

The original Plain Township Zoning Text became effective November 2, 1976.

The first revisions to the text were made under the procedures required by the Ohio Revised Code on November 24, 1984. These revisions became effective December 24, 1984.

The second revisions to the text were made under the procedures required by the Ohio Revised Code on March 28, 2001. These revisions became effective April 27, 2001.

The third revisions to the text were made under the procedures required by the Ohio Revised Code on April 17, 2002. These revisions became effective May 17, 2002.

The fourth revisions to the text were made under the procedures required by the Ohio Revised Code on January 8, 2003. These revisions became effective February 7, 2003.

The fifth revisions to this text were made under the procedures required by the Ohio Revised Code on December 7, 2005. These revisions became effective January 6, 2006.

The sixth revisions to this text were made under the procedures required by the Ohio Revised Code on September 15, 2010. These revisions became effective October 15, 2010.

The seventh revisions to this text were made under the procedures required by the Ohio Revised Code on April 18, 2012. These revisions became effective May 18, 2012.



**PREAMBLE**

A Resolution of Plain Township, Franklin County, Ohio, enacted in accordance with the provisions of Chapter 519, Ohio Revised Code, dividing the unincorporated portion of Plain Township into districts and encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas;

Providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties;

Limiting congestion in the public rights-of-way;

Providing the compatibility of different land uses and the most appropriate use of land;

Providing for the administration of this resolution, defining the powers and duties of the administrative officers as provided hereafter,

And prescribing penalties for the violation of the provisions in this resolution or any amendment thereto, all for the purpose of protecting the public health, safety, and morals; and for the repeal thereof.

Therefore be it resolved by the Board of Township Trustees of Plain Township, Franklin County, State Of Ohio:

**PREFACE**

This preface is provided to give a measure of guidance in the understanding, application and administration of the Zoning Resolution by setting forth the purpose and nature of zoning, and the organization of the Zoning Resolution.

**PURPOSE OF ZONING**

The purpose of this Zoning Resolution as is prescribed by Section 519.02 of the Ohio Revised Code shall be to regulate buildings and land use to promote the public health, safety, and morals throughout the Township.

To promote such public purpose, these regulations are designed to encourage an appropriate use of lands; to stabilize and preserve the value of property; to prevent congestion and hazard in the streets; to secure safety from fire, flood, water contamination, air pollution and other dangers; to provide adequate light, air and open space; to prevent the overcrowding of land and to avoid undue concentrations of population.

To further promote such public purpose these regulations are further intended to be used to facilitate an appropriate and desirable comprehensive pattern of water supply, sewer facilities, schools, parks, and other essential public facilities and services.

**NATURE OF ZONING**

This Zoning Resolution as an exercise of the police power derived from Chapter 519 of the Ohio Revised Code must bear some reasonable and substantial relationship to the public health, safety, or morals throughout the Township.

The characteristic feature of this Zoning Resolution that distinguishes it from most other police power regulations is that its regulations may differ from zoning district to zoning district, rather than being uniform throughout the Township. Despite this ability to differ in various zoning districts, the regulations must be uniform for each class and kind of building within a zoning district.

The purposes of this Zoning Resolution are accomplished by the division of the Township into zoning districts in which there are only certain specified uses of land allowed and the regulations pertaining to the development and use of the land and buildings are uniform for each class or kind of building or use in such zoning district.

To the extent possible, the zoning districts as they are delineated on the Zoning District Map, shall be comprehensive by their inclusion of all land similar in nature or circumstance as is determined by the type and extent of existing land use and the desirability of conserving such use. The zoning districts and the fixing of their boundaries shall further be determined in accordance with the need of encouraging such use as is made appropriate by a change in the character of land use, or the growth and development of the Township, and, to this extent, the zoning districts should be based on land use plans as such plans may exist at the time of determination.

## **ORGANIZATION OF THE ZONING DISTRICT REGULATIONS**

The Zoning District Regulations are set forth in four (4) groups based on the nature of the zoning districts and the purpose of the regulations. These groups are organized under separate articles of the Zoning Resolution.

Article II, Standard District Regulations, is composed of the regulations of the Agricultural District; five Residential Zoning Districts based on density and/or dwelling structure type; three Commercial Zoning Districts based on the types and nature of commercial uses ranging from office activities through sales and services of unique character; and two Industrial Zoning Districts based on use activity and methods of site development ranging from typically small, totally enclosed development and operation to extensive or open industrial use of land. The intended use of the Standard Districts is twofold. The primary use is to delineate areas of existing land use and developmental character most nearly represented by the regulations of one of these Zoning Districts so as to afford such areas the regulations necessary to maintain their essential qualities and to assure that additional development will be in keeping with that which has been established. Secondly, the Standard Districts are intended to be used to make limited adjustments in the Zoning District boundaries (rezoning) as are necessary and the ownership of the land is such that development cannot be achieved except on the basis of individual lots.

Article III, Planned Development Procedures and Regulations, is composed of the requirements and regulations for establishment of Zoning Districts for planned, comprehensive arrangement and development.

The intended use of the Planned Development Districts is to allow predetermined development in appropriate locations to provide for the highest possible degree of freedom of design within the site while maintaining a desirable relationship to adjacent lands and the community.

Article IV, General Development Standards, is composed of those provisions and regulations that pertain generally and uniformly to the arrangement and development of land and structures within the various zoning districts.

Among the requirements of the General Standards are requirements for platting and establishment of lots before development and use; the establishment of building lines along public rights-of-way; definition and permitted manner of home occupation and accessory uses; land suitability standards; requirements for screening or landscaping under certain conditions; off-street parking and loading requirements; sign and billboard regulations; the prevention of nuisances; provisions for temporary uses and standards for community-based care facilities.

These regulations have been placed together because of their uniform application in regard to development and use of land and are, by reference, a part of each of the zoning district regulations, excepting the recommended driveway standards, which are advisory.

Article V, Special Districts, provides for the use or development of land under certain unique circumstances or developmental requirements. Included in the Special Districts are the procedures and regulations pertaining to development and use of land in areas subject to periodic flooding; the extraction of sand and gravel or other mineral resources, and the rehabilitation of the

land after extracting; the drilling and production of oil and gas to allow for the exploration and removal of natural petroleum resources; and procedures and regulations to allow for the establishment of uses of such an exceptional nature as to warrant individual consideration. Among these exceptional uses are airports, amusement centers, stadiums, riding stables, resort establishments and certain institutions.

The intent of these Special Districts is to delineate areas where, due to circumstances of the land or requirements of the development, such activity can be carried on without subjecting the established land uses and zoning districts to undue interference or disturbance.

### **THE NATURE OF THE ZONING DISTRICTS**

Each of the Zoning Districts includes all land so zoned or classified in Plain Township, and differs from all others by reason of the uses that are permitted or by reason of the standards of development that are applicable in the Zoning Districts.

## **TABLE OF CONTENTS**

PREAMBLE	3
PREFACE	4
PURPOSE OF ZONING	4
NATURE OF ZONING	4
ORGANIZATION OF THE ZONING DISTRICT REGULATIONS	5
THE NATURE OF THE ZONING DISTRICTS	6
 <b>ARTICLE I: GENERAL PROVISIONS</b>	
SECTION 100 AUTHORITY AND PURPOSE FOR ZONING RESOLUTION	13
SECTION 110 INTERPRETATION	13
SECTION 120 SEPARABILITY CLAUSE	13
SECTION 130 REPEAL OF CONFLICTING RESOLUTION, EFFECTIVE DATE	13
SECTION 140 APPLICATION	14
SECTION 150 AREA PLANS	15
 <b>ARTICLE II: STANDARD DISTRICT REGULATIONS</b>	
SECTION 200 COMPLIANCE WITH REGULATIONS	17
SECTION 202 RULES OF APPLICATION	18
SECTION 204 AGRICULTURAL (A) DISTRICT	19
SECTION 206 RURAL (R) DISTRICT	21
SECTION 208 SUBURBAN ESTATE RESIDENTIAL (SER) DISTRICT	23
SECTION 210 LOW DENSITY RESIDENTIAL (R-2) DISTRICT	25
SECTION 212 SUBURBAN RESIDENTIAL DISTRICT (R-4)	27
SECTION 214 MULTIFAMILY RESIDENTIAL (R-12) DISTRICT	29
SECTION 220 SUBURBAN OFFICE (SO) DISTRICT	31

SECTION 240	LOCAL BUSINESS (LB) DISTRICT	34
SECTION 250	GENERAL BUSINESS (GB) DISTRICT	37
SECTION 255	LIGHT MANUFACTURING (M-1) DISTRICT	40
SECTION 260	HEAVY MANUFACTURING (M-2) DISTRICT	42

**ARTICLE III: PLANNED DISTRICTS**

SECTION 300	PROCEDURES AND REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS ADOPTED	45
SECTION 301	PLANNED RESIDENTIAL CONSERVATION DEVELOPMENT (PRCD) DISTRICT	46
SECTION 302	PLANNED UNIT DEVELOPMENT (PUD)	63
SECTION 303	SELECT COMMERCIAL PLANNED (SCPD) DISTRICT	67
SECTION 304	PLANNED COMMERCIAL (PC) DISTRICT	74
SECTION 306	PLANNED INDUSTRIAL PARK (PIP) DISTRICT	81

**ARTICLE IV: GENERAL DEVELOPMENT STANDARDS**

SECTION 401	GENERAL REGULATION OF THE ARRANGEMENT AND DEVELOPMENT OF LAND AND STRUCTURES	85
SECTION 402	LOT AREA AND YARD SPACE REQUIREMENTS	85
SECTION 403	LOT AREA AND YARD SPACE PRESERVED	86
SECTION 404	BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY	87
SECTION 405	HOME OCCUPATION	88
SECTION 406	ACCESSORY USES, STRUCTURES AND BUILDINGS	91
SECTION 407	LAND SUITABILITY AND ENVIRONMENTAL PERFORMANCE STANDARDS	95
SECTION 408	USE OF INDIVIDUAL SEWAGE TREATMENT AND WATER SUPPLY	97
SECTION 409	LIMITED WATER SUPPLY AREAS	98
SECTION 410	SCREENING AND BUFFERING REQUIREMENTS	99
SECTION 412	OFF-STREET PARKING AND LOADING	102

SECTION 413	POND REGULATIONS	108
SECTION 425	SIGN AND BILLBOARD REGULATIONS	111
SECTION 427	SWIMMING POOLS	116
SECTION 430	TEMPORARY USES	117
SECTION 435	PUBLIC NUISANCE REGULATIONS	120
SECTION 450	COMMUNITY-BASED CARE FACILITIES	122

**ARTICLE V: SPECIAL DISTRICTS**

SECTION 500	SPECIAL DISTRICTS AND REGULATIONS ADOPTED	125
SECTION 510	FLOODPLAIN REGULATIONS	126
SECTION 520	EXCEPTIONAL USE (EU) DISTRICT REGULATIONS	132

**ARTICLE VI: TELECOMMUNICATION TOWERS REGULATIONS**

SECTION 600	TELECOMMUNICATION TOWERS REGULATIONS ADOPTED	137
-------------	--	-----

**ARTICLE VII: AMENDMENTS, ZONING APPEALS, VARIANCES AND CONDITIONAL USE PROCEDURES AND REQUIREMENTS**

SECTION 700	AMENDMENTS TO THE ZONING RESOLUTION OR MAP	143
SECTION 710	AMENDMENT APPLICATION AND PROCEDURE	144
SECTION 720	ZONING APPEAL REQUIREMENTS	147
SECTION 730	VARIANCE REQUIREMENTS	149
SECTION 740	CONDITIONAL USE REQUIREMENTS	151

**ARTICLE VIII: ADMINISTRATION**

SECTION 800	ENFORCEMENT OF REGULATIONS	155
SECTION 810	PENALTIES FOR VIOLATION	157

SECTION 820	BOARD OF ZONING APPEALS	158
SECTION 830	ZONING COMMISSION	159
<b>ARTICLE IX: NONCONFORMITIES</b>		
SECTION 900	INTENT	161
SECTION 910	INCOMPATIBILITY OF NONCONFORMITIES	161
SECTION 920	AVOIDANCE OF UNDUE HARDSHIP	161
SECTION 930	SINGLE NONCONFORMING LOTS OF RECORD	162
SECTION 940	NONCONFORMING LOTS OF RECORD IN COMBINATION	162
SECTION 950	NONCONFORMING USES OF LAND	163
SECTION 960	NONCONFORMING STRUCTURES	163
SECTION 970	NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION	164
SECTION 980	REPAIRS AND MAINTENANCE	165
SECTION 990	NONCONFORMING USES	165
<b>ARTICLE X: OFFICIAL ZONING MAP</b>		
SECTION 1000	ZONING DISTRICT MAP ADOPTED	167
SECTION 1010	IDENTIFICATION OF THE ZONING DISTRICT MAP	167
SECTION 1020	AVAILABILITY OF ZONING DISTRICT MAP	167
SECTION 1030	DESIGNATION OF ZONING DISTRICT	168
SECTION 1040	INTERPRETATION OF ZONING DISTRICT BOUNDARIES	169
<b>ARTICLE XI: DEFINITIONS</b>		
SECTION 1100	DEFINITION OF WORDS	171
SECTION 1110	SPECIFICALLY DEFINED WORDS	171
SECTION 1120	USE DEFINITIONS	177

**APPENDIX: PERMITTED AND CONDITIONAL USES**

SECTION 204	AGRICULTURAL (A) DISTRICT	181
SECTION 206	RURAL (R) DISTRICT	181
SECTION 208	SUBURBAN ESTATE RESIDENTIAL (SER) DISTRICT	182
SECTION 210	LOW DENSITY RESIDENTIAL (R-2) DISTRICT	182
SECTION 212	SUBURBAN RESIDENTIAL (R-4) DISTRICT	183
SECTION 214	MULTIFAMILY RESIDENTIAL (R-12)	183
SECTION 220	SUBURBAN OFFICE (SO) DISTRICT	184
SECTION 240	LOCAL BUSINESS (LB) DISTRICT	185
SECTION 250	GENERAL BUSINESS (GB) DISTRICT	186
SECTION 255	LIGHT MANUFACTURING (M-1) DISTRICT	187
SECTION 260	HEAVY MANUFACTURING (M-2) DISTRICT	188
SECTION 301	PLANNED RESIDENTIAL CONSERVATION DEVELOPMENT (PRCD) DISTRICT	189
SECTION 302	PLANNED UNIT DEVELOPMENT (PUD) DISTRICT	189
SECTION 303	SELECT COMMERCIAL PLANNED DISTRICT (SCPD)	190
SECTION 304	PLANNED COMMERCIAL (PC) DISTRICT	190
SECTION 306	PLANNED INDUSTRIAL PARK (PIP) DISTRICT	190
SECTION 520	EXCEPTIONAL USE (EU) DISTRICT	191



## **ARTICLE I: GENERAL PROVISIONS**

### **SECTION 100**      **AUTHORITY AND PURPOSE FOR ZONING RESOLUTION**

**100.01 Authority.** This Zoning Resolution is adopted under authority granted to Ohio townships by the Legislature of the state of Ohio in Chapter 519, Ohio Revised Code. This Zoning Resolution and all provisions contained herein shall be known as the Plain Township Zoning Resolution and may be cited as such or as the Zoning Resolution.

**100.02 Purpose of Zoning.** The purpose of this Zoning Resolution is as prescribed by Chapter 519.02, Ohio Revised Code.

### **SECTION 110**      **INTERPRETATION**

In their interpretation and application, the provisions of this resolution Zoning Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and morals of the township. Whenever the requirements of this Zoning Resolution conflict with the requirements of any other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

### **SECTION 120**      **SEPARABILITY CLAUSE**

Should any section or provision of this Zoning Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **SECTION 130**      **REPEAL OF CONFLICTING RESOLUTION, EFFECTIVE DATE**

The County Resolution or parts thereof now in effect in Franklin County, Ohio, not otherwise adopted as a part of this Zoning Resolution or inconsistent with the provisions of the Resolution as it may be amended are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of the County Zoning Resolution heretofore in effect, which are now pending in any of the courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of this Zoning Resolution. This Zoning Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

**SECTION 140**      **APPLICATION**

**140.01 Territorial Limits.** The provisions of this Zoning Resolution shall apply to all land in the unincorporated territory of Plain Township.

**140.02 Exempt from Regulation.** Unless otherwise exempted by applicable law, the regulations set forth in this Zoning Resolution shall affect all land, every structure, and every use of land or structure.

**140.02.1 Governmental Functions.** Any local, state or federal activity carried on for the purpose of administrative, protective, executive, legislative or judicial function shall not be prohibited.

**140.03 New Development.** New development including the subdivision of land, construction and the use of land or structures shall conform to the regulations for the Zoning District in which such development is located.

**140.03.1 New Subdivision.** The subdivision or resubdivision of land shall not create lots less than the minimum size required for the Zoning District in which such land is located nor shall lots be provided or intended for uses not allowed in the Zoning District.

**140.03.2 New Structures.** New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Resolution and in accordance with the Franklin County Subdivision Regulations, and shall conform with the development standards of the Zoning Districts in which such construction is permitted, except as is otherwise provided for in Article IX.

**140.03.3 New Uses.** Any new use of land or a structure shall be a Permitted Use or a Conditional Use for the Zoning District in which such use is to be located.

**140.04 Existing Conforming Lots, Structures or Uses.** Lots, structures, or the use of lots and/or structures which conform with the regulations of the Zoning District in which they are located may be continued; and may be altered, extended or changed in accordance with the following:

**140.04.1 Conforming Lots.** A conforming lot may be changed, altered, enlarged or reduced in dimension, provided, however, that the remaining lot and/or resulting lots shall conform to the development standards for the Zoning District in which the lot is located.

**140.04.2 Conforming Structure.** A conforming structure may be altered, reconstructed, or extended only in such manner as will comply with the development standards of the Zoning District in which the structure is located.

**140.04.3 Conforming Use.** A conforming use may be expanded, modified or changed only in such a manner as will comply with the Permitted Use, or Conditional Use regulations and with the development standards of the Zoning District in which the conforming use is located.

## **SECTION 150      AREA PLANS**

**150.01 Area Plans.** The unincorporated areas of Plain Township have been the focus of several area plans including, without limitation, the Plain Township Land Use and Master Plan and the Rocky Fork – Blacklick Accord. In addition to all other criteria contained in this Zoning Resolution, in determining whether or not to approve an application to rezone property to another zoning district, the reviewing Township authorities shall consider all relevant factors and circumstances including, without limitation, the following:

1. Whether the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution;
2. Whether the proposed development is in conformity with the applicable area plans for the area or such portion thereof as may apply, or whether the benefits, improved arrangement and design of the development justify any deviation therefrom;
3. Whether the proposed development promotes the public health, safety, and general welfare of the Township and the immediate vicinity;
4. Whether the proposed plan meets the design features contained in this Zoning Resolution and those recommended in applicable area plans for the site;
5. Whether the proposed development is in keeping with the existing land use character and physical development potential of the area;
6. Whether the proposed development will be compatible in use and appearance with surrounding land uses;
7. Whether the development will have a beneficial or an adverse affect upon Township and other governmental services;
8. Whether the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
9. Whether the existing and proposed utility and governmental services are adequate for the population densities and nonresidential uses proposed;
10. Whether the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
11. Whether the development can be made accessible through existing or future Township roadways without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
12. Whether the development is located and designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township; and

13. Whether the benefits, improved arrangement and design of the property to be developed justify rezoning the property to another zoning district.

## **ARTICLE II: STANDARD DISTRICT REGULATIONS**

### **SECTION 200**      **COMPLIANCE WITH REGULATIONS**

**200.01 Minimum Uniform Standards.** The regulations for each district set forth and hereby adopted by this Zoning Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

**200.01.1** No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;

**200.01.2** No building or other structure shall be erected or altered:

1. To provide for greater height or bulk;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required, or in any other manner be contrary to the provisions of this Zoning Resolution.

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

**SECTION 202**      **RULES OF APPLICATION**

**202.01 Identification of Uses.** Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.

**202.02 Permitted Uses.** Only a use designated as a Permitted Use will be allowed as a matter of right in a Zoning District and any use not designated shall be prohibited except, when in character with the Zoning District, such additional use may be added to the Permitted Uses of the Zoning District by amendment of this Zoning Resolution.

**202.03 Conditional Uses.** A use designated as a Conditional Use shall be allowed in a Zoning District when such Conditional Use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District. To this end the Board of Zoning Appeals shall, in addition to the Development Standards for the Zoning District, set forth such additional requirements as will, in its judgement, render the Conditional Use compatible with the existing and future use of adjacent lots and the vicinity.

**202.04 Development Standards.** The Development Standards set forth shall be the minimum allowed for development in a Zoning District. If the Development Standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern.

