overhead utility lines.

810.03.018 Wind energy specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed).

810.03.019 Documentation shall be provided regarding the notification of the intent with the utility regarding the Applicant's installation of a small wind project if the turbine(s) will be connected to the power grid.

810.03.0110 Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.

810.03.0111 Evidence of compliance or non-applicability with Federal Aviation Administration requirements. [rev. 11-4-2020]

810.03.0112 The site plan must be stamped by a surveyor licensed to practice in the State of Ohio.

810.04 Zoning Compliance: A Zoning Certificate must be obtained in accordance with these Regulations. [rev. 11-4-2020]

810.05 Building Permit: A Building Permit must be obtained in accordance with the Ohio Building Code.

810.06 Decommission: At such time that a small wind project is scheduled to be decommissioned or discontinued, the Applicant shall provide written notification to the Zoning Inspector. [rev. 11-4-2020]

810.06.01 Upon decommission or discontinuation of use, the owner shall physically remove the wind energy system within ninety (90) days from the date of decommission or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Inspector. "Physically Remove" shall include, but not be limited to: [rev. 12-13-2013; rev. 11-4-2020]

810.06.011 Removal of the wind turbine and tower and related above grade structure.

810.06.012 Restoration of the location of the small wind project to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

810.06.02 In the event that the Owner fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous two (2) year period. After two (2) years of inoperability, the Zoning Inspector may issue a "Notice of Abandonment" to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Decommission within thirty (30) days from Notice receipt date. The Zoning Inspector shall withdraw the Notice of Decommission and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been decommissioned. [rev. 12-13-2013; rev. 11-4-2020]

810.06.03 If the owner fails to respond to the Notice of Decommission or if after review by the Zoning Inspector it is determined that the small wind project has been decommissioned or discontinued, the owner of the small wind project shall remove the wind turbine and tower at the owner's expense within three (3) months of receipt of the Notice of Decommission. [rev. 12-13-2013; rev. 11-4-2020]

810.07 Meteorological Towers The construction of a meteorological tower for the purpose of collecting data to determine the availability factor and/or capacity factor for a small wind project, shall abide with the following requirements:

810.07.01 The construction, installation or modification of a meteorological tower shall require a Zoning Certificate and a building permit and shall conform to all applicable sections of the Ohio Building Code. [rev. 12-13-2013; rev. 11-4-2020]

810.07.02 Meteorological towers shall be permitted on a temporary basis not to exceed eighteen (18) months.

810.07.03 Meteorological towers shall adhere to the small wind project standards as described in Section 810.

Section 811 Site Lighting. [eff. 12-4-2020]

The purpose of this section is to minimize light pollution, glare and light trespass, to conserve energy resources while permitting for safe and efficient nighttime outdoor lighting, and to limit the degradation of the nighttime visual environment.

810.01: All exterior light sources, including canopy, perimeter and flood, shall be stationary and shielded or recessed within the building or structure to ensure that all light is directed away from adjacent properties and street right-of-way.

810.02: Except for single-family and two-family (duplex) developments, a photometric map showing the exterior light coverage of the development shall be submitted with the Zoning Certificate Application. No light fixture shall exceed thirty (30) foot candles. The maximum light spillage shall not exceed one-tenth (0.1) foot candles when adjacent to any "R" District or existing residential use.

810.03: Light Pole Height: The maximum height of exterior lighting shall not exceed twenty (20) feet.

810.04: All exterior light lighting shall be maintained in proper operation and, when necessary, repaired to proper operation.

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CHAPTER 9

ADMINISTRATION AND ENFORCEMENT

Section 901 General Provisions

901.01 The formulation, administration, and enforcement of these Zoning Regulations are hereby vested in the following offices of Clark County: Zoning Inspector; Board of Zoning Appeals; County Planning Commission; Rural Zoning Commission; and County Commissioners
[rev. 12-13-2013; rev. 11-4-2020]

901.02 All departments, officials, and public employees of Clark County which are vested with the duty or authority to issue permits, certificates or licenses shall conform to the provisions of these Regulations and shall issue no permit, certificate or license for any use, building, structure or purpose if same is in conflict with the provisions of these Regulations. Any permit, certificate or license issued in conflict with the provisions of these Regulations shall be deemed null and void.

Section 902 Zoning Inspector

902.01 The County Commissioners shall appoint a Zoning Inspector and affix his/her compensation, if any. It shall be the duty of the Zoning Inspector to: [rev. 12-13-2013; rev. 11-4-2020]

902.01.01 Enforce the provisions of these Regulations.

902.01.02 Interpret the Zoning Regulations text and Official Zoning District Map(s).

902.01.03 Issue Zoning Certificates in accordance with these Regulations and maintain a complete record of all Zoning Certificates issued.

902.01.04 Act upon all zoning applications within ten (10) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the Applicant within said ten (10) days. Failure to notify the Applicant of such refusal within this period shall entitle the Applicant to submit his/her request to the Board of Zoning Appeals.
[rev. 12-13-2013]

902.01.05 Determine whether various uses of land within the unincorporated area of the County are in compliance with these Regulations. Where violations exist, the Zoning Inspector shall notify in writing the person(s) responsible and specify the exact nature of the violation. [rev. 12-13-2013; rev. 11-4-2020]

902.01.06 Maintain and keep the permanent records required by these Regulations including, but not limited to, the Official Zoning District Map(s), Zoning Certificates, inspections, and all official zoning actions of the County Planning Commission, Rural Zoning Commission and Board of Zoning Appeals. Such records shall be made available for use by the County Commissioners, Rural Zoning Commission, Board of Zoning Appeals, County Planning Commission, and the public. [rev. 12-13-2013]

Section 903 Board of Zoning Appeals [eff. 11-30-2000]

903.01 Membership. Membership shall be in accordance with the Ohio Revised Code – 303.13.

903.02 Organization. The Board of Zoning Appeals shall organize, elect a Chairperson and Vice Chairperson, and adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each motion or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Inspector and shall be a public record. [rev. 12-13-2013; rev. 11-4-2020]

903.03 Jurisdiction. The Board of Zoning Appeals shall have the following powers:

903.03.01 Administrative Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the administration and enforcement of the provisions of these Regulations. [rev. 12-13-2013; rev. 11-4-2020]

903.03.011 Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any county official affected, by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken, and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof. [rev. 12-13-2013; rev. 11-4-2020]

903.03.012 The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. [rev. 12-13-2013; rev. 11-4-2020]

903.03.013 The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days written notice by ordinary mail to the parties of interest, give notice of such public hearing by one (1) publication in a newspaper of general circulation within the County at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney. [rev. 12-13-2013]

903.03.02 Variances. To authorize upon appeal by reasons of exceptional narrowness, shallowness, shape, topographic conditions, or other extraordinary situation or condition of a lot, a Variance from strict application of the provisions of these Regulations to relieve exceptional difficulties or undue hardship, provided said relief can be granted without substantial detriment to the public good and does not substantially impair the intent of these Regulations.

903.03.021 Findings Of Facts: The factors below shall be considered and weighed by the Board of Zoning Appeals in determining whether the strict application of any provision of these Regulations would result in a practical difficulty, which in turn deprives the property owner of an allowed use of the property. [rev. 11-4-2020]

903.03.021.1 The subject property cannot yield a reasonable return and there can be no beneficial use of the property without a variance, the variance would relieve a clearly demonstrable situation where strict application of these Regulations created a practical difficulty that will deprive the property owner of economically viable use of the land, as distinguished from a special privilege or convenience to the owner.

903.03.021.2 The requested variance is not substantial.

903.03.021.3 The essential character of the neighborhood will not be substantially altered or suffer a substantial detriment as a result of the variance.

903.03.021.4 The requested variance will not adversely affect the delivery of governmental services such as police and fire protection, water and sewer services, and solid waste regulation and disposal.

903.03.021.5 The property owner purchased the subject property without knowledge of the zoning restriction(s).

903.03.021.6 The property owner's predicament feasibly can be obviated through some method other than granting a variance.

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

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

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

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

903.03.022 Written application for a Variance shall be made to the Zoning Inspector who shall transmit said application, together with plans, specifications, and any papers pertaining to the application, to the Board of Zoning Appeals. The Board of Zoning Appeals shall cause a public hearing to be held. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a Variance is requested. An application for a Variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the County. The Board of Zoning Appeals may, in accordance with its rules, require the giving of additional notice and specify the manner in which the same shall be given. At the hearing, any party may appear in person or be represented by an attorney.
[rev. 12-13-2013; rev. 11-4-2020]

903.03.023 In granting any Variance under the provisions of Section 903.03.02, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the Variance is granted. In no case shall a Variance granted by the Board of Zoning Appeals violate the existing subject easement provisions, or local or state health, fire, environmental, or other applicable codes.