## **SECTION 204      AGRICULTURAL (A) DISTRICT**

**204.01 Purpose.** The standards of the Agricultural (A) District are intended to recognize that agricultural land uses are important elements of the township character, economy, and future. Although Plain Township is on the fringes of a growing metropolitan area, it is recognized that by virtue of location, some highly productive agricultural lands will not be needed for urban land uses within the next several decades. The standards therefore, are tailored to promote and protect agricultural land uses and prime agricultural soils located outside of the areas in the township where urban growth is expected or encouraged.

**204.02 Permitted Uses.** The following uses shall be permitted in the Agricultural District:

- ❑ Agricultural
- ❑ Accessory Uses. Accessory buildings and uses in association with agriculture or permitted dwellings, as specified in Article IV, Section 406
- ❑ Home Occupation
- ❑ One-family dwelling structures.
- ❑ Religious
- ❑ Sales of Agricultural Products
- ❑ Schools
- ❑ Storage and Processing of Agricultural Products

**204.03 Conditional Use.** The following uses shall be allowed in the Agricultural District subject to approval in accordance with Article VII, Section 740.

- ❑ Boarding and Care of Animals
- ❑ Cemetery
- ❑ Child Care (must occupy a lot of not less than one (1) acre)
- ❑ Parks
- ❑ Private School

**204.04 Development Standards.** In addition to the provisions of Article IV, “General Development Standards,” the following standards for arrangement and development of land and buildings are required in the Agricultural District.

**204.04.1 Lot Area and Coverage.** For agricultural purposes in the determination of accessory and associated uses, the lot area shall be five (5) acres or more, but this shall not exclude agricultural use of any smaller lot.

For each dwelling unit, there shall be a lot area not less than five (5) acres.

Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than twenty percent (20%) by structure.

**204.04.2 Lot width.** For a one-family dwelling there shall be a lot width of three hundred (300) feet or more at the front line of the dwelling. Each lot shall have access to and abut a public right-of-way for a distance of three hundred (300) feet or more.

**204.04.3 Side Yard.** For dwellings there shall be a side yard on each side of a building of twenty-five (25) feet or more.

For a Conditional Use there shall be a side yard on each side of a building of not less than twenty-five (25) feet, except when a larger side yard is required for such use by these district regulations.

**204.04.4 Rear Yard.** For main buildings there shall be a rear yard of twenty percent (20%) or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.

**SECTION 206      RURAL (R) DISTRICT**

**206.01 Purpose.** The Rural (R) District is intended for areas where very low-density residential uses are appropriate and where conservation of the land for appropriate future uses is important.

However, as growth and development occurs in the Township, it is likely that land within the Rural Zoning District will be subject to requests for amendments to other zoning categories. In order to protect the integrity of the vicinities in which changes are proposed and ensure equitable application of zoning standards, amendments should be comprehensive in scope, should include all land similarly situated and subject to the same conditions, and should be related to the capability of the land and public facilities to support the proposed development densities.

The principal use of land is for rural residences although other uses such as religious and educational facilities may be permitted subject to meeting special development standards and/or land suitability requirements.

**206.02 Permitted Use.** The following uses shall be permitted in the Rural District.

- ❑ Accessory Uses, including domestic servant quarters (employed on the premises)
- ❑ Parks
- ❑ Religious
- ❑ Schools
- ❑ Home Occupation
- ❑ One-family dwelling structures, subject to Section 206.021

**206.02.1 One-Family Dwelling Structures.** A lot of record as of November 15, 1966 may be subdivided in accordance with the Franklin County Subdivision Regulations to provide up to four (4) additional residential lots, providing the remaining portion of the original lot is equal to or greater than five (5) acres. However, no lots shall be created which do not meet the land suitability standards (Article IV) and other applicable standards of this Zoning Resolution and the Franklin County Subdivision Regulations.

**206.03 Conditional Use.** The following uses shall be allowed in the Rural District subject to approval in accordance with Article VII, Section 740:

- ❑ Associated Sales
- ❑ Boarding and Care of Animals
- ❑ Cemetery - Internment shall not be within one hundred (100) feet of any property line
- ❑ Child Care (must occupy a lot of not less than one (1) acre)
- ❑ Hospitals and Homes
- ❑ Private School
- ❑ Telecommunications Towers as provided for in section 600

**206.04 Development Standards.** In addition to the provisions of Article IV, General Development Standards, the following standards for arrangement and development of land and buildings are required in the Rural District.

**206.04.1 Lot Area and Coverage.** For agricultural purposes in the determination of accessory and associated uses, the lot area shall be five (5) acres or more. This shall not exclude agricultural use of any smaller lot.

For each dwelling unit, there shall be a lot area not less than 2.5 acres per dwelling unit.

For each Permitted Use and Conditional Use, the lot area shall be adequate to meet the sanitation requirements of the Franklin County Board of Health, but shall not be less than that prescribed for such use.

Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered by more than twenty (20) percent by structure.

**206.04.2 Lot Width.** For a one-family dwelling, there shall be a lot width of two hundred (200) feet or more at the building setback line, and such lot shall have access to and abut on a public right-of-way for a distance of two hundred (200) feet or more, unless otherwise approved by the Board of Zoning Appeals.

**206.04.3 Side Yard.** For dwellings, there shall be a side yard on each side of a building of twenty-five (25) feet or more.

For a Conditional Use, there shall be a side yard of not less than twenty-five (25) feet, except when a larger side yard is required for such use, by these district regulations.

**206.04.4 Rear Yard.** For main buildings, there shall be a rear yard of twenty (20) percent or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.

## **SECTION 208**

## **SUBURBAN ESTATE RESIDENTIAL (SER) DISTRICT**

**208.01 Purpose.** The Suburban Estate Residential (SER) District is intended to promote low-density, single-family residential development in areas that can appropriately accommodate such uses without creating a need for central sanitary sewer and/or water supply systems. The land suitability standards of Article IV are especially applicable to this district and must be addressed in detail prior to rezoning undeveloped land to the SER District. The SER standards are intended to promote attractiveness, order, and a healthful and safe environment while providing the opportunity to satisfy individual housing tastes and preferences.

**208.02 Permitted Uses.** Land and buildings in the SER District shall be used only for the following purposes:

- ❑ Accessory Uses, including domestic servant quarters (employed on the premises)
- ❑ Child Care (must occupy a lot of not less than one (1) acre)
- ❑ Home occupation
- ❑ One-family dwelling structures
- ❑ Parks
- ❑ Public or private school
- ❑ Religious

**208.03 Conditional Use.** The following uses shall be allowed in the Suburban Estate Residential District subject to approval in accordance with Article VII, Section 740.

- ❑ Telecommunications Towers as provided for in Section 600.

**208.04 Development Standards.** In addition to the provisions of Article IV, “General Development Standards,” the following standards for arrangement and development of land and buildings are required in the SER District.

**208.04.1 Lot Area and Coverage.** For each dwelling unit there shall be a lot area not less than 2.5 acres.

For each Permitted Use and Conditional Use the lot area shall be adequate to meet the minimum sanitation requirements of all existing codes but shall not be less than that prescribed for such use.

One (1) principal use shall be permitted on a lot, and such lot shall not be covered more than twenty (20) percent by structure.

**208.04.2 Lot Width.** For a one-family dwelling there shall be a lot width of two hundred (200) feet or more at the building setback line, and such lot shall have access to and abut on a public right-of-way for a distance of two hundred (200) feet or more, unless otherwise approved by the Board of Zoning Appeals.

**208.04.3 Side Yard.** For dwellings or associated accessory buildings there shall be a side yard on each side of a building of twenty-five (25) feet or more.

**208.04.4 Rear Yard.** For main buildings there shall be a rear yard of twenty (20) percent or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.

## **SECTION 210      LOW DENSITY RESIDENTIAL (R-2) DISTRICT**

**210.01 Purpose.** The Low Density Residential (R-2) District is provided for residential areas which are to be served by central sewer or community (“package”) wastewater collection and treatment systems. The R-2 District is appropriate where the ability of the public to provide and maintain services, including schools, recreation, fire and police protection, is demonstrated. The R-2 District is intended to provide opportunity for a variety of dwelling units in densities which blend with the character of surrounding areas and are responsive to environmental and health limitations.

**210.02 Permitted Use.** Land and buildings in the R-2 District shall be used only for the following purposes:

- Accessory Uses
- Home Occupation
- One-family dwelling structures
- Parks
- Public School
- Private School
- Religious

**210.03 Conditional Use.** Conditional uses in the R-2 District are subject to approval in accordance with Article VII, Section 740 and the following criteria:

1. Loud speakers which cause a hazard or annoyance shall not be permitted;
2. There shall be no more than one (1) sign oriented to each abutting street identifying the activity;
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
4. Such uses should be properly landscaped to be harmonious with surrounding residential uses;
5. Such other criteria as may be stipulated by the Board of Zoning Appeals.

### **Conditional Uses in the R-2 District**

- Child Care (must occupy a lot of not less than one (1) acre)
- Telecommunications Towers as provided for in Section 600

**210.04 Development Standards.** In addition to the provisions of Article IV, “General Development Standards,” the following standards for arrangement and development of land and buildings are required in the R-2 District.

**210.04.1 Lot Area and Coverage.** For each dwelling unit there shall be a lot area not less than twenty thousand (20,000) square feet per dwelling unit.

Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than twenty (20) percent by structure.

**210.04.2 Lot Width.** For a one-family dwelling there shall be a lot width of one hundred (100) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty (60) feet or more. The minimum total lot width for a two-family dwelling shall be one hundred and twenty (120) feet.

**210.04.3 Side Yard.** For dwellings or associated accessory buildings there shall be a side yard on each side of a building of twenty (20) feet or more.

**210.04.4 Rear Yard.** For main buildings, there shall be a rear yard of twenty (20) percent or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.

**210.04.5 Sewage Disposal.** Connection to a community (“package”) sewage collection and treatment system or public central sewage collection and treatment system shall be required for all uses in this District which have a lot area less than forty thousand (40,000) square feet per dwelling unit.

## **SECTION 212**

## **SUBURBAN RESIDENTIAL DISTRICT (R-4)**

**212.01 Purpose.** The Suburban Residential (R-4) District is provided to permit the establishment of medium-low density, single- and two-family dwellings not to exceed four (4) dwelling units per gross acre. Centralized water and sewer facilities are required. The district is provided in recognition of sections of the Township where the general welfare is best served in maintaining the ability to provide essential services and facilities for a healthful and desirable residential environment.

**212.02 Permitted Uses.** Land and buildings in the R-4 District shall be used only for the following purposes:

- Accessory Use
- Home occupation
- One-family dwelling structures
- Parks
- Private School
- Public School
- Religious

**212.03 Conditional Uses.** Conditional uses in the R-4 District are subject to approval in accordance with Article VII, Section 740 and the following criteria:

1. Loud speakers which cause a hazard or annoyance shall not be permitted;
2. There shall be no more than one (1) sign oriented to each abutting street identifying the activity;
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
4. Such uses should be properly landscaped to be harmonious with surrounding residential uses;
5. Site locations are preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
6. Such other criteria as may be stipulated by the Board of Zoning Appeals.

### **Conditional Uses in the R-4 District**

- Child Care (must occupy a lot of not less than one (1) acre)
- Two-family dwelling structures
- Telecommunications Towers as provided for in Section 600

**212.04 Development Standards.** In addition to the provisions of Article IV, General Development Standards, the following standards for arrangement and development of land and buildings shall be required in the R-4 District.

**212.041 Lot Area and Coverage.** For each dwelling unit there shall be a lot of not less than ten thousand (10,000) square feet.

Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than twenty (20) percent by structure.

**212.042 Lot Width.** For a dwelling, there shall be a lot width of eighty (80) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty (60) feet or more.

For a Conditional Use, the lot width shall be adequate to meet the development standards of the Suburban Residential District.

**212.043 Side Yard.** For dwellings or associated accessory buildings, there shall be a total of side yards of twenty (20) feet or more with a minimum of eight (8) feet on one (1) side.

For a Conditional Use, except dwellings and accessory structures thereto, there shall be a side yard on each side of a building of twenty-five (25) feet or more.

**212.044 Rear Yard.** For main buildings, there shall be a rear yard of twenty (20) percent or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.

**212.045 Sewage Disposal.** Connection to a community (“package”) sewage collection and treatment system or public central sewage collection and treatment system shall be required for all uses having a lot area of less than forty-thousand (40,000) square feet per dwelling unit.

**SECTION 214      MULTIFAMILY RESIDENTIAL (R-12) DISTRICT**

**214.01 Purpose.** The purpose of the Multifamily Residential (R-12) District is to permit the establishment of medium-high density, multifamily dwellings not to exceed twelve (12) dwelling units per gross acre. All such districts must abut upon, have access to either an arterial or collector thoroughfare, and have centralized water and sewer facilities of sufficient size. The predominant housing type will be townhouses and garden apartments. The district is provided in recognition of sections of Plain Township where the general welfare is best served in providing essential services and facilities at an adequate level in an efficient and economic manner without overcrowding the land.

**214.02 Permitted Use.** Land and buildings in the R-12 District shall be used only for the following purposes:

- ❑ Accessory uses
- ❑ Dwelling structures, one-family
- ❑ Dwelling structures, two-family
- ❑ Home occupations
- ❑ One-family dwelling structures
- ❑ Private school
- ❑ Religious
- ❑ Parks
- ❑ Townhouses

**214.03 Conditional Use.** Conditional Uses in the R-12 District are subject to approval in accordance with Article VII, Section 740, and the following criteria:

1. Loud speakers which cause a hazard or annoyance shall not be permitted;
2. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street;
3. There shall be no more than one (1) sign oriented to each abutting street identifying the activity;
4. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
5. Such uses should be properly landscaped to be harmonious with surrounding residential uses;
6. Site locations are preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
7. Such other criteria as may be stipulated by the Board of Zoning Appeals.

**Conditional Uses in the R-12 District**

- ❑ Apartment structures containing not more than four (4) dwelling units per structure
- ❑ Child Care (must occupy a lot of not less than one (1) acre)
- ❑ Telecommunications Towers as provided for in Section 600

**214.04 Development Standards.** In addition to the provisions of Article IV, General Development Standards, the following standards for arrangement and development of land and buildings shall be required in the R-12 Residential District.

**214.04.1 Lot Area and Coverage.** For each one-family structure there shall be a lot area not less than six thousand (6,000) square feet per dwelling. For each two-family structure there shall be a lot area not less than seventy-two hundred (7,200) square feet per two-family structure. For each dwelling unit with more than two (2) in a structure, there shall be not less than twelve hundred (1,200) square feet of additional lot area per additional dwelling unit. Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than twenty-five percent (25%) by structure and required off-street parking.

**214.04.2 Lot Width.** For a one-family dwelling, there shall be a lot width of fifty-five (55) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of thirty (30) feet or more.

For a two-family dwelling, there shall be a lot width of sixty-five (65) feet or more at the front line of the dwelling, and for each dwelling unit more than two (2), there shall be required an additional ten (10) feet of lot width, and such lot shall have access to and abut on a public right-of-way for a distance of thirty-five (35) feet or more.

For a Conditional Use, the lot width shall be adequate to meet the development standards of this district.

**214.04.3 Side Yard.** For dwellings or associated accessory buildings, there shall be a total of side yards of twelve (12) feet or more with a minimum of five (5) feet on one (1) side.

For a Conditional Use, except dwellings and accessory structures thereto, there shall be a side yard on each side of a building of twenty-five (25) feet or more.

**214.04.4 Rear Yard.** For main buildings there shall be a rear yard of twenty (20) percent or more of the lot depth.

**214.04.5 Sewage Disposal.** Connection to a community (“package”) sewage collection and treatment system or public central sewage collection and treatment system shall be required.

## **SECTION 220      SUBURBAN OFFICE (SO) DISTRICT**

**220.01 Purpose.** The Suburban Office (SO) District is intended to provide an opportunity for development of low-intensity office and related service uses which functionally and aesthetically blend with and complement the predominantly residential and rural characteristics of the Township. No unrelated retail trade is permitted in the SO District. Abutment on or suitable access to a major or minor arterial road is generally necessary for SO uses. The SO District can be used to provide a buffer between residential and commercial or industrial areas. Development standards to limit the intensity of SO uses are therefore provided to encourage smooth transitions between zones.

**220.02 Permitted Uses.** The following uses shall be permitted in the SO District:

- Administrative and business offices
- Advertising offices
- Banks
- Brokerage firm offices
- Business offices
- Data processing offices
- Funeral homes and other similar services
- Insurance offices
- Mortuaries
- Offices and clinics of dentists
- Offices and clinics of other licensed health practitioners
- Offices and clinics of physicians
- Offices of accountants
- Offices of architects
- Offices of attorneys
- Offices of credit institutions
- Offices of engineers
- Offices of financial institutions
- Offices of other financial and related services
- Other similar management and/or service offices
- Professional offices
- Professional or civil association offices
- Real estate offices
- Savings and loan offices

**220.03 Conditional Uses.** Conditional Uses in the SO District are subject to approval in accordance with Article VII, Section 740 and the following criteria:

1. Loud speakers which cause a hazard or annoyance shall not be permitted;
2. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
3. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets;

4. Site locations are preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
5. Such uses should be properly landscaped to be harmonious with surrounding residential uses;
6. Where possible, such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities
7. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
8. Such other criteria as may be stipulated by the Board of Zoning Appeals.

#### **Conditional Uses in the SO District**

- Barber shops
- Beauty shops
- Drive-in facility in association of Permitted Use. In addition to the standards of Article VII, Section 740, the following standards shall be met:
  1. The Board of Zoning Appeals may require that the applicant submit a traffic analysis and detailed plot plan performed by a registered engineer that demonstrates the proposed drive-in facility will not create traffic congestion or unsafe points of traffic conflict. All parking, ingress, egress, and interior circulation shall be clearly marked with striping and/or curb barriers.
  2. The proposed drive-in facility and access drive shall conform to all building setback and other development standards and shall be screened by plantings or other appropriate methods when adjacent to residential areas.
  3. No food shall be served from the drive-in facility. (refer to the Planned Commercial (PC) zone for drive-in food service uses.)
- Educational and research institutions, which in appearance, land use and functional characteristics are similar to, permitted office uses
- Food and lodging serving the occupants of the building but not open to the general public
- Other similar services generally involving the care of the person
- Portrait photography
- Single-family residential uses in association with a permitted principal use, provided that the residential portion of the lot is included with the Permitted Use in the determination of lot area coverage. The applicant shall clearly indicate on a plot plan the area intended for residential use and the areas intended for commercial use. Sewage and water system approvals from both the Ohio EPA and Franklin County Board of Health shall be required.

**220.04 Development Standards.** In addition to the provisions of Article IV, General Development Standards, the following standards for arrangement and development of land and buildings are required in the SO District.

**220.04.1 Intensity of Use.** A minimum lot size of twenty thousand (20,000) square feet is required.

One (1) or more main buildings or Permitted Uses may be placed on a lot; however, main and accessory structures shall not occupy more than twenty (20) percent of the lot, nor in total gross floor area exceed forty (40) percent of the lot area.

**220.04.2 Lot Width.** A minimum lot width of one hundred (100) feet is required. All lots shall abut a street for a minimum distance of sixty (60) feet.

**220.04.3 Side and Rear Yards.** When adjacent to a Residential District, the minimum side and rear yards of that Residential District shall apply to the Suburban Office use. No SO structure shall be closer than fifty (50) feet to an existing residential structure, unless otherwise approved by the Board of Zoning Appeals.

When adjacent to a Commercial or Industrial District, a minimum side yard of fifty (50) feet shall be required.

**SECTION 240**      **LOCAL BUSINESS (LB) DISTRICT**

**240.01 Purpose.** The Local Business (LB) District is intended to provide opportunity for development of small retail commercial and related uses. Local Business Permitted Uses are generally intended to serve neighborhood or local areas. Development standards of the District, therefore, limit the size and nature of uses to locally oriented, lower-intensity commercial functions. Because of these controls, the LB District may be used as an intermediate zone between higher-intensity commercial and/or industrial and residential uses. Local Business areas should generally be located at or near intersections on the Township arterial road system.

**240.02 Permitted Uses:**

- All uses permitted in the SO district
- Antique furniture and novelty shops (excluding automobiles)
- Art galleries
- Book shops
- Camera stores
- Drug stores
- Florist shops
- Food preparation services (consumption off premises)
- Fruit and vegetable markets
- Fur sales and storage
- Gift shops
- Grocery stores
- Hobby shops
- Jewelry stores
- Other similar retail stores (excluding adults-only material and adults-only entertainment)
- Restaurants (no live entertainment)
- Retail bakeries
- Small item service and repair shops
- State liquor stores

**240.03 Conditional Uses.** Conditional Uses in the LB District are subject to approval in accordance with Article VII, Section 740 and the following criteria:

1. Loud speakers which cause a hazard or annoyance shall not be permitted;
2. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street;
3. There shall be no more than one (1) sign oriented to each abutting street identifying the activity;

4. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
5. Structures should have primary access to a collector thoroughfare;
6. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets;
7. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial or commercial uses;
8. Site locations are preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
9. Such uses should be properly landscaped to be harmonious with surrounding residential uses;
10. Where possible, such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities
11. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
12. Such other criteria as may be stipulated by the Board of Zoning Appeals.

#### **Conditional Uses in the LB District**

- All Conditional Uses in the SO District
- Drive-in facility. Developed in association with a Permitted Use. In addition to the standards of Article VII, Section 740, the additional standards for a drive-in facility outlined in Section 220.03 shall be met.
- Dry cleaning (provided that no such use emits odors perceptible outside of the building)
- Laundromat (provided that no such use emits odors perceptible outside of the building)
- Lawn and garden stores
- Personal apparel services (provided that no such use emits odors perceptible outside of the building)
- Single-family residential uses in association with a Permitted Use, provided that the residential portion of the lot is included with the Permitted Use in the determination of lot area coverage. The applicant shall clearly indicate on a plot plan the area intended for commercial use and the area intended for residential use. Sewage and water system approvals from both the Ohio EPA and the Franklin County Board of Health shall be required.

**240.04 Development Standards.** In addition to the provisions of Article IV, General Development Standards, the following standards for arrangement and development of land and buildings shall be required in the LB District.

**240.04.1 Intensity of Use.** A minimum lot size of twenty thousand (20,000) square feet is required. One or more main buildings or Permitted Uses may be placed on a lot; however, main and accessory structures shall not occupy more than forty (40) percent of a lot nor in total gross floor area exceed eighty (80) percent of the lot area, including outside sales or storage areas.

The Board of Zoning Appeals may alter these intensity and lot size standards for nonconforming lots in or adjacent to existing commercial or industrial uses, provided health and land suitability issues are satisfactorily addressed and proper permits are obtained.

No retail store in the LB District shall exceed five thousand (5,000) square feet in total retail sales area. (For larger stores, refer to the General Business (GB) District, Select Commercial Planned District (SCPD) or Planned Commercial (PC) District.)

**240.04.2 Lot Width.** A minimum lot width of one hundred (100) feet is required. All lots shall abut a street for a distance of sixty (60) feet or more. The Board of Zoning Appeals may alter these standards for nonconforming lots in or adjacent to existing commercial or industrial uses.

**240.04.3 Side Yard.** Side yards shall be not less than twenty-five (25) feet. However, no LB structures shall be closer than fifty (50) feet to an existing residential structure, unless otherwise approved by the Board of Zoning Appeals.

**240.04.4 Rear Yard.** Required rear yards shall be not less than one-fourth (1/4) the sum of the height and width of the building, but in no case shall be less than twenty-five (25) feet. However, no LB structure shall be closer than fifty (50) feet to an existing residential structure, unless otherwise approved by the Board of Zoning Appeals.

A use to be serviced from the rear shall have a service court, alleyway, or combination thereof not less than forty (40) feet wide.

## **SECTION 250      GENERAL BUSINESS (GB) DISTRICT**

**250.01 Purpose.** The General Business (GB) District is intended to provide suitable areas for the location of large retail and commercial uses, which serve the needs of the Township and surrounding communities. Because of the size, scope, and/or intensity of uses permitted, GB Districts should not be located adjacent to or in close proximity to residential areas. Direct access to arterial roads or abutment to industrial areas is prerequisite for rezoning to the GB category.

Through the Conditional Use procedure, certain uses which have both commercial and industrial characteristics may be conditionally permitted, provided such uses can meet development standards which are designed to make them functionally and aesthetically compatible with the surrounding community.

**250.02 Permitted Uses.** The following uses shall be permitted in the GB District.

- All uses permitted in the SO District
- All uses permitted in the LB District
- Building material sales
- Gasoline service stations (excluding automobile repair facilities)
- Lawn and garden stores
- Lumber sales
- Retail stores (excluding adults-only material and adults-only entertainment, automobile sales, boat sales, large equipment sales)

**250.03 Conditional Uses.** Conditional uses in the GB District are subject to approval in accordance with Article VII, Section 740, and the following criteria:

1. Loud speakers that cause a hazard or annoyance shall not be permitted;
2. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street;
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
4. Structures should have primary access to a collector thoroughfare;
5. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial uses;
6. Site locations are preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
7. Such uses should be properly landscaped to be harmonious with surrounding residential uses;

8. Where possible, such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities
9. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
10. Such other criteria as may be stipulated by the Board of Zoning Appeals.

**Conditional Uses in the GB District**

- All Conditional Uses in the SO District
- All Conditional Uses in the LB District
- Automobile and other vehicle repair provided:
  - a) All work is performed indoors
  - b) There is no outside storage
  - c) No inoperable vehicles are parked outside the building
  - d) The proposed repair garage is located more than one hundred (100) feet from the nearest residence, or the written consent of all residential property owners within one hundred (100) feet is provided;
  - e) No used or new car sales are conducted on the premises
  - f) All activity shall be conducted entirely within an enclosed structure permanently located on the lot.
- Building contractors and services
- Car washes
- Carpentry contractors and services
- Coin-operated entertainment machines\*
- Electrical contractors and services
- Game rooms\*
- Highway contractors and services
- Landscape contractors and services
- Masonry contractors and services
- Miscellaneous aircraft, marine and automotive dealers (new & used)
- Motor vehicle dealers
- Other similar contractors and services
- Plumbing contractors and services
- Pool rooms\*
- Uses associated with coin-operated entertainment machines

\*These uses require:

- a) A complete schedule of hours of operation is submitted with the Conditional Use permit. The hours of operation shall be adhered to. Changes in hours of operation shall require an amended Conditional Use Permit.
- b) A plan for supervision of the facility, including hours of supervision, number of supervisors, and type of supervision is provided.

**250.04 Development Standards.** In addition to the provisions of Article IV, General Development Standards, the following standards for the arrangement and development of land and buildings shall be required In the GB District.

**250.04.1 Intensity of Use.** A minimum lot size of one (1) acre shall be required. Larger lot sizes may be necessary to provide the yard space required by this Zoning Resolution.

**250.04.2 Lot Width.** A minimum lot width of one hundred (100) feet at the building line shall be required. All lots shall front and abut on a public street for a minimum distance of one hundred (100) feet. However, for motor vehicle dealers, and miscellaneous aircraft, marine and automotive dealers, including new and/or used vehicles and equipment, there shall be a minimum lot width and abutment on a public road of not less than two hundred (200) feet.

**250.04.3 Side Yard.** The required side yards shall be not less than fifty (50) feet. However, in no case shall a GB structure be closer than fifty (50) feet from an existing residential structure, unless otherwise approved by the Board of Zoning Appeals.

**250.04.4 Rear Yard.** The required rear yards shall be not less than one-fourth (1/4) the sum of the height and width of the building, but in no case shall be less than fifty (50) feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet wide.

**250.05 Supplementary Development Standards.** The following development standards shall apply to all GB uses:

**250.05.1 Yard Areas and Screening.** All yard areas shall be planted with grass or natural vegetation and shall be properly maintained and screened from the view of adjacent residential and office areas.

**250.05.2** Repair and service of automotive and marine items shall be conducted entirely within an enclosed structure permanently located on the lot.

**250.05.3 Exterior Lighting.** All exterior lighting shall be designed to prevent direct glare on adjoining residential zoning.

**250.05.4 Required Parking Setback.** The required parking setback shall be established by bumper guards designed to prohibit direct access from the display area onto the public road right-of-way. Bumper guards may be concrete cast, landscaping timbers, or vertical poles. They must be permanently attached to the ground and designed to prohibit direct access to the public road.

**250.05.5 Attention-getting devices** such as banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices shall be prohibited.

**250.05.6 Noise attention-getting devices** such as loudspeakers and amplified music shall be so controlled that at the property line on which such loudspeaker or noise attention-getting device is used, the noise level emitted from such loudspeaker shall not be above a decibel level of sixty (60), as measured at any property line.

**SECTION 255**      **LIGHT MANUFACTURING (M-1) DISTRICT**

**255.01 Purpose.** The Light Manufacturing (M-1) District is provided for industrial uses which require minimal public services and facilities, generate little industrial traffic, and have little or no nuisance impact on adjacent land. Industrial operations in the M-1 District must occur within an enclosed structure. The development standards of the M-1 District are intended to encourage architecturally attractive structures which are surrounded by landscaped yards.

The M-1 District may be used as a transitional area between commercial areas and more intense industrial uses. In some cases, the M-1 zone may abut lower-intensity uses (i.e., rural or residential areas) provided the applicant can demonstrate that the uses will be properly buffered and will be compatible with adjacent land uses.

**255.02 Permitted Uses.** The following uses shall be permitted in the M-1 District:

- ❑ Book binding
- ❑ Manufacturing/assembly of clothing
- ❑ Manufacturing/assembly of footwear
- ❑ Manufacturing/assembly of miscellaneous clothing and accessories
- ❑ Manufacturing/processing of food, bakery, or confectionery products
- ❑ Manufacturing of clocks
- ❑ Manufacturing of communication equipment
- ❑ Manufacturing of computers and computer accessories
- ❑ Manufacturing of electronic components and accessories
- ❑ Manufacturing of jewelry
- ❑ Manufacturing of measuring and controlling devices
- ❑ Manufacturing of metal
- ❑ Manufacturing of pharmaceuticals
- ❑ Manufacturing of photographic equipment and supplies
- ❑ Manufacturing of plated wire
- ❑ Manufacturing of products of purchased glass
- ❑ Manufacturing of watches
- ❑ Printing
- ❑ Printing related services
- ❑ Publishing

**255.03 Conditional Use.** The following uses shall be allowed in the M-1 District, subject to approval in accordance with Article VII, Section 740:

- ❑ Research and development laboratories not permitted under any other section of this Zoning Resolution.

**255.04 Development Standards.** In addition to the provisions of Article IV, General Development Standards, the following standards for arrangement and development of land and buildings are required in the M-1 District.

**255.04.1 Intensity of Use.** Lot size shall be adequate to provide the yard space required by these Development Standards and the following provisions:

1. A use allowed in this District shall operate entirely within an enclosed structure, emitting no dust, smoke, noxious odor or fumes outside this structure, and producing a noise level audible at the property line no greater than the average noise level occurring on any adjacent street.
2. Open service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than eight (8) feet in height. These walls or fences shall effectively conceal service and loading operations from adjoining streets and from a Residential Zoning District or a Planned Development District.

**255.04.2 Lot Width.** All lots shall abut a public street for a minimum distance of one hundred (100) feet and have adequate lot width to provide the yard space required by these Development Standards.

**255.04.3 Side Yards.** For main and accessory structures, including open service and loading areas, each required side yard shall not be less than one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than fifty (50) feet from the interior lot line and two hundred (200) feet from any Residential Zoning District or Planned Development District, or any nonconforming residential lot.

**255.04.4 Rear Yards.** For main and accessory structures, the required rear yard shall be not less than one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than fifty (50) feet from any interior lot line and two hundred (200) feet from any Rural or Residential Zoning District or Planned Development District or any nonconforming residential lot.

**SECTION 260**      **HEAVY MANUFACTURING (M-2) DISTRICT**

**260.01 Purpose.** The Heavy Manufacturing (M-2) District is intended to provide suitable locations for a broad range of industrial activities that are not dependent on public sewer and water services for proper operation. Because of their employment and traffic activity, these uses should be encouraged to group in areas identified in the Comprehensive Plan. M-2 zonings should not directly abut residentially zoned areas.

**260.02 Permitted Uses.** The following uses shall be permitted in the M-2 District:

- All uses permitted in the M-1 District
- General building contractors
- Heavy construction contractors
- Manufacturing of furniture
- Manufacturing of partitions
- Manufacturing of wood prefabricated structural units
- Manufacturing of modular homes
- Manufacturing of wood building components
- Manufacturing of dairy and grain mill products
- Manufacturing of household appliance
- Manufacturing of miscellaneous electrical equipment and supplies
- Manufacturing of toys
- Manufacturing of sporting goods
- Manufacturing of office supplies and similar small items
- Manufacturing of products from previously processed paper
- Manufacturing of cardboard
- Manufacturing of glass
- Manufacturing of leather and similar materials
- Personal storage warehouse
- Special trade contractors
- Transportation services
- Warehousing
- Wholesaling
- Wholesale and/or retail sales and storage of lumber, concrete and metal building material

**260.03 Conditional Uses.** The following uses shall be allowed in the M-2 District, subject to approval in accordance with Article VII, Section 740:

- Manufacturing of automobile, motorcycle, boat, aircraft, farm, and similar machinery and/or parts
- Manufacturing of concrete, clay or similar products
- Manufacturing of glass
- Manufacturing of glass products
- Manufacturing of hand tools, hardware or similar product
- Machine shops
- Rental, sale and/or storage of portable storage units

- Other industrial uses not permitted in any other zone which demonstrate they can meet the development standards, nuisance provisions, and other applicable requirements of this Zoning Resolution.

**260.04 Development Standards.** In addition to the provisions of Article IV, General Development Standards, the following standards for arrangement and development of land and buildings are required in the M-2 District:

**260.04.1 Intensity of Use.** Lot size shall be adequate to provide the yard space required by these Development Standards and shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six (6) feet but not more than twelve (12) feet in height. These walls or fences shall conceal production, storage, service, and loading operations from adjoining streets and from a Residential Zoning District or a Planned Development District.

**260.04.2 Lot Width.** All lots shall abut a public street for a distance of one hundred (100) feet or more and have adequate lot width to provide the yard space required by these Development Standards.

**260.04.3 Side Yards.** For main and accessory structures, including open storage, service, and loading areas, the required side yards shall be not less than three hundred (300) feet from any Residential Zoning District or Planned Development District, and not less than one hundred (100) feet from the lot line.

**260.04.4 Rear Yards.** For main and accessory structures, including open storage, service, and loading areas, the required rear yards shall be not less than three hundred (300) feet from any Residential Zoning District or Planned Development District, and not less than one hundred (100) feet from the lot line.



## **ARTICLE III: PLANNED DISTRICTS**

### **SECTION 300**      **PROCEDURES AND REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS ADOPTED**

#### **300.01 Procedures for the Establishment of a Planned Development Zoning District.**

Planned Development Zoning Districts may be established by application in accordance with the provisions of Article VII, Section 700, and the requirements of "Procedure" of the Planned Development Zoning District petitioned.

**300.02 Regulation of the Use and Development of Land and Structures.** Regulation pertaining to the use of land and/or structures, and the physical development thereof within each of the Zoning Districts as adopted as a Planned Development Zoning District under Article VII, Section 700, and as may be drawn on the Zoning District Map, are hereby established and adopted.

**300.03 Rules of Application.** The Planned Development Regulations set forth in Article III shall be interpreted and enforced according to the following rules:

**300.03.1 Identification of Uses.** Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.

**300.03.2 Permitted Uses.** Only uses designated as a Permitted Use shall be allowed as a matter of right in a Planned Development Zoning District and any use not so designated shall be prohibited except when in character with the proposed development such additional uses may be approved as a part of the Development Plan.

**300.03.3 Procedures.** The procedures and conditions set forth for the determination of Planned Development Districts and development therein shall be followed except that a written statement by the applicant shall clearly show that such procedures or conditions do not apply in the specific case. Such statement shall accompany the application and is subject to approval by the Township Trustees.

**300.03.4 Development Standards.** The Development Standards set forth shall be the minimum allowed for development in a Planned Development Zoning District.

**SECTION 301**      **PLANNED RESIDENTIAL CONSERVATION DEVELOPMENT**  
**(PRCD) DISTRICT**

**301.01 Purpose.** The primary purpose of this district is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads, and the integration of open space within the development. This flexibility is intended to promote imaginative, well-designed developments which preserve and integrate open space, to respect the physical qualities and limitations of the land, and to provide a balanced residential environment.

The objectives of the Planned Residential Conservation Development District include:

1. To encourage creativity in residential neighborhood design through a controlled process of review and approval of a particular site development plan that preserves open space, protects ravines, woodlands, wetlands, floodplains, and other sensitive natural resources;
2. To encourage development that makes more efficient use of land, and requires shorter networks of streets and utilities;
3. To provide useable and accessible open space and recreation in close proximity to residential dwelling units;
4. To use permanent open space as the centerpiece of residential developments;
5. To protect natural resources and conserve natural features;
6. To provide a variety of housing options; and
7. To protect and conserve farmland, historical and cultural features, and to minimize topographical changes and damage to existing landscapes and vegetation.

**301.02 Permitted Uses.**

- Detached single-family dwellings
- Single-family cluster dwellings
- Single-family attached dwellings
- Recreation facilities for use by residents
- Restricted open space as required in Section 301.051
- Home occupation in association with a permitted dwelling, and in accordance with the standards of Section 405
- Accessory buildings in association with a permitted dwelling in accordance with the standards of Section 406 for the R-2 District
- Temporary uses limited to real estate sales offices and contractors' offices and equipment sheds in accordance with Sections 430.04 and 430.05
- Other residentially-oriented uses, which, in the opinion of the Township Zoning Commission and the Township Trustees, meet the purpose and intent of the PRCD District and are adequately designed, located and

specifically provided for in the approved Development Plan and other required documents.

The foregoing permitted uses may be permitted within a PRCD, provided that each such use is specifically set forth in the Development Plan and approved as an appropriate permitted use by the Township. No use not specifically authorized by the express terms of this Section and set forth in the approved Development Plan shall be permitted.

**301.03 Minimum Project Area for Conservation Development.** The gross area of a unified tract of land proposed for development under the PRCD District shall be a minimum of 25 acres, but shall not include area within any existing public street rights-of-way. The area proposed shall be in one ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

**301.04 Project Application Procedure.** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to the PRCD District shall follow the procedures herein.

**301.04.1 Sketch Plan Review.** The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Franklin County subdivision authorities (e.g. Planning Commission, County Engineer, Board of Health, etc.) prior to formal submission of a final Development Plan and application to amend the zoning map. Simultaneous with these discussions, it is recommended that the applicant schedule a walkabout on the site with the Township staff to familiarize all parties with the location and physical characteristics of the land, and the general design intent. No statement by officials of the Township or the subdivision authorities shall be binding upon either at the concept stage.

**301.04.2 Submission of Application and Final Development Plan.** The applicant shall submit fifteen (15) copies of the final Development Plan to the Zoning Commission with the application to amend the Zoning District Map. The application shall include documentation demonstrating compliance with the standards of the PRCD District.

The final Development Plan shall include in text and map form the following:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PRCD District.
2. A grading plan drawn at a scale of 1"=100', showing all information pertaining to surface drainage.
3. A landscape plan which depicts and identifies all proposed landscaping features.
4. Identification of site characteristics, in text and map form, which provide a general depiction of:

Boundaries of the area proposed for development, dimensions, and total acreage.

- a. Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
  - b. Location of wetlands (and potential wetlands); the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency; rivers and streams and their related river or stream bank; ponds, and water courses.
  - c. Existing soil classifications.
  - d. Locations of all wooded areas, tree lines, hedgerows, and specimen trees.
  - e. Delineation of existing drainage patterns on the property, and existing wells and well sites.
  - f. Description of significant existing vegetation by type of species, health, quality, etc. . .
  - g. Existing buildings, structures and other significant man-made features on the site.
  - h. Description of all structures and areas of known or potential historical significance.
  - i. Existing viewsheds and identification of unique vistas.
  - j. Natural features to be conserved and natural features to be altered or impacted by the development.
5. An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required restricted open space, which shows:
- a. The structure of the Association and proposed restrictions.
  - b. Membership requirements.
  - c. Financial responsibilities.
6. The Development Plan shall be to a scale of at least 1" = 100' and shall show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, including the following:
- a. The general development character and the permitted and accessory uses, buildings and structures to be located on the tract including the limitations or controls to be placed on each, with proposed lot sizes, and minimum

setback and spacing requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas and restricted open space areas. All commonly owned structures shall be shown in detail which identifies the location, quantity, type and typical section of each. The landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation. The Development Plan shall identify dwelling unit densities, dwelling unit types, and the total number of dwelling units proposed for the site.