903.03.024 Time Limit: A Variance approved by the Board of Zoning Appeals shall expire at the end of twelve (12) months from the date on which such variance was approved, unless within said twelve (12) month period, a Zoning Certificate is obtained and has not expired. For variance approvals which do not require a Zoning Certificate, such as fences, lot splits, etc., all conditions of approval must be met within twelve (12) months and the work must be completed within the twelve (12) month timeframe.

903.03.025 A variance shall not be required when it is determined by the Zoning Inspector that the deviance from the Code may be caused by the margin of error present in available

mapping or is substantively insignificant. The Zoning Inspector may grant approval of distance variances up to three (3) feet and size variances up to twenty (20) square feet. In any case where the Zoning Inspector cannot make a determination, the request must be reviewed and approved by the Board of Zoning Appeals.

903.03.03 Conditional Uses. The Board of Zoning Appeals shall hear and decide upon, in accordance with the provisions of Chapter 7 of these Regulations, applications for Conditional Uses.

903.04 Interpretation of Zoning Text and Map(s). Upon appeal from a decision by the Zoning Inspector, the Board of Zoning Appeals shall have the power to decide any question involving the interpretation of the Zoning Text or Map(s) as set forth in Sections 110 and 111.

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

903.05 Decision of Board. In exercising the above-mentioned powers, the Board of Zoning Appeals may, in conformity with Section 903, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

903.06 Public Information. All communications to members of the Board of Zoning Appeals, written or oral, which shall be reduced to writing, pertaining to any matter before the Board, shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the office of the Zoning Inspector, subject to the order of the Clark County Common Pleas Court, and available for inspection by the public. [rev. 12-13-2013; rev. 11-4-2020]

903.07 Record. For any hearing at which the Applicant desires a record to be made, the Applicant shall provide a court reporter to make such record at the Applicant's expense. A copy of said record shall be provided to the Zoning Inspector. In all hearings wherein no request has been made for a record, the minutes shall serve as the sole transcript of such hearing.

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

903.08 Fees to Accompany Notice of Appeal or Application for Variance or Conditional Use. For all actions of the Board of Zoning Appeals, the County Commissioners shall establish fees to be deposited with each application. Such fees shall be required for each application to defray the costs of advertising, mailing, and other expenses.

Section 904 County Planning Commission

904.01 The powers and duties of the County Planning Commission shall be the following:

904.01.01 Prepare the Zoning Regulations recommended for the unincorporated area of Clark County or any portion thereof at the request of the Rural Zoning Commission.

904.01.02 Review the proposed Zoning Regulations, including text and Official Zoning District Map(s), and all proposed zone changes, and then forward the zoning or rezoning request along with their recommendation to the Rural Zoning Commission. [rev. 12-13-2013]

904.01.03 Review Development Plans within the Planned Development Districts, and Residential Manufactured Home Park District, and make recommendation regarding such plans to the Rural Zoning Commission. [eff. 3-25-2003; rev. 12-13-2013]

904.01.04 Contract with such planning consultants and other assistants as it deems necessary, within the limits of the monies appropriated by the County Commissioners, to carry out the above duties. [rev. 12-13-2013]

Section 905 Rural Zoning Commission [eff. 11-30-2000]

905.01 Membership. Membership shall be in accordance with the Ohio Revised Code – 303.04.

905.02 Powers and Duties. The powers and duties of the Rural Zoning Commission shall be the following:

905.02.01 Request the County Planning Commission to prepare or make available a zoning plan, including text and map(s), for the unincorporated area of the County or any portion thereof.

905.02.02 Hold required public hearings, notice of which shall be given in accordance with the Ohio Revised Code.

905.02.03 Submit the proposed Zoning Regulations, including text and Official Zoning District Map(s), and all proposed zone changes, to the County Planning Commission, and then certify the proposed zoning or rezoning along with their recommendation and the County Planning Commission's recommendation, to the Board of County Commissioners.

905.02.04 Initiate Official Zoning District Map changes or changes in the text of the Zoning Regulations where same will promote the best interest of the public in general.

905.02.05 Submit Plans for Development within the Planned Development District, Planned Commercial Development District and Residential Manufactured Home Park District to the County Planning Commission, and then certify such plans, along with their recommendation and the County Planning Commission's recommendation regarding such plans, to the Board of County Commissioners. [rev. 12-13-2013]

905.02.06 Contract with such planning consultants and executive and other assistants as it deems necessary within the limits of the monies appropriated by the Board of County Commissioners for the purpose. Such consultants and assistants shall be the same as those provided for the County Planning Commission if so ordered by the Board of County Commissioners.

905.02.07 Organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

905.02.08 Make use of such information and counsel as is available from appropriate public officials, departments, and agencies. Such officials, departments and agencies having information, maps and data pertinent to County Zoning shall make them available for the use of by the Rural Zoning Commission.

905.03 Meetings and Agenda of Rural Zoning Commission. The Rural Zoning Commission shall adopt rules of procedure governing the establishment of dates and times for its meetings and the conduct of each meeting. All meetings of the Rural Zoning Commission shall be open to the public.

905.04 Minutes. The minutes of each meeting of the Rural Zoning Commission shall be kept on file in the office of the Zoning Inspector with the other zoning records. Said minutes shall be open for public inspection during Commission meetings and normal business hours.

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

Section 906 County Commissioners

906.01 The powers and duties of the County Commissioners are the following:

906.01.01 Shall appoint five (5) regular members and may appoint two (2) alternate members to a Rural Zoning Commission whose function it is to initiate or review proposed text amendments or changes of Zoning Districts on the Official Zoning District Map(s), as specified in Section 905. [eff. 6-1-2000]

906.01.02 Appoint a Zoning Inspector to administer and enforce the provisions of these Zoning Regulations, in accordance with the functions enumerated in Section 902. [rev. 12-13-2013; rev. 11-4-2020]

906.01.03 Shall appoint five (5) regular members and may appoint two (2) alternate members to a Board of Zoning Appeals to hear administrative appeals and requests for Variances and Conditional Uses, as specified in Section 903. [eff. 6-1-2000]

906.01.04 Initiate or act upon suggested amendments to the Zoning Regulations Text or Official Zoning District Map(s) following recommendations of the Rural Zoning Commission and review by the County Planning Commission, as specified in Sections 904 and 905.

906.01.05 Each written application for a Zoning Certificate shall be accompanied with a filing fee, which shall be forwarded to the County, and shall be utilized to help cover the expenses of the Zoning Inspector, the Rural Zoning Commission, the County Planning Commission, and the Board of Zoning Appeals. [rev. 12-13-2013; rev. 11-4-2020]

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

Section 907 Administrative Procedures

907.01 Zoning Certificates

907.01.01 Requirements. No person shall use, permit use of, locate, erect, construct, reconstruct, enlarge or structurally alter any non-farm building or structure nor shall any land use be established or changed without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building, structure or use fully comply with all applicable provisions of these Regulations, or unless a written order is obtained from the Board of Zoning Appeals deciding an Appeal, Conditional Use or Variance as provided by these Regulations. A use not listed in Chapter 2 may be allowed if said use is of the same general character of a listed use as determined by the Zoning Inspector or the Board of Zoning Appeals. Such Zoning Certificate shall be issued by the Zoning Inspector, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of these Regulations. Failure to obtain a Zoning Certificate prior to such use, location, erection, construction, reconstruction, enlargement, alteration or change in use shall be deemed a violation of these Regulations and punishable under Section 908. [rev. 12-13-2013; rev. 11-4-2020]

907.01.02 Application. Application for a Zoning Certificate shall be made in writing to the Zoning Inspector or his/her authorized agent. Each written Application shall be signed by the owner or authorized agent attesting to the truthfulness and exactness of all information supplied on the Application and all supporting material, and shall indicate the Applicant's name, address, and phone number. The Application shall contain the following information: [rev. 12-13-2013; rev. 11-4-2020]

907.01.021 One (1) copy of a drawing(s), to be retained by the Zoning Inspector, showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part; [rev. 12-13-2013; rev. 11-4-2020]

907.01.022 A description of the proposed project. [rev. 11-4-2020]

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

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

- A. The location of the lot, existing zoning and land use, including the immediate surrounding area;
- B. The location, size and height of existing buildings or structures on the lot, if any;
- C. The existing or intended use of each building, structure or use of land where no buildings are included;
- D. The number of families or dwelling units each building is designed to accommodate;
- E. The number and dimension of off-street parking spaces or loading/unloading berths; and
- F. Landscaping plan in accordance with the requirement of Section 805.

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

907.01.03 { reserved }

907.01.04 Time Limit. If a Zoning Certificate is issued for the purpose of constructing a new building or structure and such construction is not begun within one (1) year time period, then said Zoning Certificate shall be null and void.