- b. Environmentally sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Franklin County.
- c. Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. Natural features to be conserved and natural features to be impacted or altered shall be identified on the Plan.
- d. Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the Development Plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
- e. The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- f. A traffic impact analysis by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing streets and conditions.
- g. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- h. Identification and location of all uses and structures proposed within the site and the location of schools, parks and other public facility sites within or adjacent to the site. This includes a showing of:
  - (i) the exact location and dimension of private streets, common drives and public street rights-of-way;

- (ii) exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
  - (iii) dimensions of building/unit spacing;
  - (iv) the extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and
  - (v) designated restricted open space areas and a description of proposed open space improvements.
  - (vi) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 
- i. If the proposed timetable for development includes developing the land (including restricted open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
  - j. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
  - k. Specific statements of divergence from the development standards in Section 301 and the justification therefore. Unless specifically supplemented by the standards contained in Section 301 or those standards approved in the Development Plan, the General Development Standards set forth in Article IV shall also apply. Unless a variation from these development standards is specifically approved, the same shall be complied with.
  - l. Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the Development Plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
  - m. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the restricted open space.
  - n. Other information, as may be required by the Township Zoning Commission and/or the Township Trustees, in order to determine compliance with this Resolution.
  - o. The Development Plan shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.

**301.04.3 Basis for Approval.** The Zoning Commission and Trustees may approve a PRCD application, provided they find that the proposed application complies with all of the following requirements:

1. That the proposed development is consistent in all aspects with the purpose, criteria, intent and standards of this Zoning Resolution.
2. That the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.
3. That the proposed development advances the health, safety, and morals of the Township and the immediate vicinity.
4. That the proposed Development Plan meets all of the design features required in this Resolution and that any deviation is warranted by the design and amenities incorporated in the Development Plan.
5. That the proposed development is in keeping with the existing land use character and physical development potential of the area.
6. That the proposed development will be compatible in appearance with surrounding land uses.

Any approval may be with such amendments, conditions or modifications as such body may determine.

**301.04.4 Final Development Plan Approval Period.** The approval of a final Development Plan shall be effective for a period of two (2) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of all buildings, structures and improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final Development Plan was granted. If the required final subdivision has not been approved and recorded, and construction commenced on all buildings, structures and improvements within the established approval period, then the final Development Plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final Development Plan has been filed with and approved by the Township, and such application for approval shall be subject to the same procedures and conditions as an original application for final Development Plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PRCD District.

**301.04.5 Phasing.** Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable established in the approved Development Plan.

**301.04.6 Plat Required.** If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Franklin County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved Development Plan and shall, unless otherwise specifically provided by the applicable platting authority, include:

1. Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for recreation and open space.
2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, the open space included therein, and the activities of occupants.
3. In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

**301.04.7 Extension of Time/ Modification of Final Development Plan.**

1. An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for a final Development Plan may be granted by the Zoning Commission without public hearing, provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.
2. A request for minor changes to the final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. Any approval may be with such amendments, conditions or modifications as the Zoning Commission may determine.
3. In the case of a request for a modification or amendment to the approved final Development Plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of final Development Plan approval as the original application. Any approval of such request may be with such amendments, conditions or modifications as the

Township may determine. The following shall be considered substantial departures from the original application:

- a. A change in the use or character of the development;
- b. An increase in overall lot coverage of structures and off-street parking;
- c. An increase in the density;
- d. An increase in the problems of traffic circulation and public utilities;
- e. A reduction in approved open space;
- f. A reduction of off street parking and loading space;
- g. A reduction in required pavement widths;
- h. A reduction of the acreage in the planned development;
- i. Any other departure from the approved Development Plan which is deemed substantial by the Zoning Commission.

**301.04.8 Administrative Review.** All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector and the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the Development Plan as approved.

**301.04.9 Divergences.** The Township, as a part of final Development Plan approval, may grant divergences from any standard or requirement in this Resolution. An applicant requesting a divergence shall specifically and separately list each requested divergence on the final Development Plan submittals with a request that the proposed divergence be approved “per plan.”

**301.05 Development and Site Planning Standards.** Buildings, structures, pavement, and streets shall be located in compliance with the development and site planning standards set forth herein. Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the buildings and dwelling units shall comply with the spacing requirements of this Section.

**301.05.1 Permitted Density/Restricted Open Space.**

1. The minimum restricted open space shall be at least fifty percent (50%) of the gross area of the land included within the Development Plan.
2. The maximum density shall be 1 dwelling unit per gross acre with an approved water and sewage plan in place, provided that the lot area for each dwelling unit

shall be of a size sufficient to satisfy all applicable Franklin County Board of Health and/or Ohio Environmental Protection Agency regulations.

**301.05.2 Lot Requirements.**

1. Dwelling units are not required to be on separate lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of a PRCD, such lots, or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of the PRCD District.
2. The applicant shall depict on the Development Plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this District.

**301.05.3 General Street Design Criteria.** Street alignments should follow natural contours and be designed to conserve natural features. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

**301.05.4 Perimeter Building Regulations.** The minimum setback from an existing public street shall be 50 feet. The minimum setback from the project boundary shall be 30 feet.

**301.05.5 Interior Building Setback/Spacing Regulations.** The minimum setback from a proposed local public right-of-way shall be 30 feet. The minimum setback from the edge of the pavement of a private street shall be 20 feet. The minimum separation between buildings containing dwelling units shall be 30 feet.

**301.05.6 Height.** The maximum building height shall be 2.5 stories.

**301.05.7 Resource Protection Regulations.**

1. **Floodway Protection.** All buildings, structures or land within a floodplain (but outside the floodway) shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part only for a use listed below if approved in the Development Plan:
  - a. Agriculture.
  - b. Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc...
  - c. Fencing that allows the passage of water.

- d. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod.
2. **Wetlands Protection.** Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:
    - a. A buffer area having a width not less than 20 feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.
    - b. A minimum building and pavement setback of 35 feet, measured from the edge of the designated wetland.
3. **Conservation of Riparian Zones:**
    - a. A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than 100 feet.
    - b. Walkways shown on the Development Plan may be permitted to be located within riparian buffers when the Zoning Commission determines that such walkways will not materially impact the riparian buffer.

**301.06 Regulations For Restricted Open Space.** The restricted open space required under the PRCO regulations shall be provided for, managed and maintained in accordance with the provisions of this Section.

**301.06.1 General Standards.** The restricted open space required in Section 301.051 shall comply with the following standards:

1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
2. Areas designated for restricted open space purposes may be:
  - a. Preserved in its natural state.
  - b. Designed and intended for the use and/or enjoyment of residents of the proposed development.
  - c. Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions and if approved as part of the Development Plan.
3. Restricted open space shall, when practicable, be interconnected with open space areas on abutting parcels.

4. Sewage service, stormwater management, and/or water supply facilities may, if approved by the Township as part of the final Development Plan, be located partially or entirely within restricted open space areas. Where such facilities are located, easements satisfactory to the Franklin County Board of Health and the Ohio Environmental Protection Agency (OEPA) shall be established to require and enable maintenance of such facilities by the appropriate parties.
5. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered as restricted open space include:
  - a. Private road and public road rights-of-way;
  - b. Parking areas, access ways, and driveways;
  - c. Required setbacks between buildings, parking areas, and project boundaries;
  - d. Required setbacks between buildings and streets;
  - e. Minimum spacing between buildings, and between buildings and parking areas;
  - f. Private yards;
  - g. A minimum of 15 feet between buildings and restricted open space; and
  - h. Other small fragmented or isolated open space areas that have a dimension less than 75 feet in any direction. (Excessive gaps and non-usable spaces between buildings are discouraged, or pedestrian walkways should be established).
6. Any restricted open space intended to be devoted to active recreational activities shall be of usable size and shape for the intended purposes. The maximum percentage of required restricted open space that may be developed for active recreation areas, including a community center, shall not exceed five percent (5%).
7. Any area within the restricted open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state, other than required setback areas, shall be noted on the Development Plan and shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Development Plan.
8. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the Development Plan.

**301.06.2 Prohibition of Further Subdivision of Restricted Open Space.** Restricted open space in a PRCD shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement, in a form acceptable to the Township.

**301.06.3 Ownership of Restricted Open Space.** Subject to the permanent restrictions as set forth above, restricted open space in a PRCD may be proposed to be owned by an association, the Township, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership. The ownership of the restricted open space shall be specified in the Development Plan and shall be subject to the approval of the Township. The methods of ownership, if approved as part of the final Development Plan, may be as follows:

1. **Offer of Dedication.** The Township may, but shall not be required to, accept conveyance in the form of fee simple ownership of the restricted open space.
2. **Associations.** Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity. Documents shall be submitted with the Development Plan which will ensure compliance with the following requirements:
  - a. Membership in the association shall be mandatory for all purchasers of lots in the development or units in the condominium.
  - b. The association shall be capable of and responsible for maintenance, control, and insurance of common areas, including the restricted open space.
  - c. The association shall have the right to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the restricted open space.
3. **Transfer of Easements to a Private Conservation Organization.** With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
  - a. The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
  - b. The conveyance contains appropriate provisions for the property reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and
  - c. A maintenance agreement acceptable to the Township is entered into by the developer and the organization.

**301.06.4 Maintenance Requirements for Open Space.** The ultimate owner of all open space (including restricted open space) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, and valid and enforceable collection methods. The owner shall be authorized, under appropriate restrictions and covenants, to place liens on the property of residents who fall delinquent in payment of such dues and assessments. In the event that the organization established to own, operate and maintain the open space shall at any time after the establishment of the planned development fail to maintain the open space in reasonable order and condition in accordance with the final Development Plan, such failure shall constitute a violation of both the Development Plan and this Zoning Resolution.

**301.06.5 Pedestrian Circulation Systems.** A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets. Trails for which public right of passage has been established may be incorporated in the pedestrian circulation system.

**301.06.6 Sewage Disposal.** The development shall be served by individual or public sewage disposal structures consistent with the rules and regulations of Franklin County and the Ohio Environmental Protection Agency (OEPA). Individual sewage disposal systems shall comply with all applicable regulations of the Franklin County Health Department and may be located within common open space areas when approved by the Township as part of the Development Plan and the Franklin County Health Department.

**301.07 Additional Development Design Guidelines.** In addition to the development and site planning standards set forth in this Section 301, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site’s natural, historic and cultural features and meets the objectives of the PRCD district:

1. **Conservation of Woodlands, Vegetation, and other Natural Areas.** The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.
2. **Conservation of Sloping Land.** The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
3. **Conservation of Wildlife Habitats.** Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.
4. **Conservation of Existing Scenic Vistas and Quality of the Environment.** Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.

5. **Conservation of Prime Farmland.** Farmland that satisfies the USDA definition of “prime” or “locally unique” farmland should be conserved.
6. **Conservation of Cultural Resources.** Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

**301.08 Definitions.** For the purpose of this Section 301, the following terms, whenever used in this Section, shall have the meaning herein indicated:

1. **Active Recreation.** Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of active recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of these regulations, active recreation facilities do not include paths for bike riding, hiking, and walking and picnic areas.
2. **Association.** A legal entity operating under recorded land agreements or contracts through which each unit owner in a conservation development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization’s activities such as maintaining restricted open space and other common areas and providing services needed for the development. An association can take the form of a homeowners’ association, community association, condominium association or other similar entity.
3. **Building Envelope.** An area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the Township Zoning Resolution. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.
4. **Buffer.** A designated area between uses or adjacent to the perimeter of natural features designed and intended to provided protection and which shall be permanently maintained.
  - a. **Land Use Buffer.** Land area used to separate or visibly shield and/or screen one use from another.
  - b. **Riparian Buffer.** A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion.
  - c. **Wetlands Buffer.** An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

5. **Common Area.** Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.
6. **Common Drive.** A private way that provides vehicular access to at least two but not more than 3 dwelling units.
7. **Conservation Development.** A contiguous area of land to be planned and developed as a single project, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources, and which is approved by the Township as a PRCD under the provisions of Section 301.
8. **Conservation Easement.** A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property, as authorized by ORC §5301.67 through 5301.70.
9. **Development Plan.** A proposal including drawing(s) and map(s) for a conservation development, prepared in accordance with these regulations, illustrating the proposed design, layout and other features for the development and including all elements set forth in this Section 301.
10. **Dwelling, Detached Single-Family.** A building designed for, or used exclusively for, residence purposes by one family situated on a parcel having a front, side, and rear yard.
11. **Dwelling, Single-Family Attached.** Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.
12. **Dwelling, Single-Family, Cluster.** A building that is designed and use exclusively by one family and separated from all other dwelling units by air space from ground to sky, which is grouped with other dwellings on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
13. **Federal Emergency Management Agency (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.
14. **Floodplain.** The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.

15. **Floodway.** 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 a designated height. (Base Flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.)
16. **Gross Acre.** An area of 43,560 square feet.
17. **Land Trust.** A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements under ORC §5301.68.
18. **Lot or Sublot.** A parcel of land owned fee simple and intended for a single dwelling unit whether or not such lot or subplot is located with frontage on a dedicated street.
19. **Natural Feature.** An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climactic stress, and energy costs.
20. **Open Space.** An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and waterbodies. See also Restricted Open Space.
21. **ORC §.** Ohio Revised Code section number.
22. **Perennial Stream.** A natural waterway that contains water throughout the year except in severe drought.
23. **Private Street.** A local private way which provides vehicular access to four (4) but fewer than twenty (20) or more residential structures that is not and will not be dedicated to public use, but which is owned and maintained by the Association.
24. **Project Boundary.** The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a conservation development. The term “project boundary” shall also mean “development boundary”.
25. **Public Improvement.** Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.
26. **Restricted Open Space.** Open Space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements, that is restricted from further development according to the provisions of this Section 301.

27. **Setback.** The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.
28. **Standard Subdivision.** A major or minor subdivision, as defined by the Ohio Revised Code, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Resolution and with each lot having the requisite frontage on a dedicated and improved public street.
29. **Stream Bank or Riverbank.** The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.
30. **Walkway.** A public way, four or more feet in width, for pedestrian use only, minimum ten feet behind curb, which may or may not be located within the street right-of-way.
31. **Wetland.** An area defined (as wetlands) by the Army Corp of Engineers at the time the application is submitted.

## **SECTION 302**

## **PLANNED UNIT DEVELOPMENT (PUD)**

**302.01 Purpose.** The Planned Unit Development (PUD) District is offered as an option to the requirements of the standard zoning districts in order to provide:

1. A maximum choice of living environments by allowing a variety of housing and building types and in lot dimensions, yards, building setbacks and area requirements;
2. A useful pattern of open space and recreation areas and, if permitted as part of the project, convenience in the location of accessory commercial uses and services;
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. More efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Comprehensive Plan.

**302.02 Permitted Uses.** Land and buildings in the PUD District shall be limited to one or more of the following uses:

- Accessory buildings in association with Permitted Uses
- Child care (must occupy a lot of not less than one (1) acre)
- Religious
- Home occupations
- Other uses which meet the purposes and intent of the PUD District
- Other uses which, in the opinion of the Township Zoning Commission and the Township Trustees, meet the purpose and intent of the PUD District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.
- Parks, playgrounds or playfields
- Public or private schools
- Public or private golf courses or other similar outdoor recreational facilities
- Standard residential district uses
- Uses permitted in the SO and LB districts
- Zero lot line, attached twin single, townhouse, or other innovative forms of residential development

**302.03 Tract Criteria.** The owner(s) of a tract of land twenty (20) acres or more in area may request that the Zoning District Map be amended to include such tract in the PUD District.

### **302.04 Procedure.**

**302.04.1 Sketch Plan.** In exchange for flexibility, the PUD District requires that the applicant provide some details, which are traditionally found in the subdivision stage of development approval. It is therefore suggested that the applicant informally discuss his plans with Franklin County subdivision authorities (e.g., Franklin County Planning Commission, county engineer, county board of health, etc.) and the Township Zoning Commission prior to submitting a formal application. This sketch plan phase is mandatory if private streets are proposed.

**302.04.2 Development Plan Submission.** Six (6) copies of a Development Plan, signed by a registered engineer or surveyor and architect or landscape architect, shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall conform to the following:

1. The Preliminary Plan requirements of the Franklin County Subdivision Regulations, adopted January 16, 2001 (Section 302), as may be amended in the future. Such requirements include, but are not limited to, topographical contours one- (1) foot or two- (2) foot intervals, soils information at a 1" = 100' scale, information on wooded areas, floodplains, and engineering feasibility studies for proposed sewage disposal, water supply and stormwater drainage systems.
2. The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area and the total number of dwelling units proposed in the Development Plan.
3. The proposed size, location and use of nonresidential portion of the tract, including commercial areas, usable open areas, parks, playgrounds, school sites and other areas and spaces with the suggested ownership of such areas and spaces.
4. Architectural design concepts to be utilized, landscaping plans, street views of typical improvements and other information relating to the architectural and landscape themes.
5. The proposed traffic circulation patterns, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
6. The proposed schedule of site development, construction of structures and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.
7. The relationship of the proposed development plan to the Township Comprehensive Plan and other adopted plans and policies.

8. Evidence that the applicant has sufficient control over the land to implement the proposed Development Plan.  
  
Evidence of control includes property rights and the engineering feasibility data, which may be necessary.
9. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are common or open space.
10. Other information, as may be required by the Township Rural Zoning Commission and/or the Township Trustees, in order to determine compliance with this Zoning Resolution.

**302.04.3 Basis of Approval.** The basis for approving PUD District application shall be:

1. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
2. That the proposed development is in conformity with a Comprehensive Plan or portion thereof as it may apply;
3. That the proposed development advances the general welfare of the Township and the immediate vicinity;
4. That the benefits, improved arrangement and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution.

**302.05 Development Standards.** The following standards for arrangement and development of land and buildings apply to the PUD District. When not specifically supplanted by the following standards as approved in the Development Plan, the General Development Standards (Article IV of this Zoning Resolution) also apply:

**302.05.1 Open Space.** At least twenty (20) percent of the gross area of the tract included in the Development Plan shall be designated as open space. Such land shall either be preserved in its natural state or developed for recreational purposes. Up to one-third (1/3) of any land within the tract devoted to public school sites or within the one hundred- (100) year floodplain may be included in the open space calculation. The open space shall be of a size, shape, topography, and location which is suitable, useful and accessible.

**302.05.2 Lot and Yard Areas.** For areas provided with central sewer service. The minimum lot area for each dwelling unit may be reduced to any size which is justified in an approved Development Plan, provided that the overall density of the tract covered by the Development Plan does not exceed one (1) dwelling unit per gross acre. Yard areas may also be adjusted accordingly. However, yards abutting the boundaries of the entire tract included in the Development Plan shall not be less than the minimum requirements for the abutting district. Additionally, the front yard setback for all lots abutting an existing

public street shall conform to the requirements of the General Development Standards (Article IV of this Zoning Resolution).

**302.05.3 Private Roads.** Private roads as a common easement may be utilized, provided the following criteria are met:

1. Preliminary street plans and typical sections are submitted and approved with the Development Plan.
2. Township fire and safety officials provide a written statement indicating to the Township Trustees that the private roads will provide suitable access for emergency vehicles.
3. Private maintenance responsibilities are clearly indicated in legal, recorded documents.

**302.05.4 Parking.** Off-street parking shall be provided in accordance with Section 412 of this Zoning Resolution, except that group garages or parking lots may be utilized within two hundred (200) feet of the dwellings served.

**302.05.5 Maximum Percentage of PUD Utilized for Commercial Uses.** Unless otherwise authorized by the Township Planning Commission and Township Trustees, no more than twenty (20) percent of the total tract area shall be utilized for commercial uses.

## **SECTION 303**

## **SELECT COMMERCIAL PLANNED (SCPD) DISTRICT**

The Select Commercial Planned (SCPD) District is intended to provide a flexible approach to commercial development in unincorporated Plain Township. Nonresidential development of a specified type, character and mix may be suitable with proper controls, using the SCPD as a transitional zoning district.

**303.01 Permitted Use.** Land and buildings within the SCPD shall be used only for those selected uses identified by an applicant for zoning plan amendment and found within Suburban Office, Local Business, and General Business districts. Proposed uses shall be enumerated in the application as being appropriate to provide compatibility with the neighborhood and community character and for compliance with the Comprehensive Plan. All Permitted Uses shall be approved by the Township Zoning Commission as a part of the Development Plan required (Section 303.06) for the subject property. Said Permitted Uses shall run with the land as long as the SCPD zoning as approved remains in effect.

**303.02 Procedure.** The following procedure shall be followed in placing land in the SCPD.

**303.03 Submission of Application.** The owner or owners of a tract or tracts of land of any size may request that the Zoning District Map be amended to include such tract or tracts in the SCPD in accordance with the provisions of Article VII.

**303.04 Development Standards.** The development standards of Article IV, General Development Standards, shall apply to the SCPD according to the specific zoning district and use selected in accordance with Permitted Use (Section 303.01) and Performance Standards (Section 303.05). A compliance waiver for any Development Standard may be granted as a part of the Development Plan if approved by the Township Trustees.

**303.05 Performance Standards.** Applications for SCPD shall meet the following requirements. The Development Plan (Section 303.06) and the Detailed Site Plan, (Section 303.09) will be reviewed to determine whether the following performance criteria have been addressed and satisfied. Unless otherwise indicated, information required by the Performance Standards' criteria shall be submitted in conjunction with Development Plan submission. A compliance waiver for any Performance Standard may be granted as part of the Development Plan if approved by the Township Trustees.

**303.06 Development Plan.** A Development Plan at a scale of at least 1" = 50' shall be prepared and sealed by either a registered architect, registered engineer, or a registered landscape architect to satisfy Development Plan requirements. Six (6) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall demonstrate engineering and project feasibility, shall be in map form with accompanying text as appropriate, and shall address the following:

**303.06.1 Permitted Uses.** Selected uses in accordance with Section 303.01 to be permitted within the SCPD shall be specified by area or specific building location as a part of the Development Plan submission. The Development Plan may state specific individual uses by area or structure in order to accomplish the desired compatibility with the surrounding environment.

**303.06.2 Site Map.** A survey map of the boundary of the area being requested for zoning map amendment shall depict existing roads, streets and easements within the subject tract as well as the proposed location and approximate size of all structures and ancillary uses. Off-site contour and easement locations shall be provided where necessary to determine special off-site circumstances as they relate to the development, or off-site features affected by the development.

**303.06.3 Vegetation.** Significant stands of existing vegetation are to be depicted.

**303.06.4 Soils.** Soil types found on the subject tract are to be submitted based upon the Franklin County Soil Survey.

**303.06.5 Traffic.** Each Development Plan shall be accompanied by an analysis of traffic conditions, which can be expected to result from the proposed development. The analysis shall estimate the Average Daily Traffic (ADT), the peak hour(s) of traffic, and distribution of the same to the existing and proposed street system, together with an analysis of street improvements necessary to accommodate the additional traffic. The applicant shall state and document assumptions made regarding the projected traffic figures. Standard techniques and references shall be utilized. The following references, or other references, which may be acceptable to the Township Trustees, shall be used:

1. Highway Capacity Manual (Special Report #209, 1994, National Academy of Sciences).
2. "Trip Generation": Institute of Traffic Engineers, (Current Edition). Traffic analysis shall be based on existing off-site conditions and known plans for the development of off-site areas.

Traffic expected to be generated by the proposed development shall not cause any tributary street or highway facility to operate below a level of service "C," as defined in the current edition of the "Highway Capacity Manual" (see above reference).

**303.06.6 Access.** Whenever multiple structures to be located in the SCPD are located on a collector street or arterial street, as defined by the Franklin County Thoroughfare Plan, access onto the collector or arterial shall be via interior local streets or marginal access (frontage) roads. All uses within the SCPD shall derive their access from the interior streets within the SCPD, unless specific exemptions are made as a part of the approved Development Plan.

**303.06.7 Parking** Off-street parking, loading and service areas shall be provided in accordance with Article IV, Section 412. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and structural arrangement set forth in the Development Plan.

All open off-street parking areas consisting of five (5) or more parking spaces or one thousand (1,000) square feet or more shall be screened from abutting residential uses. Curb barriers a minimum of five (5) feet from the property line shall be provided. Grass, plantings, or other acceptable surface material shall be provided for all areas bordering the

parking area. When large parking areas are planned, landscaped islands or medians shall be utilized to lessen negative visual impact and direct traffic flow.

Whenever a parking lot or access drive is located adjacent to a residential area, screening shall be designed to prevent vehicle lights from shining directly onto the residential property.

**303.06.8 Stormwater Drainage.** A preliminary drainage plan shall be submitted, showing topographical contours in two- (2) foot intervals and general locations of existing and proposed improvements. Drainage and runoff from the proposed development shall not cause property damage. All drainage improvements shall be designed in conformance with the requirements of the Franklin County Subdivision Regulations.

**303.06.9 Sewage Disposal and Water Supply.** Information regarding sewage disposal and water supply techniques to be utilized will be provided in the application for the proposed SCPD, together with letters of approval from the pertinent local, state and, if applicable, private agencies. The letters shall be submitted with the Development Plan.

**303.06.10 Architectural Design.** The Development Plan shall indicate general exterior design, building elevations and potential materials. All buildings shall be constructed with materials compatible with the surrounding environment. All buildings shall be constructed with material consistent with the design character for each building on all sides.

All private deed restrictions pertaining to design character and location of buildings shall be included in the Development Plan.

1. Building Density - No parcel or lot shall have constructed thereon any building(s) which shall have a ground level floor density of greater than thirty-five (35) percent of the lot or parcel upon which said building(s) is or are constructed.
2. Building Height - Shall not exceed twenty-five (25) feet unless otherwise indicated and approved as a part of the Development Plan as appropriate to the specific site and neighborhood character.

**303.06.11 Outside Storage.** Outside storage shall be permitted only as a part of an approved Development Plan within an SCPD. No rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly, or detrimental to the public health, safety or welfare.

**303.06.12 Utilities and Facilities.** All utilities shall be placed underground. All below ground storage facilities not under the ground floor of structures must be illustrated on the Development Plan.

**303.06.13 Pollution.**

1. Smoke - No smoke from an industrial or commercial process shall be emitted from any structure in the SCPD.

2. Odor - No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the SCPD boundary.
3. Noise - No commercial, service or industrial use shall emit noise greater than sixty (60) decibels at the lot line.

**303.06.14 Graphics.** The Development Plan shall specify the signage concept indicating the general locations and size of all exterior signs and the relationship of signs to overall architectural design of the development. No sign located within the SCPD shall advertise off-premise activity. All signs shall meet the applicable provisions of Section 425 of the Zoning Resolution as well as the following:

1. Wall Signs - Each business may have one (1) sign attached to the structure below roof level, other than identification signs for service areas. Signs for individual businesses may be no greater than ten (10) percent of the area below the roof of the exterior surface of the wall to which they are attached.
2. Free Standing Signs - Except site identification signs or traffic control signs, shall be directory in nature. There can be no more than one (1) free standing sign for each building on a lot other than traffic control signs. The total size of a freestanding sign shall not exceed forty (40) square feet unless otherwise approved as a part of the Development Plan. Freestanding signs shall be no more than twenty (20) feet in height, unless otherwise approved as a part of the Development Plan.
3. Development Area Identification Sign - One (1) development area identification sign shall be permitted within the SCPD as a part of the Development Plan submission. More than one development area identification sign may be approved based upon information submitted as a part of the Development Plan submission verifying the need for same. Total maximum area permitted for one development area identification sign shall not exceed the following:
  - a. One (1) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way for the first fifty (50) feet.
  - b. One-half (1/2) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way for the second fifty (50) feet.
  - c. One-fourth (1/4) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way exceeding one hundred (100) feet.
  - d. No development area identification sign shall exceed one hundred (100) square feet in area unless otherwise indicated and approved as a part of the Development Plan as being appropriate to the specific site and neighborhood character.
  - e. Temporary real estate FOR SALE or FOR LEASE signs shall not exceed fifty (50) square feet in total area.

- f. A sign may be illuminated provided that no flashing, traveling, animated or intermittent illumination shall be used. Permitted illumination shall be confined to the area of the sign except when such illumination is backlighting for an otherwise non-illuminated sign.
- g. All private deed restrictions pertaining to signs shall be included as part of the Development Plan.

**303.06.15 Lighting.** The Development Plan must indicate the types of lamps and lighting fixtures, and the height of lighting fixtures to be used and the relationship of lighting fixtures to overall architectural design of the development.

- 1. Light sources outside the public right-of-way shall be located and arranged to provide good visibility and reflect the light away from adjacent residential properties or any streets.
- 2. Street lights shall be installed by the developer or by petition to the Township on all interior streets dedicated as public rights-of-way unless otherwise exempted by the Township Trustees.
- 3. All private deed restrictions pertaining to lighting shall be included in the Development Plan.

**303.06.16 Screening and Landscaping Plan.** Screening shall consist of earth mounding, planting, fencing, or a combination of the same. The SCPD requires the submission of a separate plan which incorporates screening and landscaping proposals.

- 1. A general screening and landscaping plan meeting the following requirements shall be prepared and submitted as a part of the Development Plan. For purposes of Development Plan submission, the screening concept proposed to meet the requirements of this section shall be submitted in sketch and text form.
  - a. Fencing - Fencing utilized in providing screening shall be architecturally appealing and shall be incorporated into the overall architectural design concept.
  - b. Abutting Residential Areas - Whenever a proposed SCPD abuts a residential area, screening shall be provided along the entire area of abutment in a manner that is aesthetically pleasing and effectively screens the residential areas from the proposed select commercial activities.
  - c. Plantings - When mounding is utilized in conjunction with plantings, the plant materials shall be of a size and species suitable which together will produce a minimum six (6) foot high screen within a two- (2) year period. When plant material without mounding is utilized, the plant materials shall be a minimum five (5) feet in height when planted and be of such species that will produce a dense six (6) foot visual screen within a two- (2) year period. All screen plantings shall be maintained permanently, and any plant

material which does not survive shall be replaced within one (1) year with material meeting the specifications of the original planting. Maintenance responsibilities for the screen plantings shall be addressed in the Development Plan.

- d. Minimum Opacity - All screens must provide a minimum opaqueness of eighty percent (80%) or more.
  - e. Landscaping - Landscaping shall mean the improvement of the natural beauty of the land by grading, clearing and decorative planting or grass to create a pleasant and functional environment. Landscaping of a lot shall be installed within six (6) months after the month in which the building is completed. Any portion of a lot upon which a building or parking area is not to be constructed per the Development Plan shall be landscaped. For every ten (10) parking spaces on an individual lot, the owner shall be required to place at least one (1) tree (3" caliper or larger) in such a manner as to be spaced and placed in or among the parking rows. Such trees shall be in addition to any screening specifications of the original planting. All shrubs, trees, grass, ground covers, and plantings of every kind or type shall be well-maintained, properly cultivated and free from trash and other unsightly material and/or debris.
2. Exceptions to screening requirements may be made where:
- a. Existing topographical or vegetative characteristics provide the necessary screening effect, or
  - b. Existing topographical conditions make it difficult to adequately screen the proposed use from adjacent properties. When the use cannot be adequately screened due to elevation differences between adjacent properties and the proposed site, the proposed design should minimize negative visual impact.

**303.06.17** Any additional information necessary to demonstrate compliance with Performance Standards (Section 303.05).

**303.07 Effect Of Approval.** The Development Plan as approved by the Township Trustees shall constitute an amendment to the Plain Township Zoning Map as it applies to the land included in the approved amendment.

The approval shall be for a period of two (2) years to allow for the submission of a Zoning Compliance in accordance with Article VIII, Section 800.02, for the first phase, submitted in accordance with the subdivision regulations for Franklin County, Ohio. Unless the required zoning compliance is properly submitted and approved within the two- (2) year period, the approved Development Plan shall be voided and the land shall revert to its last previous zoning district, unless an application for time extension is submitted and approved in accordance with Section 303.08.

**303.08 Extension of the Time Limit of the approved Development Plan.** The Township Trustees may approve Extension of Time. Such approval shall be given upon a finding of the purpose and necessity for such extension and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the SCPD.

**303.09 Modification of the Approved Development Plan.** A modification or amendment to an approved development plan which represents a substantial departure from the intent of the original proposal shall be subject to the same procedure and conditions of approval as the original application, including approval by the Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such modification is not in conflict with the general health, safety and welfare of the public or the development standards of the SCPD. Normal public notification procedures of the Township Trustees shall be followed prior to approving any modification to a previously approved Development Plan.

The following shall be considered substantial departures from the original application:

1. A change in use or character of the development
2. An increase in overall lot coverage of structures and off-street parking
3. An increase in problems of traffic congestion and public utilities

A modification that is not considered a substantial departure from the approved Development Plan, i.e. minor changes, may be approved by the Plain Township Zoning Commission without being subject to the same procedures as the original application.

**SECTION 304      PLANNED COMMERCIAL (PC) DISTRICT**

**304.01 Purpose.** The Planned Commercial (PC) District seeks to address and coordinate the special needs created by highway and arterial road-oriented commercial development. It also provides a zoning district and appropriate controls for commercial and recreation-for-fee uses, which are not specifically permitted in any other commercial zoning district. The PC District recognizes the peculiar operational characteristics and traffic congestion connected with automobile-oriented and other intense commercial uses. It requires preparation of a detailed plan and provides performance criteria to coordinate and control these characteristics.

**304.02 Permitted Uses.** The following uses shall be permitted in the PC District subject to meeting all plan submission procedures, requirements and development standards herein:

- ❑ Bars
- ❑ Carry out restaurants
- ❑ Combinations of retail and/or office and/or warehousing activities
- ❑ Drive-in restaurants
- ❑ Fast food restaurants
- ❑ Hotels and other lodging establishments
- ❑ Other commercial or commercially oriented uses which meet the plan requirements and development standards of this District and Zoning Resolution, excepting adults-only entertainment facilities and sales of adult material.
- ❑ Shopping centers and similar multiple tenant retail facilities

**304.03 Tract Size Criteria.** The owner of a tract of land one acre or more in area may request that the Zoning District Map be amended to include such tract in the PC District.

**304.04 Procedure.**

**304.04.1 Sketch Plan.** The PC District requires that the applicant provide some details, which are traditionally found in the subdivision stage of development approval. It is therefore suggested that the applicant informally discuss his plans with Franklin County subdivision authorities (e.g., Franklin County Planning Commission, county engineer, county board of health, etc.) and the Township Zoning Commission prior to submitting a formal application.

**304.04.2 Development Plan Submission.** Six (6) copies of a Development Plan, signed by a registered engineer or surveyor and architect or landscape architect, shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall conform to the following:

1. The Preliminary Plan requirements of the Franklin County Subdivision Regulations, adopted January 16, 2001, as may be amended in the future. Such requirements include, but are not limited to, topographical contours at one- (1) foot or two- (2) foot intervals, soil information at a 1" = 100' scale, information on wooded areas, floodplains, and engineering feasibility studies for proposed sewage disposal, water supply and stormwater drainage systems.

2. The proposed size, location, and use of commercial portions of the tract, indicating building locations, building type, total square feet for each area and the total number of parking spaces proposed in the Development Plan.
3. The proposed size, location, and use of noncommercial portions of the tract, including usable open areas, parks, playgrounds, and other areas and spaces with the suggested ownership of such areas and spaces.
4. Architectural design concepts to be utilized, screening and landscaping plans, street views of typical improvements, and other information relating to the architectural and landscape themes.
5. The proposed traffic circulation patterns, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
6. The proposed schedule of site development, construction of structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements.
7. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
8. Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary.
9. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained, and those areas intended for lease.
10. Other information, as may be required by the Township Zoning Commission and/or the Township Trustees, in order to determine compliance with this Zoning Resolution.

**304.04.3 Basis of Approval.** The basis for approving a Planned Commercial (PC) District application shall be:

1. That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution;
2. That the proposed development is in conformity with the Township Comprehensive Plan or portion thereof as it may apply;

- 3. That the proposed development advances the general welfare of the Township and the immediate vicinity; and
- 4. That the benefits, improved arrangement and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution.

**304.04.4 Effect of Approval.** The Development Plan as approved by the Township Trustees shall constitute the PC District Regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of five (5) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is submitted and recorded within the five-(5) year time limit, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is approved in accordance with the following section.

**304.04.5 Extension of Time or Modification.** An extension of the time limit of the approved Development Plan may be approved by the Township Trustees. Modifications may be approved according to the normal rezoning procedure. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reason-able effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the PC District.

**304.05 Development Standards.** The following standards for arrangement and development of land and buildings apply to the PC District. When not specifically supplanted by the following standards as approved in the Development Plan, the General Development Standards (Article IV of this Zoning Resolution) also apply:

**304.05.1 Lot Width.** No minimum lot width is required. However, adequate lot width shall be provided to achieve the yard space required by these development standards.

**304.05.2 Side Yards.** The required side yard shall be no less than one hundred (100) feet.

**304.05.3 Rear Yards.** The required rear yard shall be no less than one hundred (100) feet.

**304.05.4 Access.** Whenever multiple structures to be located in a PC District are located on a collector street or arterial street, as defined by the Franklin County Thoroughfare Plan, access onto the collector or arterial shall be via interior local streets or marginal access (frontage) roads. All uses within the PC District shall derive their access from the interior streets within the PC District, unless specific exemptions are made as part of the approved Development Plan.

**304.05.5 Parking.** Off-street parking, loading and service areas shall be provided In accordance with Section 412. These areas shall be arranged for an internal traffic

circulation pattern adapted to the site and structural arrangement set forth in the Development Plan.

**304.05.6 Screening.** Screening shall consist of earth mounding, plantings, fencing, or a combination of the same. A general screening and landscaping plan shall be prepared and submitted as a part of the Development Plan. Fencing utilized in providing screening shall be incorporated into the overall architectural design concept. Wherever a proposed PC District abuts or can be seen from a residential area, screening shall be provided along the entire area of abutment in a manner that is acceptable to the Zoning Commission and effectively screens the residential areas from the proposed commercial activities.

1. **Parking.** All open off-street parking areas consisting of five (5) or more parking spaces or one thousand (1,000) square feet or more shall be screened from view of residential uses. Curb barriers shall be provided. Grass, plantings or other acceptable surface material shall be provided for all areas bordering the parking area. When large parking areas are planned, landscaped islands or medians shall be utilized to lessen negative visual impact and direct traffic flow. Whenever a parking lot or access drive is located adjacent to a residential area, screening shall be designed to prevent vehicle lights from shining directly onto the residential property.

When mounding is utilized in conjunction with plantings, the plant materials shall be of a size and species suitable, which together will produce a minimum six (6) foot high screen. When plant material without mounding is utilized, the plant materials shall be a minimum five (5) feet in height when planted and be of such species that will produce visual screen. All screen plantings shall be maintained permanently, and any plant material which does not survive shall be replaced within one (1) year with material meeting the specifications of the original planting. Maintenance responsibilities for the screen plantings shall be addressed in the Development Plan.

**304.05.7 Landscaping.** Landscaping shall mean the improvement of the natural beauty of the land by grading, clearing and decorative plantings or grass to create a pleasant and functional environment. Landscaping of a lot shall be installed within six (6) months after the month in which the building is completed. Any portion of a lot upon which a building or parking area is to be constructed per the Development Plan shall be landscaped. For every ten (10) parking spaces on an individual lot, the owner shall be required to place at least one (1) tree (3" caliper or larger) in such a manner as to be spaced and placed in or among the parking rows. Such trees shall be in addition to any screening requirements contained herein and all replacement material shall meet the specifications of the original planting. All shrubs, trees, grass, ground covers, and plantings of every kind or type, shall be well-maintained, properly cultivated and free from trash and other unsightly material and/or debris.

**304.05.8 Stormwater Drainage.** Drainage and runoff from the proposed development shall not cause property damage. All drainage Improvements shall be designed in conformance with the requirements of the Franklin County Subdivision Regulations.

**304.05.9 Sewage Disposal and Water Supply.** Information regarding sewage disposal and water supply techniques to be utilized will be provided in the application for the proposed PC, together with letters of approval from the pertinent local, state and, if applicable, private agencies.

These letters shall be submitted with the Development Plan.

**304.06 Architectural Design.**

**304.06.1 Materials.** The Development Plan shall indicate general exterior design and potential materials. All buildings shall be constructed with materials compatible with the surrounding environment and with the design character of adjacent buildings.

**304.06.2 Deed Restrictions.** All private deed restrictions pertaining to design character and location of buildings shall be included in the Development Plan.

**304.06.3 Floor Area.** No parcel or lot shall have constructed thereon any building(s) which shall have a ground level floor area of greater than twenty-five (25) percent of the lot or parcel upon which said building(s) is or are constructed.

**304.06.4 Building Height.** Building height shall not exceed twenty-five (25) feet unless otherwise indicated and approved as a part of the Development Plan as appropriate to the specific site and neighborhood character.

**304.06.5 Outside Storage.** No outside storage shall be permitted within a PC District. No rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare. Trash dumpsters shall have lids and shall be screened from view on all sides.

**304.06.6 Utilities.** All utilities shall be placed underground.

**304.06.7 Below-ground Storage.** All below-ground storage facilities not under the ground floor of structures must be illustrated on the Development Plan.

**304.07 Graphics.**

**304.07.1 Development Plan.** The Development Plan shall specify the signage concept indicating the general locations and sizes of all exterior signs and the relationship of signs to overall architectural design of the development. No sign located within the PC District shall advertise off-premise activity. The Development Plan shall illustrate sign materials and composition.

**304.07.2 Number of Signs.** Each business may have one (1) sign attached to the structure below roof level, other than identification signs for service areas. No sign attached to the structure in which the business is located shall be located above roof level. No sign shall project more than eighteen (18) inches from the exterior surface to which it is attached.