907.01.05 Temporary Zoning Certificate. A temporary Zoning Certificate may be issued by the Zoning Inspector for those permitted Temporary Uses specified in Section 804, subject to the conditions therein stated. [rev. 12-13-2013; rev. 11-4-2020]

907.01.06 Zoning Certificate (Change of Use). No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged, or structurally altered except for agricultural purposes, without a Zoning Certificate being issued by the Zoning Inspector. No Zoning Certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of these Zoning Regulations, or unless a Variance Conditional Use has been granted by the Board of Zoning Appeals. [rev. 12-13-2013; rev. 11-4-2020]

907.01.07 Non-conforming Uses. Nothing in these Regulations shall prevent the continuance of a Non-conforming Use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

907.01.08 Records. A record of all Zoning Certificates shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. [rev. 12-13-2013; rev. 11-4-2020]

907.01.09 Fees. The County Commissioners shall establish fees, charges, and expenses for Zoning Certificates, applications for appeals, variances, etc., and for rezoning and other matters pertaining to these Regulations. The fees shall be made available to the public, and may be altered or amended only by the County Commissioners. No final action shall be taken on any application until all applicable fees, charges or expenses have been paid in full.

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

907.02 Text Amendments and Changes of Zoning Districts

907.02.01 Amendments to the Zoning Regulations may be initiated by motion of the Rural Zoning Commission, by the passage of a resolution by the County Commissioners, or by the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment, with the Rural Zoning Commission. The County Commissioners shall, upon the passage of such resolution, certify it to the Rural Zoning Commission. The Rural Zoning Commission and County Commissioners shall consider an application for an amendment, whether to the Zoning Regulations Text or to the Official Zoning District Map(s), only if the request for a change of zoning meets the following conditions: [eff. 12-17-2009]

907.02.011 Manifest error in the original Zoning Regulations text and/or designations of the Official Zoning District Map(s).

907.02.012 Accordance with, or more appropriate conformance to, any existing Official Land Use Plans for the area under consideration.

907.02.013 Substantial change in area conditions.

907.02.014 Legitimate requirement for additional land area for the particular Zoning District.

907.02.02 All amendments to the zoning text or zoning map shall be in accordance with the Ohio Revised Code. [eff. 12-17-2009]

907.02.03 The form of a petition calling for a zoning referendum shall be in accordance with the Ohio Revised Code. [eff. 12-17-2009]

907.02.04 On any application for an amendment to the Zoning Regulations at which time the Applicant desires a record to be made, the Applicant shall provide a court reporter to make such record at the Applicant's expense. A copy of said record shall be provided to the Zoning Inspector. In all hearings where no request has been made for such record, the minutes shall serve as the sole transcript of such hearings. [eff. 10-17-1985; rev. 12-13-2013; rev. 11-4-2020]

907.02.05 Upon filing a rezoning application, the payment of a fee shall be required to defray the cost of advertising, mailing, and other expenses. A rezoning application will not be considered or processed until the fee is paid. [eff. 12-17-2009]

907.02.06 Rezoning Application. The owner or lessee of the property or an agent who possesses "Power of Attorney" from the owner or lessee of the property (any of which are hereinafter referred to as "Applicant"), must submit a written request for rezoning on the Application form as provided by the Zoning Inspector. It is recommended that a non-binding sketch plan be submitted with the rezoning application showing what development is being proposed. All information, exhibits, and data must be provided. Any missing or incomplete information, exhibits, or data shall be a basis for rejecting an application for processing. If said application is rejected, it shall not be processed and all items will be returned to the Applicant. Information, exhibits, and data shall include: [eff. 12-17-2009; rev. 12-13-2013; rev. 11-4-2020]

907.02.061 Owner's or lessee's name and address.

907.02.062 Description of the area to be rezoned.

907.02.063 The parcel number of the parcel(s) involved and a copy of the county auditor's map that identifies the parcel(s) involved and the surrounding area.

908 Enforcement Procedures

908.01 Enforcement. These Regulations shall be enforced by the Zoning Inspector as ~~may be~~ designated by the County Commissioners. The Zoning Inspector is hereby authorized to refuse, deny, and/or void any use, application, material, data, request, or certificate which circumvents, or attempts to circumvent, the intent of these regulations or any approval which was granted based on false, misleading, or misrepresented information. [eff. 4-4-1996; rev. 12-13-2013; rev. 11-4-2020]

908.02 Revocation of Zoning Certificate. Any Zoning Certificate issued upon a false statement shall be void, and such false statement shall be deemed a violation of these Regulations. Zoning Certificates issued on the basis of plans and applications approved by the Zoning Inspector authorized only the use and arrangement set forth in such approved plans and applications, and construction at variance with that authorized shall be deemed a violation of these Regulations. Whenever the fact of such unauthorized variance in plans or false statement shall be established to the satisfaction of the Zoning Inspector, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with these Regulations, shall be deemed guilty of a separate violation thereof. Violations shall be punishable as provided in Section 908.06. [rev. 12-13-2013; rev. 11-4-2020]

908.03 Invalidity of a Part. If any chapter, section, subsection, paragraph, sentence, or phase of these Regulations is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Regulations.

908.04 Repeal of Existing Resolutions. All resolutions, regulations, or parts thereof inconsistent with or in conflict with these Zoning Regulations, and all additions and amendments thereto, are hereby repealed by the adoption of these Regulations.

908.05 Violation. In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or and land is, or is proposed to be used in violation of these Regulations or any amendment or supplement thereto, the County Commissioners, the County Prosecuting Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. [rev. 12-13-2013; rev. 11-4-2020]

908.06 Fine. Any person, firm, or corporation violating any provision of these Regulations or amendments or supplements thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount in accordance with Ohio Revised Code 303.99. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense. [eff. 11-30-2000]

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CHAPTER 10

GLOSSARY OF DEFINITIONS

Section 1001 Interpretation and Meaning of Terms. Unless a contrary meaning is required by the context or is specifically prescribed, the following definitions shall be used in the interpretation and construction of these Regulations. Terms not herein defined shall have the meaning customarily assigned to them. In case there is further question as to the meaning of terms not herein defined, the definitions cited in the latest edition of *A Planners Dictionary* (American Planning Association, Publisher) shall apply. General terms not found in the aforementioned dictionary may refer to *Webster's New International Dictionary of the English Language* (G. and C. Merriam Company, Publisher). [rev. 12-13-2013]

Accessory Building or Use: An accessory building or use is one which:

- a) is subordinate to & serves the principal building or principal use;
- b) is subordinate in area, extent, or purpose to the principal building or principal use served;
- c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- d) is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
- e) The "box" from a truck, a shipping container or similar structure, shall not be construed as an accessory building. [eff. 3-28-2014; rev. 11-4-2020]

Accessory Family Suite: A secondary living unit within a single-family detached dwelling for use as a complete living facility with provisions within the accessory suite for cooking, eating, sanitation, and sleeping. An Accessory Family Suite shall be subordinate to the principal use of the property as a single-family dwelling. [eff. 12-17-2009; rev. 11-4-2020]

Accessory Dwelling Unit: A secondary living unit within an accessory structure for use as a complete living facility with provisions within the accessory family unit for cooking, eating and sleeping. Examples of an accessory family unit are complete living facilities within a detached garage or within a pole barn. [11-4-2020]

Accountability: The provision that a governmental agency is legally responsible for the welfare of the clientele of a group care home and as such can exercise control over the operator of such facilities in order to insure that the provisions of these Regulations are being met and that adequate operational and occupancy standards are being maintained.

Acre: A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Establishment: Any establishment involved in the sale or service of products characterized by the exposure or presentation of specified anatomical areas as defined herein, or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment establishments are photography, dancing, reading, massage, and/or similar functions which utilize activities as specified above; and such establishments include specifically adult bookstores, adult motion picture theaters, and adult mini-motion picture theaters, as defined herein.

Adult Mini-Motion Picture Theater: A facility with a capacity of less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.

Adult Motion Picture Theater: A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.

Agricultural Purposes: See "Agriculture". [eff. 3-29-1990]

Agricultural Related Processing and Marketing: Those commercial activities which provide direct primary support to the farm community, including, but not limited to feed, fuel, agricultural chemicals, farm supply sales and repair, custom butcher shop, and animal health. Agricultural related processing and marketing shall not be construed to include farm markets as defined herein. [eff. 3-29-1990]

Agricultural Use: See "Agriculture".

Agriculture: Land used predominantly for agricultural operation by the owner or tenant. The use of land for agriculture includes dairying, farming, floriculture (flowers), apiculture (bees), horticulture (plants), ornamental horticulture (decorative plants), pasturage, viticulture (grapevines), aquaculture (fish), olericulture (edible plants), pomiculture (fruit) and animal and poultry husbandry. [rev. 12-13-2013]

Airport: A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft, including specifically a paved strip on which airplanes land and take-off. An airport shall not be construed to be a private landing field as defined herein.

Alley: A public or private right-of-way not more than thirty (30) feet wide that is primarily designed to serve as access to the rear or side of those properties whose principal frontage is on some other street. [rev. 12-13-2013]

Animal Clinic or Hospital: A place used by a licensed veterinarian for the purpose of treating animals. [11-4-2020]

Assisted Living Facilities: See "Nursing Homes". [rev. 12-13-2013]

Apartment: A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

Balcony: A platform enclosed by a railing or parapet and which is suspended or cantilevered from or supported solely by the principal structure. [rev. 12-13-2013]

Banks and Financial Institutions: A bank, commercial bank, savings and loan association, building and loan association, credit union, federal association, investment company, or similar business association, which is chartered under federal or state law. [rev. 12-13-2013]

Bar or Tavern: Any establishment, public or private, which provides alcoholic beverages for consideration as its primary function. Food may or may not be served on the premises and entertainment may or may not be provided as a secondary function.

Basement: That portion of a building that is partly or completely below grade. [rev. 12-13-2013]

Battery(ies): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage Management System: An electronic system that protects energy storage systems from operating outside of their safe operating parameters and disconnects electrical power to the energy storage system or places in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A Battery Energy Storage System is classified as a Type I or Type II Battery Energy Storage System as follows.

- A. Type I Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Type II Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Bed and Breakfast Facilities: Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient. [eff. 4-4-1996]

Beginning of Construction: The incorporation of labor and material on a building site.

Billboard: See "Sign".

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

Breezeway: A roofed structure, with or without enclosing walls. [eff. 4-4-1996]

Building: Any structure having a roof supported by walls, used or intended to be used for the shelter of persons or enclosure, of property. [rev. 11-4-2020]

Building, Alteration of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one (1) location to another.

Building, Enlargement of: Any increase in the cubic content of a building.

Building or Structure, Height of: The vertical distance measured from the finished grade to the peak of the roof. [rev. 11-4-2020]

Building, Principal: The building housing the main use of the parcel on which it is located. In a Residential District, an Accessory Building shall not be the Principal Building. [rev. 11-4-2020]

Building Line: A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way. [rev. 12-13-2013]

Building Setback Line: A line delineating the minimum allowable distance between the property line (front, side(s) or rear) and a building on a lot, within which no building or structure shall be placed except as otherwise provided. [rev. 12-13-2013]

Buildings, Inspector of: The Inspector of Buildings of Clark County, Ohio.

Bulkhead: A retaining wall or structure constructed along fill slopes in order to resist soil slippage and deter erosion.

Business: An occupation, enterprise, undertaking, or employment which engages in the purchase, sale barter, or exchange of foods, wares, merchandise, or services or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.

Campground: An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days, either free of charge or for a fee. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.

Cemetery: Land used or intended to be used for the burial of human or animal remains or cremated remains and dedicated for cemetery purposes. [rev. 12-13-2013]

Certify: To attest with a signature or seal.

Churches and Similar Places of Worship: A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

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

Combined Health District: The Clark County Combined Health District.

Commercial Establishment: See "Business".

Commercial Recreation: Any private, public or semi-public facility, equipment or program that satisfies public demand for activities and operates for profit. Commercial Recreation includes, but is not limited to, the following: amphitheatres, amusement game arcades, tennis or racquetball clubs, bowling alleys, billiard halls, country clubs, skating rinks, athletic facility, sports arena, race tracks, motocross and shooting range, golf course, golf driving range, putt putt, amusement park, race track, motor cross. Exception: an indoor motion picture theater shall be considered a business use. [11-4-2020]

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

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

Commission, Planning: The Clark County Planning Commission of Clark County, Ohio. [rev. 12-13-2013]

Commission, Zoning: The Rural Zoning Commission of Clark County, Ohio.

Commissioners, County: The Board of Clark County Commissioners of Clark County, Ohio.[rev. 12-13-2013]

Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Community Facilities: Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments. [eff. 3-29-90]

Conditional Use: A use permitted within a district other than a principally permitted use, requiring application for a Conditional Use and approval by the Board of Zoning Appeals and subject to the limitations and conditions specified therein. Such limitations and conditions may be imposed to ensure that the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site. [rev. 12-13-2013]

Conditioned Use: A use permitted within a district other than a conditionally permitted use, requiring compliance to requirements as specified in Chapter 7. [eff. 3-29-90]

Construction Services: Any of the activities commonly referred to as construction and shall include, without limiting thereby, excavating, interior remodeling, heating, plumbing and roofing. [rev. 11-4-2020]

County: Clark County, Ohio

County Recorder: The Recorder of Clark County, Ohio.

Cul-de-sac: That portion of a dead-end street which is located at the opposite end of a street from the outlet and is formed by a circle, the diameter of which is greater than the street right-of-way. The purpose of a cul-de-sac is to permit ease in reversing vehicular direction.

Custom Butcher Shop: A facility where live animals are slaughtered and prepared for distribution to meat markets or retail sales establishments such as grocery stores. [rev. 11-4-2020]

Day-Care: Care provided for any part of the twenty-four (24) hour day for children or adults by persons other than their parents or guardians, custodians or relatives by blood, marriage or adoption, in a place or residence other than their own home. Places of worship during religious services are not included. [eff. 3-29-1990; rev. 11-4-2020]

Day-Care Centers: Any place in which day care is provided with or without compensation at any place that is not the permanent residence of the licensee or administrator in which day care is provided in accordance with state regulations. [eff. 3-29-1990]

Day-Care Home: Any place in which day care is provided in the permanent residence of the administrator in accordance with state regulations. [eff. 3-29-1990; rev. 11-4-2020]

Decommissioning: Environmental remediation, dismantlement, and restoration of the site.

Deck: A porch without a roof and sometimes without railings

Dedicated-Use Building: A building that is built for the primary intention of housing battery energy storage system equipment is classified as Group F-1 occupancy as defined in the Ohio Building Code, and complies with the following:

- A. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- B. No other occupancy types are permitted in the building.

C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

Deed Restriction: A legal binding restriction on the use of a parcel(s) of land that is set forth in the deed to the property and recorded with the County Recorder’s Office for public record. [rev. 12-13-2013]

Demolition Disposal Facility: Means a site that is used to bury concrete, cement, stone, rubble, glass, wallboard, framing and finishing lumber, wiring, insulation material, roofing material and the like which results from the razing of buildings for accumulation during remodeling or construction. Also brush which includes tree limbs, tree mulch, tree stumps and residue from maintaining trees and shrubbery, also grass and material accumulated from landscaping operations. However, notwithstanding the previously mentioned items, no material which is considered hazardous and/or toxic under any federal, state or local regulations, shall be permitted to be buried or placed in a demolition disposal facility. [eff. 3-29-1990]

Density: The number of dwelling units permitted per acre of land to be developed. [rev. 11-4-2020]

Gross Density: The number of dwelling units per acre of the total land to be developed, including public rights-of-way and open space. [rev. 11-4-2020]

Net Density: The number of dwelling units per acre of land to be developed excluding public rights-of-ways and open space. [rev. 11-4-2020]

Detached: Not connected in any manner by walls or other structural supports.

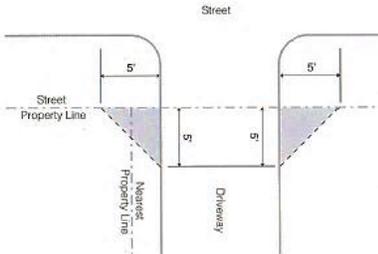
Development Plan: A plan showing uses and structures proposed for a parcel of land, as required by the regulations involved.

Development Standards: Standards controlling the size of structures and the relationships of structures and uses to each other and to open spaces and lot lines. Development standards include but are not limited to regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum density.

Disabled Motor Vehicle: Any vehicle not capable of providing its own motive power, or any vehicle unable to pass an Ohio State Highway Patrol safety inspection. [eff. 3-29-1990]

District: See “Zoning District”.

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



Dwelling: A unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, but not including a tent, cabin, shed, hotel, or motel. A box from a truck, a shipping container or similar structure shall not be considered a principal building or dwelling unit.

Dwelling, Attached: The sharing of a common wall by two (2) or more dwelling units.

Cluster Dwelling: A single-family dwelling which is located on a lot having side yard dimensions which vary according to the width of the lot to be developed. Cluster dwellings may or may not be attached in some fashion by common walls without openings. Cluster dwellings are intended to allow for imaginative site planning and arrangement of buildings.

Detached Dwelling: A dwelling unit having no wall in common with another dwelling unit.

Semi-Detached Dwelling: The partial sharing of a common wall by two (2) or more dwelling units.

Single-Family Dwelling: A detached building designed for or occupied exclusively for residence purposes by one (1) family or housekeeping unit.

Two-Family Dwelling: A building designed for or occupied exclusively by two (2) families or housekeeping units living independently of each other.

Three-Family Dwelling: A building designed for or occupied exclusively by three (3) families or housekeeping units living independently of each other.

Four-Family Dwelling: A building designed for or occupied exclusively by four (4) families or housekeeping units living independently of each other.