**304.07.3 Sign Surface.** Signs for individual businesses may be no greater than two and one half (2 1/2) percent of the total exterior surface of the wall to which they are attached. Signs not on a single plane surface or on an irregularly shaped building shall be considered on an individual basis.

**304.07.4 Development Area Signs.** One (1) development area identification sign shall be permitted within the PC District as a part of the Development Plan submission. More than one development area identification sign may be approved based upon information submitted as a part of the Development Plan submission verifying the need for same.

Any development area identification sign proposed shall be constructed with durable materials and shall conform to the overall design concept proposed and be compatible with the surrounding uses and environment.

Total maximum area permitted for one development area identification sign shall not exceed the following:

1. One (1) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way for the first fifty (50) feet.
2. One-half (1/2) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way for the second fifty (50) feet.
3. One-fourth (1/4) square foot of additional sign area per lineal foot of lot abutment on a public right-of-way exceeding one hundred (100) feet.
4. No development area identification sign shall exceed one hundred (100) square feet in area unless otherwise indicated and approved as a part of the Development Plan as being appropriate to the specific site and neighborhood character.

**304.07.5 Free standing signs.** Free standing signs shall be no more than twenty (20) feet in height, unless otherwise approved as a part of the Development Plan.

**304.07.6 Temporary Real Estate Signs.** Temporary real estate for sale or for lease signs shall not exceed forty (40) square feet in total area, and shall meet all sign setbacks.

**304.07.7 Illumination.** A sign may be illuminated provided that no flashing, traveling, animated or intermittent illumination shall be used. Such illumination shall be confined to the area of the sign except when such illumination is backlighting for an otherwise non-illuminated sign.

**304.07.8 Deed Restrictions.** All private deed restrictions pertaining to signs shall be included as part of the Development Plan.

**304.08 Lighting.**

**304.08.1 Types of Fixtures.** The Development Plan must indicate the types of lamps and lighting fixtures, the height of lighting fixtures to be used, and the relationship of lighting fixtures to overall architectural design of the development, subject to Township Zoning Commission approval.

**304.08.2 Light Arrangement.** Light sources outside the public right-of-way shall be located and arranged to provide good visibility and reflect the light away from adjacent residential properties or any streets.

**304.08.3 Street Lights.** Street lights shall be installed by the developer or by petition to the Township on all interior streets dedicated as public rights-of-way unless otherwise exempted by the Township Trustees.

**304.08.4 Deed Restrictions.** All private deed restrictions pertaining to lighting shall be included in the Development Plan.

## **SECTION 306**

## **PLANNED INDUSTRIAL PARK (PIP) DISTRICT**

**306.01 Permitted Use.** The following uses shall be permitted in the Planned Industrial Park (PIP) District.

- Commercial establishments normally associated with and intended to serve the industrial establishments or their employees and approved as a part of the Development Plan including:
  - Automobile repair establishments
  - Financial institutions
  - Gasoline service stations
  - Recreation or other personal enrichment facilities established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments, developed as a part of the approved Development Plan.
  - Restaurants
  
- Industrial service activities located and maintained within the limits of the Development Standards of these PIP District Regulations and in accordance with the approved Development Plan, including:
  - Manufacturing
  - Processing
  - Warehousing

**306.02 Procedure.** The following procedure shall be followed in placing land in the PIP District.

**306.02.1 Submission of Application.** The owner or owners of a tract of land twenty-five (25) acres or more in area may request that the Zoning District Map be amended to include such tracts in the PIP District in accordance with the provisions of Article VII.

The twenty-five (25) acre requirement may be reduced if the use of the total area is set forth in the application, including:

1. The type of firm or firms.
2. A site plan for the development of each lot, including the placement of structures, storage area, parking areas, yard space and other activities.

**306.02.2 Development Plan.** Six (6) copies of a Development Plan shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall include in text and map form:

1. The proposed location and size of industrial areas, indicated by sketch, map, or text; the general development character of the tract; limitations or controls to be placed on industrial uses, processes, operations, locations or the types of tenants;

probable lot size, and other development features, including the landscaping plan and screening.

2. The proposed location and size of non-industrial uses within the tract indicating types of proposed uses such as commercial, community service or facility, or other associated non-industrial activity.
3. The proposed provisions of water, sanitary sewer, industrial waste disposal and surface drainage facilities, including engineering feasibility studies.
4. The proposed schedule of site development and associated facilities, including streets, utilities, services and other facilities.
5. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
6. Evidence that the applicant has sufficient control over the land to prepare required land improvements, including street, water, sanitary sewers, waste disposal, surface drainage, and other facilities for subdivision development required by the Franklin County Subdivision Regulations. Evidence of control includes property rights and the engineering feasibility data, which may be necessary.

**306.02.3 Effect of Approval.** The Development Plan as approved by the Township Trustees shall constitute an amendment to the PIP District regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of five (5) years to allow the preparation of the required Subdivision Plat, submitted in accordance with the Franklin County Subdivision Regulations. Unless the required Subdivision Plat is properly submitted and recorded within five (5) years, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved.

**306.02.4 Plat Required.** In the PIP District no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been developed and recorded in accordance with the Franklin County Subdivision Regulations. The Subdivision Plat shall be in accordance with the approved Development Plan and shall show or include:

1. Public and private street and block layout (lot divisions are not required, but probable arrangement should be indicated)
2. Building setback lines
3. Water, sewer, fire hydrant and other public utility installations
4. Sanitary sewage and waste disposal facilities

5. Easements, rights-of-way, pavements and walks
6. Land reserved for non-industrial use with indication of the nature of use

**306.03 Lot Width.** No minimum lot width is required. However, all lots shall abut a public street or otherwise provide access to such public street by means of roadway easement.

**306.04 Side Yards.** Side yards shall not be less than two hundred (200) feet.

**306.05 Rear Yards.** Rear yards shall not be less than two hundred (200) feet.

**306.06 Improvements Required.** The following improvements shall be required:

1. Street improvements within or adjacent to the tract in accordance with the requirements of the Franklin County Subdivision Regulations.
2. Water and sewer facility improvements in accordance with the requirements of the Franklin County Subdivision Regulations.
3. An easement for landscaping and screening twenty-five (25) feet or more in width shall be provided around the entire tract and shall be landscaped in accordance with an approved Landscape Plan. Such plan shall provide plantings, which will screen the industrial uses from view of residential and rural areas. All intervening spaces between the right-of-way line and project buildings line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with lawn, trees and plantings, and properly maintained at all times. The Landscape Plan shall be submitted with the Subdivision Plat and shall be subject to approval in the same manner as required of the Subdivision Plat.
4. Other improvements as may be required for public health and safety.

**306.07 Plat and Landscape Required.** The Subdivision Plat shall be developed and recorded in accordance with the Franklin County Subdivision Regulations. Landscaping shall be accomplished in accordance with the approved Landscape Plan in conjunction with development of adjacent lots in the Industrial Park.



**ARTICLE IV: GENERAL DEVELOPMENT STANDARDS**

**SECTION 401 GENERAL REGULATION OF THE ARRANGEMENT AND DEVELOPMENT OF LAND AND STRUCTURES.**

**401.01** Standards pertaining generally and uniformly to the arrangement and development of land and structures within the Zoning District adopted in Article X are hereby established and adopted as supplementary to the District Regulations of Article II and Article III.

**SECTION 402 LOT AND YARD SPACE REQUIREMENTS**

**402.01 Platting Required.** No use shall be established or altered and no structure shall be constructed or altered except upon a lot that has been subdivided in accordance with, or which otherwise meets, the requirements of the Franklin County Subdivision Regulations.

**402.01.1 Minimum Requirements.** Development standards are minimum requirements for the arrangement of lots and spaces to be achieved in all developments.

**SECTION 403**      **LOT AREA AND YARD SPACE PRESERVED**

The lot area and yard space required for a use of structure shall be maintained during its life and shall not be reduced below the minimum requirement, occupied by another use or structure, or counted as yard space for any other use or structure.

**403.01 Yards Required Open.** The yard space required for a use or structure shall, during its life, remain free of all uses or occupancies except as follows:

**403.01.1 Fences, gates, walls, and landscaping** shall be permitted in any required yard, or along the edge of any yard, provided that no fence or wall between a street and a front building line is more than four (4) feet in height, except as required in Section 410.00, Screening and Buffering Requirements, or in accordance with an approved Development Plan of a Planned Development District. Chain link or wire fences in front of the building line shall be prohibited in any Residential District.

**403.01.2 Eaves, cornices, window sills, and belt courses** may not project into any required yard.

**403.01.3 Open and uncovered porches** may project beyond the front building line or into a required rear yard a distance not to exceed five (5) feet.

**403.01.4 Driveways** shall be permitted in required yards but shall be three (3) feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.

**403.01.5 Parking areas** shall be permitted in required yards developed in Industrial Zoning Districts to within fifteen (15) feet of a Residential Zoning District or a Planned Residential Zoning District as listed in Article II and Article III, or any nonconforming residential lot.

**403.02 Yards Not Otherwise Required.** Yard space not otherwise required but provided shall be five (5) feet or more in width.

**403.03 Yards Maintained.** All yard space shall be maintained in accordance with one or more of the following provisions:

1. Fenced as permitted or required.
2. Landscaped by lawns, shrubbery, trees and other plantings, maintained in a neat and orderly natural state, or used for permitted accessory or ancillary use.  
  
Paved for parking as permitted.

**403.04 Lot Coverage.** Unless otherwise specified, maximum lot coverage shall not exceed seventy percent (70%) including buildings and parking lots. Thirty percent (30%) of the site shall be devoted to open green space.

## **SECTION 404**

## **BUILDING LINES ALONG PUBLIC RIGHTS-OF-WAY**

**404.01 Building Lines Established.** Along every street right-of-way a building line shall be established from the centerline of that right-of-way a distance equal to the width of the existing right-of-way or the width of the right-of-way proposed in the Franklin County Thoroughfare Plan as adopted by the Franklin County Planning Commission on January 3, 2001, and as amended from time to time, whichever right-of-way is greater. However, where a property adjoins a limited access right-of-way, a building line shall be established fifty (50) feet from the property line adjoining the limited access line. Where property adjoins a limited access right-of-way, accessory structures may be permitted within the established building line on condition that a setback of not less than five (5) feet from the property line is provided.

**404.01.1 Required Setback.** A structure or other use of land, except parking, shall locate no closer to a street right-of-way than the established building line.

**404.01.2 Parking Setback.** Open parking or loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to forty (40) percent of the required setback distance.

**404.01.3 Reduced Setback.** If existing structures or uses on both lots adjacent to a lot have a setback less than the setback line established by these Regulations, the setback on the center lot shall be the average setback established on the adjacent lots.

**404.02 Sight Triangle Established.** At every intersection of street rights-of-way, a sight triangle shall be established as described by the right-of-way lines of the intersecting streets and the third side being a line passing through a point on each right-of-way line that is a distance from the point of intersection equal to the sum of the width of both rights-of-way divided by four (4).

**404.02.1 Visibility Maintained.** Within the sight triangle there shall be maintained a clear visibility between the heights of two and one-half (2-1/2) feet and ten (10) feet above the average centerline grade of the intersecting streets within the sight triangle, except trunks of existing trees or light or sign supports. Such supports shall have a maximum dimension of six (6) inches or less of its horizontal section. If there are two (2) or more supports on a framework, they shall not have an opaqueness of more than ten (10) percent when viewed parallel to the third side of the sight triangle. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided within the sight triangle.

**SECTION 405      HOME OCCUPATION**

**405.01 Purpose.** The purpose of the home occupation provisions is to allow limited, nonresidential activities in residential structures that are compatible with the neighborhoods in which they are located. The standards in this section and the Conditional Use approval procedures of the Board of Zoning Appeals are intended to insure compatibility of home occupations or home occupation Conditional Uses with other Permitted Uses and with the residential character of the neighborhood.

**405.02 Home Occupation Permitted.** A home occupation shall be permitted within a dwelling unit provided it does not occupy more than twenty (20) percent of the gross floor area of the dwelling unit or two hundred (200) square feet, whichever is larger.

**405.03 Permitted Home Occupation Requirements.** A home occupation shall be defined as an occupation carried on within a dwelling unit by individuals residing in the residential dwelling and provided:

1. The appearance of the structure shall not be altered or the occupation within the residence shall not be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or unauthorized signs. A home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes.
2. There is not more than one (1) nonresident employee or independent contractor.
3. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
4. Sales are only of commodities or services produced on the premises.
5. Any sign or other announcement of such occupation shall be in accordance with Section 425.
6. There shall be no outside storage of any kind related to a home occupation.
7. Specialized instruction or tutoring shall be limited to three (3) individuals at a time.

**405.04 Home Occupation Conditional Use.** It is recognized that there may be some home occupations which do not meet the criteria of Section 405.03, but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use Permit procedure. A Home Occupation Conditional Use may be permitted, provided it meets the requirements of Section 405.041.

For purposes of this Zoning Resolution, a Home Occupation Conditional Use Permit ceases to be valid once the premises used for the home occupation are no longer occupied by the holder of the Conditional Use Permit or upon the conduct of a home occupation in a manner not approved by the Board of Zoning Appeals.

**405.04.1 Conditional Use Criteria.** Home Occupation Conditional Uses shall be limited by the following criteria and/or any other conditions as determined to be necessary by the Board of Zoning Appeals in order to protect the residential character of the subject area:

1. There shall be no more than a total of three (3) nonresident employees or independent contractors.
2. The conduct of a home occupation may be approved within a structure accessory to a dwelling unit.
3. Sales of commodities not produced on the premises may be permitted provided such commodities are specified and approved as a part of the application. Examples of Home Occupation Conditional Uses in which retail sales of items not produced on the premises may be permitted include, but are not limited to the following:
  - a) Barber shop or beauty shop with limited sales of associated accessory items.
  - b) Arts, crafts or other artistic instruction with sales of associated materials used in the instruction and preparation of artistic works.
  - c) Small machinery and equipment repair such as typewriters, cameras, clocks or other similar small items including limited sales of repaired or associated parts and equipment.
  - d) Limited, seasonal sales of specialized items such as holiday ornaments, handicrafts or sporting supplies.

In approving the sale of commodities not produced on the premises, the Board of Zoning Appeals shall determine that such sales will not become a detriment to the existing residential character of the lot or the general area through a resulting increase in traffic, noise, vibration, glare, fumes, odors or electrical interference or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals.

4. Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time. Prior to any approval for organized instruction associated with a Home Occupation Conditional Use Permit, the Board of Zoning Appeals shall determine that because of the location and orientation of the residence and lot in question, the regularly organized instruction of up to six (6) pupils at any given time will not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals.

No outside storage of any kind associated with a Home Occupation Conditional Use shall be permitted unless it is totally screened from the adjacent residential lots and the abutting street.

**SECTION 406      ACCESSORY USES, STRUCTURES AND BUILDINGS**

Unless otherwise specifically provided, accessory uses, structures or buildings shall be permitted on a lot in association with a principal use or structure.

**406.01 Accessory Use and Structure Defined.** An accessory use or structure shall be defined as a subordinate use or structure which is in association with, and is incidental to, a principal use or structure and which is customarily required or provided for the principal use or structure.

**406.02 Location, Number and Size of Accessory Uses, Structures and Buildings Permitted.**

1. Unless otherwise permitted by this Zoning Resolution, a lot zoned Rural or Residential as listed in Article II, Sections 206, 208, 210, 212 or 214, shall contain no more than two (2) accessory buildings, only one of which may contain more than 144 square feet of gross floor area.
2. The maximum permitted size of an accessory building placed on a lot zoned Rural or Residential shall be based on the following lot categories on which the accessory building is to be located.

**Table of Accessory Building Development Standards**

<b>LOT SIZE</b>	<b>MAXIMUM SIZE OF ACCESSORY BUILDINGS**</b>	<b>MAXIMUM HEIGHT</b>	<b>SET-BACK FROM PROPERTY LINES</b>
One (1) acre or less	720 square feet	18 feet* for < 2	10 feet for < 2
Two (2) acres	1320 square feet	18 feet* for < 3	15 feet for < 3
Three (3) acres	1920 square feet	21 feet* for < 4	15 feet for < 4
Four (4) acres	2520 square feet	25 feet* for < 5	25 feet for < 5
Equal to or greater than five (5) acres	3120 square feet	25 feet*	25 feet

\*From floor surface to peak of the roof

\*\*Per formula in Section A

**A. Standards for the Size of Residential Accessory Buildings** – In addition to the other provisions of this section governing the maximum height and setbacks of residential accessory buildings, the following standards shall apply to the size of the structures for lots that contain fractions of acres greater than one:

- i. Residential lots of one (1) acre or less** - shall be permitted an accessory structure not to exceed 720 square feet.

**ii. Residential lot of greater than one acre** - The size of the accessory building shall be determined by scaling the building size to the existing lot size in accordance with the following provisions:

a. The maximum permitted size of an accessory building is determined by multiplying the acreage of the lot times six hundred (600) square feet with the base of 720 square feet for the first acre. The resulting number shall be expressed in square feet.

$$(\# \text{ of acres}) \times (600 \text{ sq. ft}) + 120 = (\text{maximum permitted size of accessory structure in square feet})$$

Example:  $(3.5 \text{ acres}) \times (600 \text{ sq. ft}) + 120 = (2,220 \text{ square feet maximum permitted for 3.5 acres, with the base first acre being 720 square feet})$

- B. The maximum permitted size of an accessory structure shall not exceed 3,120 sq. ft regardless of lot size.
- C. An accessory structure or building shall be located completely to the rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure.
- D. A permitted accessory building shall not be placed closer than ten (10) feet to a side or rear lot line. In no case shall an accessory structure or building be located within a recorded easement.
- E. In order to protect property values and encourage neighborhood stability, an accessory building shall have an exterior that is compatible in appearance to the principle building on the parcel or lot.
- F. Accessory buildings shall not infringe on sanitary or water systems. The location of accessory buildings shall comply with all applicable Franklin County Board of Health and/or Ohio Environmental Protection Agency regulations.
- G. Accessory buildings shall be appropriately guttered and graded so as not to adversely effect property owners.
- H. No commercial uses shall be permitted from an accessory building unless otherwise approved as part of a home occupation or commercial/industrial rezoning request.
- I. Accessory buildings in excess of 144 square feet shall be subject to building and zoning review and must have a permanent frost-free foundation as required by the Franklin County Building Code.

**406.03 Required Location to Other Zoning Districts.** In any Zoning District except a Residential Zoning District, accessory uses or structures shall be on the same lot as the principal use or structure and located subject to the Development Standards of the Zoning District in which it may be located.

**406.04 Towers, Antennae, Windmills, and Similar Structures. See Article VI for Telecommunications Tower Regulations.** Radio and TV towers, antennae, satellite earth stations (dish antennas), solar collectors and similar structures shall be permitted in association with a principal use or structure provided that the following standards are met:

**406.04.1** All towers, antennae, windmills and similar accessory structures shall be located to the rear of the building setback line. No such structure shall be permitted to encroach upon the minimum required side yard and rear yard.

**406.04.2** No such structure shall be permitted to exceed thirty-five (35) feet in total height, inclusive of the height of any building or base upon which said structure is erected, except upon issuance of a Conditional Use Permit in accordance with this Zoning Resolution.

**406.04.3** Any guy anchorage or similar device shall be at least ten (10) feet from any property line.

**406.04.4** No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line or phone line less ten (10) feet.

**406.04.5** No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest lot line less ten (10) feet.

**406.04.6** Suitable fencing and/or landscaping or other treatment is provided to effectively prevent unauthorized climbing of the structure.

**406.04.7** The structure or activity for which the structure is used shall not interfere with radio and television reception on nearby properties.

**406.05 Plot Plan for Towers, Antennae, Windmills and Similar Structures.** Prior to issuance of any Certificate of Zoning Compliance for a tower or similar structure, the applicant shall submit a plot plan and supporting information to the Zoning Inspector which shows the following:

**406.05.1** Proposed location and height of proposed structure, support systems, and distances to the nearest phone, electric lines and property lines.

**406.05.2** Type of structure and construction materials and, if requested by the Zoning Inspector, a structural engineering analysis.

**406.05.3** Documentation of any maintenance program which may be necessary.

**406.05.4** Proof that a building permit can be obtained or is not necessary for the proposed structure.

**406.05.5** Proof that any license which may be required has been or will be obtained.

**406.05.6** All fencing, landscaping or other treatment which may be required.

**406.05.7** Other information as may be requested by the Zoning Inspector.

**SECTION 407**

**LAND SUITABILITY AND ENVIRONMENTAL PERFORMANCE STANDARDS**

**407.01 General.** No land which is subject to flooding, improper or inadequate stormwater drainage, limiting topographic, soil or geologic conditions, or other conditions which may be harmful to the health, safety and general welfare of the present or future inhabitants of the Township shall receive zoning approval unless the applicant presents and commits to methods adequate to overcome or avoid the limiting conditions.