Multiple-Family Dwelling: A building(s) designed for or occupied by four (4) or more families or housekeeping units living independently of each other. [rev. 11-4-2020]

Dwelling, Zero Lot Line: A single-family dwelling which is located on a lot having side yard dimensions which vary according to the width of the lot to be developed, and which dimension may be reduced to zero (0) feet on one (1) side of the dwelling subject to regulations contained herein. Zero lot line dwellings are intended to allow for imaginative site planning and arrangement of buildings.

Earth Berm: A low, usually linear, mound of earth covered with grass or other landscape materials used to define, screen, protect, and/or enhance the appearance of a particular space or area of land.

Easement: Authorization of a designated area of land by a property owner for the use by another, and for a specified purpose for which a limited right of use has been or is to be granted for a public or private purpose and within which the owner of the property shall not erect any permanent structures. [eff. 12-13-2013]

Eating and Drinking Place: See "Restaurant".

Enclosed Building: Any permanent structure having a roof supported by columns and walls which are opaque.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or county or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems or collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or county or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: A person or group of persons occupying and living as a single housekeeping unit, whether or not related to each other by birth, marriage or adoption as distinguished from a

group occupying a motel or hotel, fraternity or sorority house, or other types of contractual living quarters. [rev. 12-13-2013]

Farm: An area which is used for the growing of the usual farm products, such as grain, fruit and vegetables, and their packing or storage within the area, as well as used for the raising and breeding of farm animals and poultry, including but not limited to cattle, sheep, horses, and swine, but not constituting a commercial feed lot as defined herein. The necessary accessory uses shall be secondary to that of the normal farming activities.

Farm Labor Housing: Living accommodations for those employed, year round or seasonal, to perform agricultural related operations. Said housing shall only be used by those employed on the farm upon which the housing is located. [11-4-2020]

Farm Market: A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator. [eff. 3-29-1990]

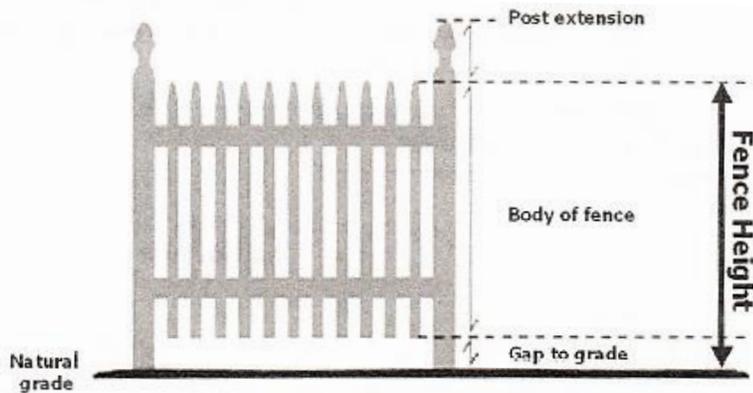
Feed Lot: The operation or maintenance of a commercial stockyard or feed yard. [eff. 3-29-1990]

Fence: A barrier constructed of materials other than evergreen shrubbery erected for purposes of protection, confinement, enclosure, or privacy.

Privacy Fence: A fence erected or constructed with the intention of blocking views into the property from the outside.

Security Fence: A fence erected or constructed to serve as a barrier to persons, animals, or vehicles entering the property.

Fence, Height: The height of a fence shall be measured from the ground where the fence is located to the top body of the fence, excluding any post extension. Any post extension shall not exceed one (1) foot. [rev. 11-4-2020]



Finished Grade: The final elevation of the ground surface abutting a building or other structure after man-made alterations such as; construction of required parking areas or driveways, and after the planting of lawn and shrubbery or other required improvements have been made on the ground surface. [rev. 12-13-2013]

Floodplain: Any land susceptible to being inundated by flood waters from any source. [rev. 12-13-2013]

Floor Area: The total horizontal area of all floors finished as usable area including roofed porches and roofed terraces. Measurements of floor area shall be taken to the outside of the exterior walls. Floor area shall not include: cellar or basement space; elevator or stair bulkheads; attic space; breezeways, patios, or decks; uncovered stairs or steps; garages.

Frontage: The contiguous linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of the one side lot line to the intersection of the other side lot line. The measurement of the lot frontage shall not include irregularities in the street line and, and in the case of a corner lot, shall extend to the point of intersection of the side line of the right-of-way. If a lot has frontage on more than one (1) street, frontage on one (1) street only may be used to satisfy the minimum lot frontage. [rev. 12-13-2013]

Garage: A structure used primarily but not exclusively for the parking and storage of motor vehicles. [rev. 12-13-2013]

Garage Sale: All general sales, open to the public, conducted from or on residential premises in any residential zone, as defined in the zoning code, for the purpose of disposing of personal property, including but not limited to all sales entitled “garage,” “lawn,” “yard,” “porch,” “attic,” “backyard,” “patio,” “rummage,” “moving,” or “estate” sale. [rev. 12-13-2013]

Glare: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Ground Mounted Solar Energy Systems Onsite Consumption: A solar energy system that mounts a solar panel or panels and facilities on or above the ground for onsite residential or commercial consumption as accessory use for the existing residential or commercial building. [rev. 3-20-2024]

Ground Mounted Solar Energy Systems Principal Use: A solar energy system that mounts a solar panel or panels and facilities on or above the ground. Also known as Solar Farm. [rev. 3-20-2024]

Group Care Home: A facility housing six (6) or more individuals on a twenty-four (24) hour basis who, because of age, mental, or physical disability or other reasons, must live in a supervised environment but are capable of responding to an emergency situation without personal assistance. [eff. 4-4-1996]

Handicapped Person: Means any person subject to a physiological impairment regardless of its cause, nature, or extent, and includes all such persons whether ambulatory or confined to a wheelchair. [eff. 4-4-1996]

Hedge: A linear massing of closely-spaced shrubs which combine to form a relatively solid vegetative wall.

Home Occupation: An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling. Retail sales are not allowed with home occupations. An Internet Based Business is not considered a Home Occupation. [rev. 11-4-2020]

Major Home Occupation: Is conducted within the dwelling or in an accessory structure on the same parcel as the dwelling, without any significant adverse effect upon the surrounding neighborhood. [11-4-2020]

Minor Home Occupation: Is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. [11-4-2020]

Homeowners' Association: A private, non-profit corporation of homeowners established by a developer with local government approval, whose purpose it is to own, operate, and maintain various common properties, including but not limited to open space, private streets, and recreation facilities. Title to common property is held by the corporation.

Hospital: An establishment with a formal organization of physicians, with permanent beds where both sick and accident patients may remain in excess of twenty-four (24) hours, which provides facilities for both medical and surgical diagnosis and treatment, with at least one (1) operating room where major surgery is performed. Such establishment must be certified by the State Department of Health and be accredited by the Joint Commission of Accreditation of Hospitals.

Household Pet: A domesticated animal kept for pleasure rather than utility. [eff. 4-4-1996]

Housekeeping Unit: One (1) or more persons whether or not related to each other living in a dwelling unit.

Identification: That by which a person, thing, product, etc., can be identified or recognized – and those specific symbols, traits, trademarks, characteristics, etc., which provide such recognition.

In the Open: Not located in an enclosed building.

Incidental Camping: The use of tents, travel trailers, recreational vehicles or other mobile camping equipment for camping and other recreational purposes incidental to the principal use of a site. [11-4-2020]

Industrial, Heavy: Development accommodating a broad range of intensity of industrial development and related uses, whose operation occurs inside and outside a building(s), and has a greater external and physical impact on the immediate area beyond the I-2 district boundary. [11-4-2020]

Industrial, Light: Development involving manufacturing, production, warehouse/distribution, wholesaling and related uses whose operation is conducted within a building(s). The external and physical impacts of the uses are restricted to the boundary of the I-1 District. [11-4-2020]

Industry: Storage, repair, manufacture, preparation, or treatment of any article, substance, or commodity.

Integrated Solar Energy Systems: A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights or windows. [rev. 3-20-2024]

Institution (Higher Learning): Any public, private, parochial, charitable, or nonprofit school, junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees. [rev. 12-13-2013]

Internet Based Business: A business activity of selling products handled through the internet. When conducted within a dwelling, said business is not considered a Home Occupation Use, and, shall not maintain inventory within the dwelling or on the lot where the dwelling is located. [rev. 11-4-2020]

Junkyard: A place or structure where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, or any combination thereof, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including used cars in operable condition, or salvaged materials incidental to manufacturing operations, and not including such places where such uses are conducted entirely within a completely enclosed building or structure. [eff. 3-29-1990]

Kennel: A building or structure, which may also include outdoor pens and runs, that is used for boarding or housing, for the breeding and the sale of dogs, cats, or other household pets in return for a fee or other consideration. [rev. 12-13-2013]

Land Use Plan: The long-range plan for the desirable use of land area of Clark County as officially adopted and as amended from time to time by the County Planning Commission. The purpose of such plan is, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for such public purposes as streets, parks, schools, and public buildings.

Landscaping: Landscaping shall consist of any of the following or combination thereof: materials such as but not limited to grass, hardy ground covers, shrubs, vines, hedges, and trees; and non-living durable material commonly utilized in landscaping, such as but not limited to rocks, pebbles, sand, walls, and fences, but not including paving as a principal design element.

Livable Area: That totally enclosed space within the principal structure having an average ceiling height of a minimum of four (4) feet above the finished grade.

Livable Floor Area: The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

Loading/Unloading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot (aka parcel of tract): [eff. 11-6-2008]

- a) A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare rights-of-way shall be included.
- b) A parcel as contained on the official tax maps maintained in the Clark County Auditor's Office and is often referenced by a Permanent Parcel Number.

Corner Lot: A lot abutting upon two (2) or more roads or streets at their intersection or upon two (2) parts of the same road or street and in either case forming an interior angle of less than one hundred thirty-five (135) degrees.

Double Frontage Lot: A lot having frontage on two (2) non-intersecting streets.

Interior Lot: A lot other than a corner lot with only one (1) frontage on a street.

Non-Conforming Lot: A lot or parcel of land that was of record and lawfully established and maintained but which, because of the enactment of this [code], no longer conforms to the land-use standards or use regulations of the zoning district in which it is located. [rev. 12-13-2013]

Lot, Zoning: A parcel of land abutting a dedicated street, occupied or intended to be occupied by a principally permitted or conditionally permitted use and/or accessory use or a principal or accessory building, as a unit, together with such open spaces as are required by these Zoning Regulations and it may or may not coincide with a lot of record.

Lot Area: The computed area contained within the lot lines, excluding rights-of-way, measured in square feet or acres.

Lot Coverage: That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves, cornices, balconies, canopies, bay windows, fire escapes, patios, decks, chimneys, outside stairs and landing, and similar structures.

Lot Depth: The mean horizontal distance between the front and the rear lot lines.

Lot Lines: The property lines bounding a lot.

Front Lot Line: The line separating a lot from a street right-of-way.

Rear Lot Line: The lot line opposite and most distant from the front lot line.

Side Lot Line: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Line, Street or Alley: A lot line separating a lot from a street or alley.

Lot Split: The division of any parcel of land so as to create two (2) parcels or lots, either of which is less than five (5) acres in size, for the immediate or future purpose of transfer of ownership.

Lot Width: The mean width of the lot measured at right angles to its depth.

Manufactured Farm Home: A structure transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length or, when erected on side, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling without a permanent foundation and without conversion to real estate. For the purpose of these provisions, a manufactured home shall be considered a manufactured farm home with a certification from HUD. [eff. 3-29-1990]

Manufactured Home: Means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Ohio Manufactured Homes Commission. [eff. 9-3-2001; rev. 12-13-2013]

Manufactured Home Park: A tract of land under unified control containing five (5) or more acres of land or existing nonconforming lots divided into three (3) or more lots for the accommodation of occupied manufactured mobile homes used for single-family dwelling purposes, and including any roadway, building, structure, or utility used or intended for use as part of the facilities of such parks. [eff. 3-29-1990]

Manufacturing: A production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.

Manufacturing Retail Outlet: An accessory use to a principally permitted manufacturing use where goods produced on the premises of the manufacturing establishment are offered for sale directly to consumers. The manufacturing retail outlet shall not occupy greater than twenty-five (25) percent of the total floor area of the manufacturing establishment.

Maximum Lot Coverage: The greatest percentage of the total zoning lot which may be occupied by principal and accessory buildings or structures.

Meat Market: A retail store supplying meat and poultry products where meat and fish processing is limited to making cuts of meat from pre-processed carcasses. [11-4-2020]

Medical Clinic: A place used for the diagnosis and treatment of sick, ailing, infirm, and injured persons and those who are in need of medical or surgical attention, but limited to outpatients only and not including the sale of drugs or medical supplies. [rev. 11-4-2020]

Modular Home: A factory-built home, other than a manufactured home, that complies with applicable building code requirements placed on a permanent foundation, and not designed to be moved once installed on parcel. [11-4-2020]

Motel or Hotel: A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and subject to such restrictions as may be specified in the district where located.

Motor Home: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, for cooking and consuming of food, and for sleeping.

Motor Vehicle Fuel Only Station: The storing and dispensing of fuel for motorized vehicles is the primary use, and may include as a secondary use the retail sale of convenience items or service. [rev. 11-4-2020]

Motor Vehicle Fuel, Service and/or Repair: The storing and dispensing of fuel for motorized vehicles and providing for vehicle repair and maintenance are the primary uses. May include as a secondary use the retail sale of convenience items or service. [rev. 11-4-2020]

Motor Vehicle Body Shop and/or Repair: Any structure or use intended for collision service, repair or painting of motor vehicles. [eff. 3-29-1990; rev. 11-4-2020]

Motor Vehicle Wrecking Yard: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts. [eff. 3-29-1990; rev. 12-13-2013; rev. 11-4-2020]

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

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

Nonconforming Use of Land and Buildings: The lawful use of any dwelling, building, or storage and of any land or premises, as existing and lawful at the time of enactment of a zoning regulation or amendment thereto, may be continued, although such use does not conform with the provisions of such regulation or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning regulations. [eff. 4-4-1996]

Non-Conformities: A building, structure, premises, or use thereof, legally existing and/or used at the time of adoption of these Regulations or any amendment thereto, which does not conform with the use regulations of the district in which it is located.

Nursing Homes, Convalescent Homes and Assisted Living Facilities: A facility housing three (3) or more individuals when those individuals are not capable of responding in an emergency situation without personal assistance. [eff. 4-4-1996; rev. 12-13-2013]

Open Space: An area used or intended for use as passive activity such as a park, wildlife area or wetlands, or other undeveloped areas that should remain undeveloped due to their unique

characteristics or geological features. A detention pond/basin is not considered an open space.
[eff. 4-4-1996; rev. 11-4-2020]

Original Tract: A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.

Outside Storage: The keeping in an unroofed area any material, merchandise or vehicle, which is oriented to receiving, holding and/or shipping for a business, on a parcel for more than twenty-four (24) hours. Such a use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage use. [11-4-2020]

Parcel: An individual lot held under common ownership – (see Lot).

Parking Area, Off-Street: Any open area other than a street or other public right-of-way used for the temporary parking of automobiles and available to the public whether for a fee, free, or an accommodation for clients or customers. All off-street parking areas shall conform to the design standards presented in these Regulations. [rev. 12-13-2013]

Parking Area, Private: An open area, or garage for the parking of motor vehicles belonging to, or restricted for the use or enjoyment of particular persons. [rev. 12-13-2013]

Parking Area, Public: An open area other than a street or public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Parking Space: An off-street space, either within a structure or in the open, available for the parking of one (1) motor vehicle, and having a minimum area as noted in these Regulations, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct access to a street or alley.

Patio: An uncovered area permanently surfaced or constructed as a single, solid slab and usually raised slightly above the lawn surface, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

Performance Standards: Criteria established to control dust, smoke, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious matter, vibrations, and other conditions created by or inherent in uses of land or buildings.

Permitted Use: A use which is specifically authorized by these Zoning Regulations in a particular zoning district.

Person: A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

Planned Development (PD): Land under unified control, planned and developed as a whole in a single development operation or a definitely programmed series of development operations including all lands and buildings. Planned Developments are designed and developed subject to the provisions of these Regulations. [eff. 3-25-2003]

Porch: An entrance or structure attached to the outside of an outer wall of a building, one (1) or two (2) stories in height, with integral foundations, which is open on three (3) sides, and which may have railings and banisters or a parapet, and which is roofed.

Portable On Demand Storage (PODS): The use of PODS, or other similar units, shall be permitted in any zoning district only for the purpose of loading or unloading in association with moving in or out of a building. PODS shall be parked on property for a period not to exceed

seven (7) consecutive days, shall not be parked on public right-of-way or private streets, and shall only be placed in the driveway, aisle or access drive. No Zoning Certificate shall be required, but the aforementioned conditions shall apply. [eff. 12-13-2013]

Private Garage: A garage for four (4) or less passenger motor vehicles without provisions for repairing or servicing such vehicles for profit; see automotive repair garage. [eff. 3-29-1990]

Private Landing Field: A landing field restricted to having only one runway made of man-made surface (asphalt, concrete, or a mixture of both) or a natural surface (grass or dirt) in connection with permitted uses of land and in accordance with Federal Aviation Regulations. Except for aircraft emergencies, said landing field is used privately by the owner and, on an infrequent and occasional basis, by invited guests. [rev. 12-13-2013]

Private or Public Outdoor Recreation Area: Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motor cross or snowmobile circuits, or campgrounds.