**407.02 Soils Criteria.** The following soils are floodplain soils, as determined by the Soil Survey of Franklin County, Ohio. The frequency, duration and extent of flooding may vary. However, in most cases, these soils do not constitute acceptable sites for building and on-site sewage disposal:

<b><u>SYMBOL</u></b>	<b><u>SOIL TYPE</u></b>
Ag	Algiers Silt Loam
Ee	Eel Silt Loam
Gn	Genesee Silt Loam
Mh	Medway Silt Loam
Rs	Ross Silt Loam
Sh	Shoals Silt Loam
So	Sloan Silt Loam

Most soils in the nearly level areas of the Township are subject to a seasonally high water table, which should be properly drained in order to create good building areas. However, the following soils, which are located in very flat or low areas, characteristically have severe seasonally high water table problems, which often cannot be resolved. The creation of buildings with basements or wastewater leaching systems in the following soil types is therefore discouraged. The burden is on the applicant to demonstrate that safe and healthful building and leaching sites can be provided in these soils:

<b><u>SYMBOL</u></b>	<b><u>SOIL TYPE</u></b>
Ms	Montgomery Silty Clay Loam
Pm	Pewamo Silty Clay Loam
Wt	Westland Silty Clay Loam
Cn	Condit Silt Loam

**407.03 Stormwater Runoff.** All proposed development with a runoff rate exceeding the capacity of the downstream system shall be required to control the rate of stormwater discharge, as determined by the Franklin County Engineer.

**407.03.1** The Township will not approve an application when the Franklin County Engineer determines that adequate stormwater drainage cannot be provided to the proposed development.

**407.04 Natural and Scenic Features.** Applications for zoning approval shall include measures to protect outstanding scenic spots, streambanks and watercourses, or exceptionally fine wooded areas, when deemed necessary by the Zoning Commission and Township Trustees.

**407.05 Package Sewage Plants.** The provision of sewage disposal through a collection and treatment system ("package plant") is the method preferred by the Township, provided all Ohio Environmental Protection Agency standards can be met.

**SECTION 408**

**USE OF INDIVIDUAL SEWAGE TREATMENT AND WATER  
SUPPLY**

A tract of land that was of record on the date of adoption of this Zoning Resolution shall not be developed with individual sewage treatment or individual water supply for more than fifteen (15) dwelling units nor to more than fifty (50) percent of the tract area (whichever is the most restrictive) within a three-year period without the approval of the appropriate health authority. Approval shall be in writing with a finding of adequate control of water pollution and sewage disposal in accordance with all governing health rules and regulations.

**408.01 Discharge of Treated or Untreated Sewage.** No person shall discharge from their lot, or permit or cause to be discharged, treated or untreated sewage, the drainage or contents of a sewage tank, or other putrescent or offensive wastes onto the surface of the ground, into any street, road, alley, or open excavation or underground drain. (Reference Franklin County Board of Health, Household Sewage Disposal Systems Regulations, Section 701.02, as may be amended.) This shall not apply to properly approved sewage collection and treatment systems or to existing development for which no other reasonable remedy is available, in the opinion of the Township Trustees and Franklin County Board of Health.

**SECTION 409**      **LIMITED WATER SUPPLY AREAS**

When Ohio Capability Analysis Program (OCAP) maps, or other geologic information show that groundwater yields may be questionable for the proposed development, the Township may require that the subdivider drill a minimum of three (3) test wells, or more, as may be required by the Franklin County Board of Health. The test wells should be drilled at locations and depths necessary to determine the horizontal and vertical dimensions of any water bearing strata proposed as a source of water supply. The board of health may require the construction of central water facilities, including a water tower or storage wells, where necessary.

**409.01** Test wells shall be pumped at a continuous rate of five (5) gallons per minute for at least a 24-hour period. Lesser rates may be acceptable for individual homes when a storage system is provided. Groundwater level drawdown resulting from the test pumping shall not exceed fifty (50) percent of the estimated drawdown available.

**409.02** Any residence or building using well water as a source of heating or cooling (groundwater heat pump) shall cease to use the well water for heating or cooling if the water level in surrounding or nearby wells is depleted or reduced to the point that those wells must be deepened.

## **SECTION 410**

## **SCREENING AND BUFFERING REQUIREMENTS**

**410.01** Screening/buffering requirements of this section are intended to provide the various land uses permitted with the best possible compatibility and integration with one another and to mitigate conflicts resulting from noise, pollution and light, to ensure privacy, and also to allow for an easier transition between different types of uses. This section applies to all zoning districts.

### **410.02 Special Buffering Scenarios**

1. Adjacent to Residential Zones and Planned Residential Development. The following list of activities, if developed adjacent to land in a residential Zoning District or a Planned Residential District, or any nonconforming residential lot, shall be screened as prescribed, except when it is separated by a street right-of-way eighty (80) feet or more in width:
  - a. A parking area of one thousand (1,000) square feet or more provided or intended for five (5) or more vehicles for commercial and industrial establishments
  - b. A drive-in or outdoor service facility
  - c. A commercial or industrial loading area
  - d. An outdoor display area of goods in a complete, usable and normal condition, including samples and models, offered for retail sale
2. Along a Public Street. The following list of activities, in addition to being screened as prescribed, shall be screened so that the activity is not visible from a public street within three hundred (300) feet of the lot on which the activity is located.
  - a. Articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, salvaged, or otherwise not being offered for retail sale in a completed, usable and normal condition

### **410.03 Standard Buffering Minimums**

1. Buffer Types. The following narrative describes the three buffer types that are permitted. Table 1 provides options for structuring each buffer type.
  - a. Type A - Opaque Buffer. Type A buffer is the densest buffer required and is to be one hundred percent (100%) opaque from the ground to six (6) feet above the ground. Buffering shall be provided by plant material, fence, wall, and/or a berm. Plant material shall reach desired maturity within two (2) years and shall provide the same level of buffering all year.
  - b. Type B - Semi-opaque Buffer. Type B buffer is the intermediate buffer required and is to be one hundred percent (100%) opaque from the ground to three (3) feet and at least fifty percent (50%) opaque from three (3) feet

to six (6) feet above the ground. Buffering shall be provided by plant material, fence, wall, and/or a berm. Plant material shall reach desired maturity within two (2) years and shall provide the same level of buffering all year.

- c. Type C - Light Buffer. Type C buffer is the least intense buffer required and is to be at least thirty percent (30%) opaque from the ground to six (6) feet above the ground. Buffering shall be provided by plant material, fence, wall and/or a berm. Plant material shall reach desired maturity within two (2) years and shall provide the same level of buffering all year.

- 2. Buffer Locations. Required buffer locations shall be provided as identified in Table 2. Determination of appropriate buffer is based upon the proposed use within the appropriate zoning district and the adjoining or abutting zoning district.

If all or any part of a required buffer has been provided on the adjacent property, the proposed use must provide that amount of the buffer which has not been provided on the adjacent property.

Table 1

**BUFFER TYPES**

<b>BUFFER TYPE</b>	<b>MINIMUM BUILDING SETBACK</b>	<b>MINIMUM BUFFER WIDTH</b>	<b>EXAMPLES</b>
A	50 Feet	40 Feet	1. Small trees planted 30 feet on center and six-foot high evergreen screening planted four feet on center
			2. Large trees planted 40 feet on center and six-foot high solid wood fence.
			3. Tall evergreen trees, stagger planted, with branches touching the ground
B	40 Feet	30 Feet	1. Small trees planted 30 feet on center and three-foot high stone fence.
			2. Small trees planted 20 to 30 feet on center and three-foot high earth berm.
			3. Large trees planted 40 feet on center and three-foot high evergreen hedge shrubbery planted three feet on center
C	30 Feet	20 Feet	1. Small trees planted 30 feet on center and a split rail fence.
			2. Large trees planted 40 feet on center and assorted low shrubbery.

Table 2

REQUIRED BUFFER LOCATIONS

USE	ABUTTING ZONING DISTRICT										
	A	R	SER	R-2	R-4	R-12	SO	LB	GB	M-1	M-2
A											
R					C	C	B	B	B	A	A
SER					C	B	B	A	A	A	A
R-2					C	B	B	A	A	A	A
R-4		C	C	C		C	C	B	B	A	A
R-12		C	B	B	C		C	C	C	B	A
SO		B	B	B	C	C			C	B	A
LB		B	A	A	B	C				B	B
GB		B	A	A	B	C	C			B	B
M-1		A	A	A	A	B	B	B	B		
M-2		A	A	A	A	A	A	A	A		

Refer to Table 1 on the previous page for an explanation of Buffer Types A, B and C.

**SECTION 412      OFF-STREET PARKING AND LOADING**

**412.01 Off-street Parking Space Required.** Off-street parking facilities shall be provided for the use of occupants, employees and patrons of all uses, and off-street loading and vehicle storage space shall be provided for the handling of materials and products of commercial and industrial uses.

Such required facilities, additional space provided, and access drives thereto, including required curb cuts, shall be sloped and constructed to provide adequate drainage of the area, surfaced with a sealed surface pavement and maintained in such a manner that no dust will be produced by continuous use. The design and construction of all off-street parking facilities provided shall be subject to approval by the Franklin County Engineer.

**412.01.1 Parking Space Size.** A parking space for one (1) vehicle shall be a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

**412.01.2 Location of Space.** Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking space required of several uses may be provided contiguous and in common to the several structures and uses served.

**412.01.3** Churches may establish with public or commercial establishments joint parking facilities for fifty (50) percent or less of their required spaces provided that a written agreement thereto is obtained and that all parking areas so designated lie within one thousand (1,000) feet of the church.

**412.02 Minimum Number of Parking Spaces Required.** A minimum number of off-street parking spaces shall be provided in accordance with the following schedule:

**412.02.1 Schedule of Parking Spaces.** The parking space requirements for a use not specifically named herein shall be the same as required for a listed use similar in nature.

**USE**

**SPACES REQUIRED**

**Residential**

Fraternal or Group Housing	One (1) space per two (2) occupants
Institutional Housing (unless otherwise specified)	One (1) space per ten (10) occupants plus one (1) space per each two (2) employees and staff on the combined work shifts
Residential Dwellings	Two (2) spaces per dwelling unit

### Commerce

Commercial Lodging	One (1) space per sleeping room
Barber Shop, Beauty Shop or Similar Personal Service	Two (2) spaces per barber or beautician
Restaurant, Bar or Similar Place of the Sale and Consumption of Food and/or Drink on the Premises	One (1) space per one hundred (100) square feet of gross area
All Outdoor Display and Sales	One (1) space per five hundred (500) square feet of display area
Indoor Sales Exclusively of Motor Vehicles, Aircraft, Watercraft, Lumber, Plants and Furniture	One (1) space per five hundred (500) square feet of sales area
Retail Sales or Service Establishment not Elsewhere Specified	Three (3) parking spaces per first one thousand (1,000) square feet of gross floor area per structure plus one (1) space per two hundred and fifty (250) square feet of gross floor area.
Funeral Parlors, Mortuaries	One (1) parking space per one hundred and fifty (150) square feet of gross floor area on the first floor of the structure devoted to this use.
Administrative or Business Office	One (1) space per two hundred (200) square feet of gross floor area.

### Medical and Health

Medical/Dental Office/Clinic	One (1) parking space per one hundred (100) square feet of gross floor area.
Convalescent and Nursing	One (1) parking space per each two (2) beds.
Hospital or Similar	Two spaces per bed.

**Education**

Day Care Centers	Two (2) parking spaces for each classroom but not less than six (6) per school or institution.
Elementary Schools	One (1) space per teacher and staff member, plus one (1) parking space per student, up to five percent (5%) of the student body.
High Schools	One (1) parking space per four (4) students.
Business, Technical and Trade Schools	One (1) parking space per two (2) students.
Colleges and Universities	One (1) parking space per two students.
Libraries, Museums, Art Galleries and Similar Uses	One (1) parking space per four hundred (400) square feet of gross floor area.

**Recreation and Religion**

Auditorium, Church, Stadium or Similar Place with Fixed Seating for Assembly	One (1) space per three (3) seats.
Assembly Hall, Club Room, Place of Amusement or Similar Place of Assembly	One (1) space per one hundred (100) square feet of area devoted to assembly.
Tennis Court, Bowling Alley or Similar Establishment Providing Facilities for Intensive Public Participation in Sports Activity	Four (4) parking spaces per lane, court or similar activity area, plus additional parking spaces as required for supplementary uses, such as restaurant, etc.
Golf Course	Seven (7) spaces per hole plus one (1) space per two (2) employees on the combined work shifts.
Indoor Public Swimming Pool or Natatorium of a Public or Semi-public Type	One (1) space per five (5) persons capacity computed on the basis of one (1) person per thousand (1,000) gallons of pool capacity, plus one (1) for each four (4) seats or thirty (30) square feet of gross floor area used for seating purposes, whichever is greater.
Outdoor Swimming Pool of a Public or Semi-public Type	One (1) space per five (5) persons capacity computed on the basis of one (1) person per five hundred (500) gallons of pool capacity, plus additional spaces as required for any supplemental uses such as restaurant, etc.
All Other Recreational Facilities	One (1) space per each three (3) patrons the establishment is designed to serve.

## Industry

Manufacturing, Warehousing, Wholesaling, or Similar Establishments	One (1) space per two (2) employees on the combined work shifts, on an annual average, plus one (1) space per ten thousand (10,000) square feet of gross building area.
--	---

**412.02.2 Computing Number of Spaces.** Where two (2) or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of their individual requirements.

The parking spaces required shall be to the next highest whole number where a fractional space results in computation.

**412.03 Minimum Number of Loading Spaces Required.** A loading space shall consist of a rectangular area of one (1) of the following classes:

Class A - An area at least fourteen (14) feet by fifty-five (55) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

Class B - An area at least twelve (12) feet by thirty (30) feet having a vertical Clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

1. Schedule of Loading Spaces. Loading space shall be provided for retailing, wholesaling, warehousing, processing, and similar activities or uses in accordance with the following schedule:

Activity or Use	Class Required
Building area less than seven hundred and fifty (750) square feet	None required
Building area more than seven hundred and fifty square feet but less than fifteen hundred (1,500) square feet	One (1) Class B space required
Building area fifteen hundred (1,500) square feet but less than twenty-five hundred (2,500) square feet.	One (1) Class A space or two (2) Class B spaces required
Building area twenty-five hundred (2,500) square feet but less than ten thousand (10,000) square feet	One (1) Class A space and one (1) Class B space, or three (3) Class B spaces required.
Building area ten thousand (10,000) square feet but less than fifty thousand (50,000) square feet	One (1) Class A space for each ten thousand (10,000) square feet over ten thousand (10,000) square feet of building area.
Building area fifty thousand (50,000) square feet or more	One (1) Class A space for each ten thousand (10,000) square feet over ten thousand (10,000) square feet of building area, plus one (1) Class A space for each twenty-five thousand (25,000) square feet over fifty thousand (50,000) square feet of building area.

**412.04 Access Drives.** Access drives (driveways) leading to and from a street shall be developed as follows:

**412.04.1 Width of Drive.** An access drive shall not exceed twenty-five (25) feet in width, except at curb returns.

**412.04.2 Location of Drive.** An access drive, exclusive of curb returns, shall be ten (10) feet or more from the side lot line and twenty (20) feet or more from another access drive, except that an access drive for residential use may be within three (3) feet of a side lot line or adjacent to the side lot line if a common drive is provided for two adjoining lots.

**412.04.3 Turnarounds.** An access drive opening onto any road as a major or minor arterial on the Franklin County Thorough-fare Plan must have provisions for a turnaround so cars need not back onto the road.

**412.04.4 Condition of Drive.** All access drives, except residential, shall be maintained in a dust-free condition.

**412.05 Limitation of Parking in Residential Zoning Districts.** The provision of parking space, either open or enclosed for the parking or storage of vehicles in a Residential Zoning District or Planned Residential Zoning District, shall be subject to the following:

**412.05.1 Trucks** used primarily for business purposes or trucks having dual tires on one (1) or more axles, and having more than two (2) axles, designed and used primarily for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers shall not be allowed in a Residential or Planned Residential Zoning District, or in Rural areas, unless used in those rural areas for agricultural purposes.

Backhoes, road graders, bulldozers, well rigs, tractors and similar vehicles and equipment used for construction purposes are prohibited from being stored outside of a permitted structure or accessory structure in any Residential or Planned Residential Zoning District. Construction equipment temporarily used for construction upon a site shall not be prohibited under the terms of this section.

**412.05.2 Recreational Vehicles, Boats, Camping Trailers and Boat or Utility Trailers.** Recreational vehicles, boats, camping trailers or boat or utility trailers parked on a lot for a period exceeding seven (7) days during any one (1) month or any consecutive two (2) months shall meet the following locational requirements and size criteria:

1. It shall be placed in accordance with the locational requirements for Accessory Structures.
2. No recreational vehicle, boat, camping trailer or other trailer shall be parked between a street and a principal structure unless enclosed in a permitted accessory structure.
3. No recreational vehicle, boat, camping trailer, or boat or utility trailer shall be parked in front of the principal structure on the lot or in front of a building line

established by any residential structure on an adjacent lot which fronts on the same street as the subject lot.

4. Only one recreational vehicle, camping trailer, or boat or utility trailer, none of which shall exceed thirty (30) feet in length, shall be parked in any Residential or Planned Residential Zoning District.

**412.05.3** Recreational vehicles, camping trailers, and boat or utility trailers, or vehicles designed for sales or office use, and manufactured homes shall not be used for business purposes unless the business use is in association with a Temporary Use as permitted in Section 430 of this Zoning Resolution.

**412.05.4 Inoperable Automobiles and/or Other Inoperable Motor Vehicles.** Not more than one (1) wrecked or otherwise inoperable automobile or other motor vehicle shall be allowed per one (1) dwelling unit. An inoperable automobile or other inoperable motor vehicle shall be parked or stored by completely enclosing the same within a permitted or accessory structure or fence in such a manner so as not to be visible from any adjacent lot or street, and no such vehicle shall be parked or stored within a required side, rear or front yard.

**SECTION 413**      **POND REGULATIONS**

**413.01 General Standards.** Man-made ponds may be excavated, constructed, changed, enlarged and maintained only in accordance with the requirements of Section 413. This Section shall apply to all ponds whether large or small, including any existing pond which is drained and subsequently reconstructed, or is enlarged. No pond shall be constructed within the boundaries of the floodway as indicated by NFIP maps and data published by FEMA. Ponds constructed in the floodway fringe (to include the 100 year floodplain) shall require review and approval of a professional engineer or registered landscape architect or another professional deemed appropriate by the State of Ohio and the Franklin Soil and Water Conservation District. No pond shall be located closer than twenty-five (25) feet from any property line and twenty-five (25) feet from any road right-of-way line. This distance shall be measured from the property line or right-of-way line to the edge of the water at the principal spillway elevation or from the property line or right-of-way line to the toe of the slope on any portion of the downstream side of the dam, embankment, or excavated pond edge, whichever is the minimum required distance. All ponds shall be properly maintained and shall function as originally designed and shall be free from objectionable conditions (i.e. odors, improper drainage, etc.) so as not to be a public nuisance. The pond shall not cover, encroach upon or adversely impact any on-lot sewage system. A pond proposed to be greater than 750 square feet in water surface area shall be located on a lot having a minimum lot size of no less than two (2) acres, excluding any public road right-of-way. All ponds shall be designed and constructed in accordance with the standards and specifications established in the Natural Resources Conservation Service, Conservation Practice Standard Pond Code 378. Retention and detention ponds delineated on a plat and constructed as part of a subdivision and regulated by applicable subdivision regulations shall be exempt from the requirements of this Section 413.

**413.02 Small Ponds.** For ponds equal to or less than 750 square feet in water surface area, the following additional standards shall apply:

1. A Certificate of Zoning Compliance shall be required prior to the commencement of any construction.
2. The pond shall comply with the standards set forth in Section 413.01.
3. The design and proposed configuration of the pond shall not adversely affect the drainage characteristic of, or flow to or from, the area where the pond is to be located.
4. In order to document conformance with the requirements of Section 413.02 and prior to issuing a Certificate of Zoning Compliance, the Zoning Inspector may require that the application be accompanied by letters indicating approval of the proposal from any or all of the following: the Franklin County Soil and Water Conservation District; Franklin County Board of Health; Franklin County Engineer; County or Regional Planning Commission; or such other or additional appropriate governmental authority as the Zoning Inspector may reasonably determine necessary in order to determine compliance with these standards.