Professional Office: Any building or structure, the use of which is limited to providing professional services such as doctors, lawyers, accountants, architects, engineers, photographers, city planners, government and public service agencies and utilities, and similar professions.

Public Facilities: Any facility, including but not limited to, buildings, property, recreation areas and roads, which are leased or otherwise operated or funded by a governmental body or public entity. These uses shall be permitted in any zoning district provided they comply with the least restrictive setback of said zoning district for a principal permitted use. [rev. 12-13-2013]

Public Use: Uses including public parking, schools, and administrative, cultural, and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Public Recreation: An area used by the general public and operated not for profit for active recreational purpose such as baseball, football, riding or walking trails, soccer, tennis. [11-4-2020]

Public Utility: Any building, power plant, substation, water treatment plant, pumping station, sewage treatment and disposal plant, or other similar public structure, including the furnishing of electrical, gas, telephone, water, and sewerage services.

Reconstruction: See “Substantial Improvement”.

Recycling Collection Center: An officially designated place for the drop off and temporary holding of acceptable household-only recyclable items. May also include a collection point for used clothing. [11-4-2020]

Recycling Transfer Station: A place where recyclable items are prepared and bundled prior to shipment to others who use said materials to manufacture new products. A recycling collection center may be included as a recycling transfer center. [11-4-2020]

Replacement Cost: The current construction cost for replacement of an existing building, structure, or portion thereof that is not necessarily an exact duplicate of the subject property, but serves the same function as the original. [rev. 12-13-2013]

Research & Development Facility: Where applied and developmental research is conducted and includes product design, manufacturing, evaluation and market testing all of which are an integral part of the facility. Not included in this term is the mass manufacturing, sales and/or distribution of products produced at the facility. [11-4-2020]

Resource and Mineral Extraction: Any mining, quarrying, excavating process, storing, separating, cleaning, or marketing of any mineral natural resource.

Restaurant, Carry-Out: An establishment whose primary business is where food, beverages or desserts are served in disposable containers or wrappers from a serving counter for consumption off the premises. The establishment may deliver food to the customer, or the customer may pick food up. [rev. 12-13-2013]

Restaurant, Drive-In: An establishment with adjoining parking area used for the purpose of serving food, beverages, ice cream, and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in motor vehicles parked upon the premises. [rev. 12-13-2013]

Restaurant, Fast Food: An establishment whose primary business is serving food, beverages, ice cream, and similar confections to the public at a walk-up counter and then taken to a table for consumption, or by means of a window designed to accommodate motor vehicles for consumption on or off the premises. [rev. 12-13-2013]

Restaurant, Sit-Down: An establishment whose primary business is serving food, beverages or desserts to the public from a printed menu and served in or on dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters but may also have a patio area outside on the premises. A cafeteria style establishment may also be described as the same. [rev. 12-13-2013]

Retail Establishment: Any business normally found in a business district, where goods or services are offered for sale in small quantities directly to consumers.

Retail Establishment, Drive-Through: A retail business which is laid out, equipped, maintained, advertised, or held out to the public as a place where a limited variety of primarily ready-to-consume foods, beverages, and household or party supplies are offered directly to customers in motor vehicles. Drive-through retail establishments are arranged so that customers may drive through the establishment and be served without leaving their vehicles, and as such, goods sold on the premises shall not be consumed thereupon.

Retaining Wall: A bulkhead or structure constructed along fill slopes in order to resist soil slippage and deter erosion.

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

Right-of-Way, Proposed: A right-of-way that is proposed for acquisition in order to implement the Official Thoroughfare Plan of Clark County, together with all amendments thereto subsequently adopted.

Rip-Rap: An assemblage of broken or crushed stones erected in water, along stream banks, or on fill slopes in order to strengthen the slope, resist slippage, and deter erosion. The stones shall be reinforced and/or sufficiently anchored to hold them in place.

Rooftop Solar Energy Systems: A solar energy system that is mounted to a structure or building's roof on racks. [rev. 3-20-2024]

Rural Farm Housing: The principal residence on a farm.

Rural Non-Farm Housing: A single-family dwelling located in an Agricultural district that is not a principal dwelling on a farm, and that is located on a lot that has been split from a larger tract of land (a "lot split").

Sanitary Landfill: Any site, location, tract of land, installation or building used for incineration, composting, sanitary land filling, or other methods of disposal of solid wastes (including a captive landfill) for which a permit to install has been obtained from OEPA. [eff. 6-1-2000]

School, Primary (Elementary) or Secondary (Junior High and Senior High): A public, private, or parochial school offering instruction at a level in the branches of learning and study required to be taught in schools within the State of Ohio. [rev. 12-13-2013]

Screening: To provide privacy of adjoining uses, including masonry walls, solid preservatively treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants. [eff. 4-4-1996]

Service Establishment (Professional and/or Personal): Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises. [rev. 12-13-2013]

Self-Storage: A building(s) divided into separate, individual units and rented to individuals to meet their temporary self-storage needs. [11-4-2020]

Setback: The minimum distance at which a building may be constructed from a lot line.

Sewerage System, Off-Site: Any wastewater disposal system, such as a septic tank or similar installation which uses an aerobic bacteriological processor equally satisfactory process for the elimination and safe disposal of sewage for a single development, and which is not located on a lot that is to be served by the system. Off-site sewerage systems are subject to approval by the Clark County Health Department.

Sewerage System, Public: An approved sewerage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Shrub: A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like or single-stemmed.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign or Billboard: Any writing, name, identification, description, display, flag, emblem, insignia, or graphic representation which is contained on a structure or part thereof, or is attached to or painted on a building or structure; said sign being used to advertise direct attention to or announce an object, place, product, person, activity, organization, or business. This definition shall not include any flag, pennant, or insignia of any nation, state, city, or other political units, as well as any sign, board, or surface used to display or announce official notice of such political units.

Building Mounted Sign: A sign which is affixed to or painted on any exterior wall of a building or structure. [rev. 12-13-2013]

Free Standing Sign: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. [rev. 12-13-2013]

Ground Sign: A sign erected on a free standing frame, mast, or pole anchored in the ground and not attached to any building. [rev. 12-13-2013]

Monument Sign: a ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole, having the appearance of materials such as brick, stucco, stonework, textured wood, tile or textured concrete. [11-4-2020]

Political Sign: A sign announcing or supporting the candidates or issues in connection with any national, state, or local election. [rev. 12-13-2013]

Portable Sign: A sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure. [rev. 12-13-2013]

Sign, Area: The entire area within a single, continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of a sign having more than one (1) display surface shall be computed as the total of the exposed exterior display surface area.

Sign, Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.

Similar Use or Establishment: A use not specifically listed but similar to any of the permitted building or use classifications of any district.

Site Plan: See "Development Plan".

Slaughterhouse: The butchering of livestock for market, not to be considered custom butcher shop. [eff. 3-29-1990]

Small Solar Facility: A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts. [rev. 3-20-2024]

Solar Energy: Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy. [rev. 3-20-2024]

Solar Energy Equipment: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System: A System and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System. [rev. 3-20-2024]

Solar Collector: Any device or combination of devices or other elements which relies upon direct solar radiation and that is employed in the collection of solar radiation for one (1) or more of the following purposes:

- a) Heating and/or cooling of a building or structure;
- b) Heating of water;
- c) Use in industrial, commercial, or agricultural processes; or
- d) The generation of electricity.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola; human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts, whether real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic regions, buttock, or female breasts.

Store: As used in these Regulations, "store" shall mean to put away, reserve, or park for future use. "Storage" shall mean the act of storing, the state of being stored, or a building or place for storing goods.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or if there is no floor above, the portion between the floor and the ceiling above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless more than one-half (1/2) of the basement height is above grade level at the front of the building.

First Story: The lowest story or the ground story of any building, the floor of which is not more than four (4) feet below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.

Street: A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of these Regulations. Street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

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

Structural Alteration: Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Subdivision Regulations: The regulations pertaining to the division of parcels of land within Clark County into smaller buildable sites, blocks, streets, open spaces, and public areas, as officially adopted and as amended from time to time by the County Planning Commission. The purpose of such regulations is, among other things, to provide an adequate urban pattern by allocating sufficient and convenient open areas for traffic, utilities, recreation, light, air, and the avoidance of congestion of population.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds sixty (60) percent of the market value of the structure either, 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or 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 either 1) 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 2) any alteration of a structure listed on the National Register of Historic Places, or a State Inventory of Historic Places.

Swimming Pool: Any pool, pond, or open tank above or below grade level and not located within a wholly enclosed building, and containing or normally capable of containing at any point, water to a depth of greater than twenty-four (24) inches deep or having a surface area greater than two-hundred fifty (250) square feet. [eff. 3-29-1990]

Temporary Use: A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time unless permission to conduct the use is renewed for any non-permanent or intermittent use of land, building, or structure which is permitted by these Regulations. The established time will be determined by the Zoning Inspector.
[rev. 12-13-2013; rev. 11-4-2020]

Thoroughfare, Controlled or Limited Access: A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and

preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary: An officially designated Federal or state numbered highway or county or other road designated as a major thoroughfare on the Official Thoroughfare Plan of Clark County, or a county or other road designated as a secondary thoroughfare on said Plan, respectively.

Thoroughfare Plan: The Official Thoroughfare Plan of, and as adopted by, the Clark County Planning Commission, establishing the location and official right-of-way widths of principal highways and streets in the County, on file in the office of the County Recorder and the County Planning Commission, together with all amendments thereto subsequently adopted.

Tiny House: A dwelling typically sized under 400 sq. ft.; some are built on foundations, others on trailers. A Tiny House on wheels (built on a trailer) shall be considered a recreational vehicle and can only be parked in campgrounds. A Tiny House on a foundation shall be considered an Accessory Dwelling Unit and must be connected to electric and an approved method of sewage disposal and water supply. [11-4-2020]

Tract: See "Parcel".

Traffic Visibility: On a corner lot, nothing shall be constructed, placed, planted or allow to grow in such a manner as to impede vision between a height of two and one-half (2½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of the intersection. [eff. 12-13-2013]

Trailer: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by other motor power.

Trailer, Construction: A large trailer which is used for the storage and conveyance of tools, machinery, or equipment on, to, or from a construction site and which may be left on the site for the duration of construction as provided by these Regulations.

Trailer, Tent-Type Fold Out Camping: Any non-self-propelled recreational vehicle intended to be used, when stationary, as temporary shelter with living and sleeping facilities.

Trailer, Travel: A non-self-propelled recreational vehicle not exceeding an overall length of thirty (30) feet, exclusive of bumper and tongue or coupling.

Trailer, Utility: A small trailer designed to be towed by a motor vehicle and used primarily for the transportation of commercial or personal goods and/or wares.

Transient: A person, who is usually a boarder, whose stay at a facility is less than thirty (30) days. [eff. 4-4-1996]

Transmission/Receiving Tower, Radio or Television or Telecommunication: Any tower-like structure used principally by commercial, non-profit, or public broadcast and telecommunications organizations to transmit or receive communication waves of varying frequencies. Such structures shall not be permitted for private use.

Tree: Any self-supporting woody plant which usually produces one (1) main trunk, and a more or less distinct and elevated head with many branches.

Truck Stop, aka Truck Plaza: a commercial/industrial use of property for the refueling, maintenance and/or servicing of large commercial vehicles carrying large loads and which may, or may not, have service activities for such vehicles and their drivers. These activities or services may include, but are not limited to, dispensing motor fuels and petroleum products directly into motor vehicles, restaurants or cafes, overnight accommodations, showers or laundry facilities, truck services, including repair services, and overnight truck parking. [11-4-2020]

Use: The activity conducted on or in a particular parcel of land or structure.

Use By Right: A principal permitted use in a particular zoning district which is permitted in that district as a legal right under the terms of these Regulations.

Variance: A modification of the literal provisions of these Regulations granted when strict enforcement of these Regulations would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Vehicle: All automobiles, trucks, motorcycles, trailers, truck campers, recreational vehicles, buses, and boats.

Commercial Vehicle: A self-propelled vehicle used to transport persons or goods associated with a business, said vehicle registered to an individual, company or corporation. [11-4-2020]

Commercial – Heavy Duty Vehicle: A multi-axle (3 or more axles) commercial vehicle. See 807.04 for example of heavy duty commercial vehicles. [11-4-2020]

Commercial – Light Duty Vehicle: A 2-axle commercial vehicle. See 807.04 for example of light duty commercial vehicles. [11-4-2020]

Farm Vehicle: All types of equipment/machinery used for agriculture. [11-4-2020]

Motor Vehicle: Anything on wheels propelled or drawn by power other than muscular power.

Recreational Vehicle: A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent or temporary basis. Recreational vehicles include motor homes, tent-type fold out camping trailers, tiny house, travel trailers, and truck campers. [rev. 11-4-2020]

Accessory Recreational Vehicle: Vehicles designed for off-road use such as off-road vehicles, dune buggies, and boats. [11-4-2020]

Videogame, Pinball, and Other Amusement Game Arcades: Any business location in which there are four (4) or more coin-operated amusement devices, coin-operated games of skill, or any combination thereof available for use by the public and/or invitees. Shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law. [eff. 12-13-2013]

Wall: A boundary enclosure or separating barrier which is usually opaque.

Common Wall: A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or higher, and which separates contiguous buildings but is in joint use for each building.

Warehouse: A building or structure which use is limited to the storage of equipment or material.

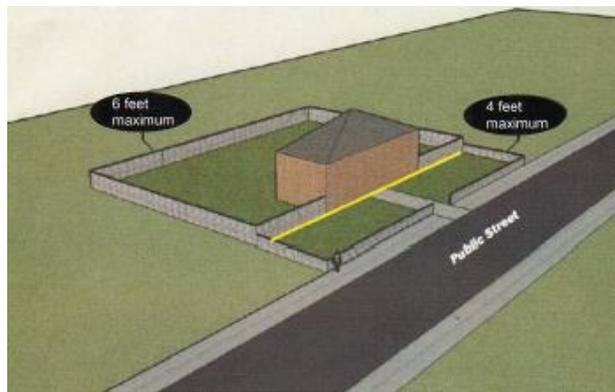
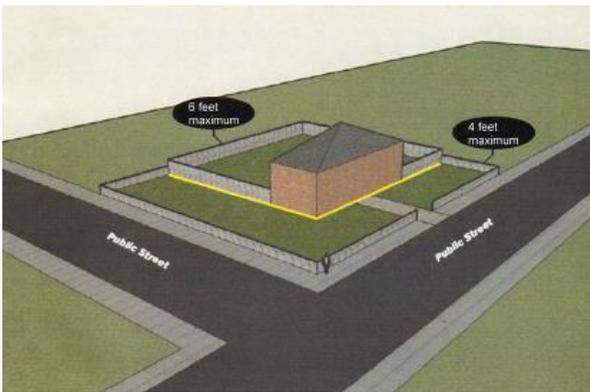
Water System, Off-Site: See “Water System, Public”.

Water System, Public: An approved water supply system which provides a distribution system and water treatment facility for a single development, community, or region.

Wholesale Establishment: an establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser.

Yard: A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in these Regulations.

Front Yard: A yard extending across the full width of the lot, the depth of which shall be the least perpendicular distance between the front lot line and the front of the principal building.
[rev. 11-4-2020]



Front Yard, (Least Depth): The shortest distance, measured horizontally between any part of a building and the right-of-way line of the existing street on which the lot fronts, i.e. the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as established on the Official Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the Official Thoroughfare Plan.

Side Yard: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the side lot line toward the nearest part of the main building. Where a side lot line abuts an alley, one-half (1/2) of the alley width may be counted toward the side yard requirement.

Side Yard, (Least Width): The shortest distance, measured horizontally, between any part of a building, other than such parts herein excepted, and the nearest side lot line.

Side Yard, (Least Width, How Measured): Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Official Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Official Thoroughfare Plan.

Rear Yard: A yard extending the full width of the lot between the rear-most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the

rear of such main building. Where a rear lot line abuts an alley, one-half (1/2) of the alley width may be considered as part of the rear yard.

Rear Yard, (Least Depth): An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified.

Zoning Certificate: A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of these Regulations and for the purpose of carrying out and enforcing its provisions. [rev. 11-4-2020]

Zoning District: A portion of the unincorporated area of Clark County of which certain uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces are herein established. The term "A" District shall mean any A-1 District; the term "R" District shall mean any R-1, R-2, R-2A, R-2B, R-3, R-4 or R-MHP District; the term "B" District shall mean any B-1, B-2, B-3, or B-4 District; the term "O" District shall mean any O-1 or O-2 District; the term "I" District shall mean any I-1 or I-2 District, and the term "MU" shall mean any MU-1 or MU-2 District. [eff. 3-29-1990; rev. 11-4-2020]

Zoning District, Overlay: A zoning district mapped as an overlay to a use district and which modifies or supplements the regulations of that district in recognition of the distinguishing circumstances such as historic preservation, wellhead protection, floodplain and airport zoning while maintaining the character and purposes of that district over which it is superimposed. [rev. 12-13-2013]

Zoning Inspector: The officer or his/her authorized representative, appointed by the Board of County Commissioners, charged with the interpretation, administration, and enforcement of these Regulations. [rev. 12-13-2013; rev. 11-4-2020]

Zoning Map: The Zoning Map or Maps of Clark County, together with all amendments subsequently adopted.

Zoning Regulations or These Regulations: This document in its entirety, and subsequent amendments, and all maps, figures, drawings, and any other clarifications appurtenant.