**413.03 Large Ponds.** For ponds greater than 750 square feet in water surface area, the following additional standards shall apply:

1. An application for a Conditional Certificate of Zoning Compliance shall be required prior to the commencement of any construction. A Final Certificate of Zoning Compliance shall be required to be obtained once construction is completed and after the final inspection by and approval of the Franklin County Soil and Water Conservation District and the Zoning Inspector.
2. The pond shall comply with the standards set forth in Section 413.01.
3. The application for a Conditional Certificate of Zoning Compliance shall be accompanied by a pond development plan which is to be submitted to the Franklin County Soil and Water Conservation District (via the Plain Township Zoning Department) for review and approval. The pond development plan shall include the following:
  - a. Location, elevation and profile of principal and emergency spillway outlets.
  - b. Location and elevation of inlet and outlet points and structures.
  - c. Location and elevation of dam and pool area.
  - d. Proposed final grade of pond and surrounding area, including elevations.
  - e. Soil stabilization plan including seeding, mulching, fertilizing and soil disposal area.
  - f. Copy of all design calculations.
  - g. Cross-section of the pool area and emergency spillway.
  - h. Soils log and location of all test holes.
  - i. Proposed construction schedule.
  - j. Other information deemed reasonably necessary by the Franklin County Soil and Water Conservation District or the Plain Township Zoning Department in order to determine conformance with this Section.
4. The property owner or applicant shall pay all costs associated with the review and inspection of the pond and all plans relating thereto. These costs shall be paid upon request and prior to the commencement of any construction.
5. The Franklin County Soil and Water Conservation District and/or the Zoning Inspector may periodically inspect the construction to determine that the pond is being constructed in accordance with the approved plans.

6. After the completion of all construction and grading activities, but prior to seeding, the owner/applicant shall notify the Zoning Inspector that the pond is ready for final inspection. The owner/applicant shall also provide the Zoning Inspector with a report showing final grading and elevations of the pond and surrounding area, the inlet and outlet elevations and detailing any changes to the original plan. Following this notification and after receipt of such report, the Franklin County Soil and Water Conservation District representative and the Zoning Inspector will meet on site with the owner/applicant and contractor to conduct a final inspection to ensure that the pond has been constructed in accordance with approved plans and the provisions of this Section. A Final Certificate of Zoning Compliance will be issued following a determination that the pond has been properly constructed; subject, however, to completing all seeding and related landscape activities. Failure to obtain a Final Certificate of Zoning Compliance shall be deemed a violation of this Zoning Resolution.

## **SECTION 425**

## **SIGN AND BILLBOARD REGULATIONS**

**425.01 Purpose.** The purpose of this section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development.

**425.02 Governmental Signs Excluded.** For the purpose of this Zoning Resolution “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, resolution, or governmental regulation.

### **425.03 General Requirements for all Signs, Billboards and Districts.**

**425.03.1** The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;
3. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect;
4. No projecting sign shall be erected or maintained from the front or 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;
5. 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;
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 425.036 herein;

7. No signs or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) of the window surfaces;
9. 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;
10. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign;
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to remove the sign;
12. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

**425.03.2 Measurement of Sign Area.** The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bring advertising matter shall not be included in computation of surface area.

**425.03.3 Signs Permitted in Any District Requiring a Permit.**

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or subdivider, in a district zoned residential or rural shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

#### **425.034 Signs Permitted In All Districts Not Requiring a Permit.**

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area except in all residential or rural districts where the area of the sign shall not be more than six (6) square feet;
2. Professional name plates not to exceed four (4) square feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

**425.03.5 Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit.** In commercial or manufacturing districts, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single-business enterprise may have an area equivalent to one and one half (1 1/2) square feet of sign area for each lineal foot of building width, or part of a building occupied by such enterprise, but shall not exceed a maximum areas of one hundred (100) square feet. A permit shall be required and a fee charged according to the fee schedule adopted by the Township Trustees.

**425.03.6 Temporary Signs.** Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 425.03, the setback requirements in Section 425.04 and, in addition, such other standards deemed necessary to accomplish the intent of the Article as stated in Section 425.01.

**425.03.7 Free Standing Signs.** Free standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line, may be erected to serve a group of business establishments. There shall be only one free standing sign for each building, regardless of the number of businesses conducted in said building.

**425.03.8 Wall Signs Pertaining to Nonconforming Uses.** On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

**425.03.9 Political Signs.** No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following Election Day.

**425.04 Sign Setback Requirements.**

**425.04.1 Sign Setback Requirements.** Except as modified herein, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**425.04.2 Increased Setback.** For every square foot by which any on-premises sign exceeds (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

**425.04.3 Setbacks for Public and Quasi-public Signs.** Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

**425.04.4 Violations.** In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this Zoning Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Zoning Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 810 of this Zoning Resolution. Signs posted in the road right-of-way are subject to immediate removal without notice by the Zoning Inspector.

**425.05 Billboards.** Billboards meeting the requirements of this Zoning Resolution shall be permitted in the Rural, GB, M1, M2, and, as approved in a development plan, all planned districts. Billboards shall be prohibited in residential and office districts. Billboards shall be permitted in planned commercial or planned industrial districts only when approved as a part of the required development plan.

**425.05.1** No part of any billboard shall be located within the right-of-way of any public road or street.

**425.05.2** Billboards shall not be located within required yards.

**425.05.3** Billboards shall not be located so as to interfere with the visibility and safe operation of vehicles entering or leaving the premises or intersecting street and cross walkways.

**425.05.4** Billboards shall have a minimum spacing from the nearest point of one billboard to the nearest point of another of no less than two thousand (2,000) feet.

**425.05.5** The maximum total advertising area of billboards shall be regulated according to the zoning district in which it is located in the following manner:

**ZONE****MAXIMUM TOTAL ADVERTISING AREA**

General Business (GB)	300 square feet
Light Manufacturing (M1)	600 square feet
Heavy Manufacturing (M2)	600 square feet
Planned Districts	As approved in the Development Plan
Rural District	300 square feet

**425.05.6** Billboards shall be considered structures and shall be subject to all required front, side and rear yard setback requirements.

**425.05.7** The advertising area shall include all faces or sides of a billboard used for display or used to convey information. The advertising area of a sign or billboard shall be computed as the area enclosed by continuous lines connecting the extreme points or edges of a sign or billboard. The advertising area shall be determined by using the largest sign area or silhouette visible at any one time from any one point. The advertising area includes the main supporting sign structure if it is used for advertising but excludes the main supporting structure if it is not used for advertising. All other ornamental attachments, which are not a part of the main supports of the sign, are to be included in determining sign area.

**SECTION 427**      **SWIMMING POOLS**

**427.01** No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

**427.01.1** The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located:

**427.01.2** It may not be located closer than ten (10) feet to any property line;

**427.01.3** The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. Above ground pools exceeding four (4) feet to height shall be exempt from these requirements.

**427.02** Community and club swimming pools are permitted in any commercial or residential district but shall comply with the following conditions and requirements:

**427.02.1** The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated:

**427.02.2** The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line:

**427.02.3** The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

## **SECTION 430**      **TEMPORARY USES**

**430.01 Purpose.** Because of the special characteristics and needs of temporary uses, special standards to properly locate and control the activities of temporary uses are necessary in order to secure the health, safety and general welfare of the community. The following uses are deemed to be temporary uses and are subject to the following development standards in addition to the development standards of the district in which the use is located:

**430.02 Garage sales** and other temporary sales in association with an existing structure shall be permitted in any district in which dwellings are permitted, provided the sales are conducted during daytime hours only and all signs are removed immediately upon cessation of the sale. Such sales activities on any single premises shall not be conducted for a total of more than five (5) days in any calendar year. No Certificate of Zoning Compliance shall be required for garage sales meeting these requirements.

**430.03 Christmas tree sales** may be permitted in any noncommercial parcel or on church, school or other similar sites for a period not exceeding thirty-five (35) days, provided no activities are conducted within the public right-of-way and off-street parking is provided in accordance with the minimum parking setback. Approval of a Temporary Certificate of Zoning Compliance must be obtained from the Zoning Inspector prior to conducting such temporary sales.

**430.04 Real estate sales offices** may be provided within any district for any new subdivision, provided sales activities are limited to that subdivision only and such office is not used as a dwelling. Such office use shall cease upon completion of the initial sales of lots in the subdivision. Rentals or resale of lots and/or units in the subdivision shall not be conducted from the temporary office. Approval of a Temporary Certificate of Zoning Compliance must be obtained from the Zoning Inspector prior to establishing the temporary sales office. Sales offices shall not be established in a temporary structure or vehicle.

**430.05 Contractors' offices and equipment sheds (other than portable storage units)** in association with construction activities may be permitted within any district, provided such uses are removed immediately upon completion of the construction project. A Temporary Certificate of Zoning Compliance shall be obtained prior to the commencement of any such use.

**430.06** Manufactured homes may be permitted as temporary emergency replacement structures in any residential district for a period not exceeding twelve (12) months following destruction or substantial damage to the existing residential unit on the lot by fire or other natural causes. All applicable health and building code minimum standards shall be met. The applicant shall obtain a Temporary Zoning Certificate from the Zoning Inspector prior to placement of the unit.

**430.07** Carnivals, circuses, tent meetings, bazaars, festivals, flea markets, art shows or other similar public events sponsored by a public or nonprofit organization having a 501(c)3 exemption from the IRS, may be permitted within any nonresidential district or upon church, school or other similar sites within any residential district, provided adequate off-street parking, sanitary facilities, lighting, security and setbacks from existing residential uses can be provided. Any such use shall not be permitted for a total of more than seven (7) days nor more than twice in any calendar year. Approval of a Temporary Zoning Permit shall be obtained from the Zoning Inspector prior to

establishment of such temporary use. Any outdoor concert or similar outdoor musical event shall require Exceptional Use (EU) District zoning.

**430.08 Portable Storage Units** may be permitted as a temporary use in any zoning district only in conjunction with and not to exceed the times listed for the following activities:

1. Temporary use for construction sites as accessory to and in association with an on-going construction project at such site for a period of up to one hundred twenty (120) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs sooner.
2. Temporary use when the occupant of the property on which the portable storage unit is located is relocating for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.
3. Temporary use to facilitate temporary activities not described in Section 430.08 1 or 2, above, for a period not to exceed seven (7) consecutive days or for a period of fourteen (14) total days in any one hundred eighty (180) consecutive day period.

**430.081 Portable Storage Unit Criteria.** Portable storage units shall be subject to the following requirements:

1. A portable storage unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in height.
2. Not more than one (1) portable storage unit shall be permitted on any property at any time.
3. No portable storage unit shall be located in a public right-of-way.
4. Portable storage units shall be located no closer to an adjacent property than the greater of ten (10) feet or the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.
5. Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever.
6. The placement of portable storage units shall be in such manner as not to create a public nuisance.
7. A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.
8. A Temporary Certificate of Zoning Compliance shall be obtained prior to the placement of a portable storage unit on a property. For the activities listed in Section 430.08 1 and 2, no more than two (2) Temporary Certificates of

Zoning Compliance may be issued for the same property during any three hundred sixty-five (365) consecutive day period.

**430.09 Zoning Inspector Authority in Regulating Temporary Uses.** The Zoning Inspector shall have the authority to require any information deemed necessary or pertinent to the control of temporary uses in order to safeguard the public interest, and shall approve or disapprove the application based on the information submitted and the standards of this Zoning Resolution.

**430.10 Prohibited Temporary Uses.** Temporary retail sales conducted on parking lots, vacant lots or along roadsides by nonresident or transient vendors shall be prohibited.

**SECTION 435**      **PUBLIC NUISANCE REGULATIONS**

**435.01 Prevention of Nuisance.** Every structure or use subject to the provisions of this Zoning Resolution shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.

**435.02 Required Limits.** The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of this Zoning Resolution.

**435.02.1 Noise.** Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other development in the area or from the usual street traffic observed at the street right-of-way line of the lot, except occasional blast or shock required in normal operation and produced in such manner as not to create hazard. This shall not apply to normal construction activity, but shall apply to the repeated use of firearms, vehicles and similar noise generators.

**435.02.2 Air Pollution.** No visible smoke, dust or other particulate emissions, excluding steam, shall be permitted, excepting those produced from fossil fuel, wood-burning stoves, fireplaces, furnaces or similar systems so long as such systems are primarily used for heating or cooking purposes and are not used in connection with the manufacture of goods or other commercial activity.

**435.02.3 Odor or Fumes.** Odor or noxious fumes shall be so controlled so they are not offensive or hazardous.

**435.02.4 Radioactivity or Electrical Disturbance.** No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that located at the source of such activity.

**435.02.5 Lighting and Glare.** No direct or reflected glare from processing, lighting or other activities shall extend in a manner which adversely affects neighboring areas or interferes with safety on any public street, road or highway.

**435.02.6 Toxic and Hazardous Substances.** No toxic substance shall be emitted or otherwise discharged into the atmosphere, ground, surface waters or ground waters. No storage, use or transport of toxic or hazardous substances shall be permitted unless such activity is in full compliance with applicable state and federal environmental protection regulations and the express prior written approval of the Township Fire Chief.

**435.02.7 Fire Hazards and Explosives.** There shall be no storage, utilization or manufacture of detonable materials or intense burning materials unless the express prior written approval of the Township Fire Chief is obtained. The fire chief shall have the authority to specify the location, quantity, methods of storage and methods of utilization, and otherwise exert other controls which are necessary to protect the health and safety of the residents of the Township.

**435.02.8 Trash.** The storage of trash or waste materials, including but not limited to discarded household goods, discarded commercial products, industrial by-products and other similar materials shall not be visible from the property line on which such materials are being stored or otherwise placed. All such materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. In all cases, there shall be full compliance with applicable zoning district standards.

**435.02.9 Animals.** No animal not native to Plain Township and which would normally be found in a zoo-type facility and which is considered to be dangerous and/or poisonous shall be kept, housed and/or maintained in any zoning district in the Township.

### **435.03 Agricultural Nuisances.**

**435.03.1** Persons who are engaged in agriculture-related activities, as agriculture is defined in Section 519.01 of the Ohio Revised Code, and who are conducting those activities in the Township in accordance with generally accepted agricultural practices, and in such a manner as not to have a substantial, adverse effect on the public health, safety or welfare are exempt from the nuisance standards of this Zoning Resolution, per Section 3767.13 of the Ohio Revised Code.

**435.03.2** “*Substantial adverse effect on the public health, safety or welfare*” shall be defined as any activity which creates a nuisance for a continuous period of ten (10) days or more or for a total of more than twenty (20) days in any calendar year. It is the intent of this section to permit unavoidable temporary nuisances associated with generally accepted agricultural practices (i.e., dust from cultivating, temporary odor from manure spreading, spraying, etc.). It is also the intent of this section, however, to preclude the establishment of longer-term or permanent agriculture-related nuisances or dangerous agricultural practices adjacent to or near existing residential land uses (i.e., feed lot, pigpen, lagoon, improper use of pesticides, herbicides, etc.). Specific agriculture-related activities or uses which existed prior to the establishment of adjacent nonagricultural uses shall be exempt from these nuisance standards and shall not be determined to have a “*substantial, adverse effect on the public health, safety or welfare.*”

**SECTION 450      COMMUNITY-BASED CARE FACILITIES**

**450.01 Purpose.** The intent of Section 450 of the Zoning Resolution is to establish development standards for community-based care facilities and procedures for public review and approval of their location to:

1.      Assure their access to appropriate neighborhood environments;
2.      Prevent formation of de facto social service districts containing a concentration of similar facilities; and
3.      Maintain neighborhood stability.

**450.02 Community-based Care Facilities – A Conditional Use.**

**450.02.1** A community-based care facility shall be a Conditional Use established in accordance with Article VII, Section 730 of this Zoning Resolution.

**450.02.2** A community-based care facility for the elderly, foster care children, developmentally disabled, mentally retarded or physically handicapped approved in accordance with the requirements of this section and Section 730, may be located in any Residential District, or in any Planned Development Zoning District of this Zoning Resolution.

**450.02.3** A community-based care facility, other than those provided for in Section 450.022 shall be located in the Urban Residential, Suburban Apartment Residential, Planned Medium Density Residential or Planned High Density Residential Zoning District.

**450.03 Concentration of Facilities.**

**450.03.1** There shall be no more than three (3) community-based care facilities within a census tract.

**450.03.2** Unless permitted by Sections 450.033 and 450.034, no community-based care facility shall be located within two thousand five-hundred (2,500) feet of any other community based-care facility, as measured by the shortest straight line distance between the outside walls of the living unit containing the existing and proposed community-based care facility.

**450.03.3** The Township Board of Zoning Appeals may waive the minimum distance requirement of two thousand five-hundred (2,500) feet if the applicant shows that the proposed community-based care facility is effectively separated from an existing community-based care facility by a limited access highway or a primary watercourse including Rocky Fork Creek or Blacklick Creek.

**450.03.4** The Board of Zoning Appeals may allow reduction of the required distance between community-based care facilities to no less than one thousand (1,000) feet, to be measured in the accordance with the requirements of 450.032, if the applicant shows that the proposed location has unique advantages for the education or rehabilitation of the facility's residents. These advantages may include:

1. Proximity to other social service organizations, government agencies, businesses or institutions which will provide services or employment opportunities to residents.
2. Convenient access by public or private transportation to social service organizations, government agencies, businesses or institutions which will provide services or employment opportunities to residents.

**450.04 Special Conditions Required for Approval of a Community-Based Care Facility.**

**450.04.1 Licensing:** Prior to occupancy, community-based care facilities must be licensed or certified by the State of Ohio and other appropriate government agencies which require screening of potential residents.

**450.04.2 Traffic and Parking:** Applicants must show that proposed community-based care facilities will require no special off-street parking facilities, and will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the neighborhood in which it is located.

**450.04.3 Architectural Compatibility:** The exterior of all community-based care facilities shall be compatible with other residential dwellings in the immediate neighborhood and shall maintain the same degree of compatibility. An improvement required by code or applicable licensing requirement shall not be deemed incompatible because surrounding buildings lack such facilities.



**ARTICLE V: SPECIAL DISTRICTS**

**SECTION 500 SPECIAL DISTRICTS AND REGULATIONS ADOPTED**

**500.01 Special Districts Established.** Districts providing for use or development of land for certain purposes or under certain conditions, as hereafter specified, are hereby established and adopted.

**500.02 Special District Regulations.** Regulations pertaining to use or development of land in Special Districts are provided for the following:

**500.02.1 Floodplain Development.** Provisions pertaining to the use and development of lands subject to periodic flooding are provided to minimize the impact or potential impact of flooding on existing or future land uses, promote and safeguard the public health, safety and welfare, and maintain the Township's eligibility for continued participation in the National Flood Insurance Program.

**500.02.2 Exceptional Uses.** Provisions pertaining to certain uses of a unique nature as to warrant individual consideration are provided to allow appropriate location and development in relation to other land use and development in a manner appropriate to promote the public health, safety and general welfare.

**500.03 Relation to Zoning Districts.** Special Districts and Regulations thereof shall be in addition to the Zoning Districts as established on the Zoning District Map and nothing herein is intended to amend, modify or otherwise change for Zoning District Regulations except as specifically set forth in the Special District Regulations.

**500.031 Relation to Zoning District Map.** The inclusion of land in a Special District shall be in addition to the Zoning District as established on the Zoning District Map, and nothing herein is intended to amend, modify or otherwise change the Zoning District boundaries as shown on the Zoning District Map.

**SECTION 510**      **FLOOD PLAIN REGULATIONS**

**510.01 Establishment of Regulatory Floodplain District.** The Regulatory Floodplain District shall exist as an overlay district and shall apply concurrently with other zoning district classifications. Land uses and development allowed under Section 510 must also meet all other applicable sections of this Zoning Resolution.

**510.01.1 Designation of the Regulatory Floodplain District.** The Regulatory Floodplain District shall be designated as those flood hazard areas which are identified in the “Flood Insurance Study, County of Franklin, Ohio, Unincorporated Areas” and accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM) published by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) dated August 2, 1995, and all revisions and amendments thereto. These maps and data shall be on file at the Franklin County Development Department (FCDD) and the Zoning Inspector’s office.

**510.01.2 Floodway and Floodway Fringe.** The Regulatory Floodplain District is further divided into two portions consisting of the Floodway and Floodway Fringe. The Floodway is that portion of the Floodplain consisting of the channel and sufficient adjacent lands to convey the Base Flood discharge without increasing the Base Flood Elevation more than one-half (1/2) foot. The Floodway Fringe is that portion of the Floodplain outside of the Floodway. The FEMA water surface profiles of the Base Flood shall govern the location of the Floodplain boundary. The Base Flood Elevations and Floodway boundaries shall be established as those indicated by NFIP maps and data published by FEMA, including all revisions and amendments thereto. The Floodplain District shall be illustrated on the Township Zoning Map. FEMA maps and data shall be used to establish the Regulatory Floodplain District. FEMA maps and data shall govern in case of omission on or conflict with the zoning maps.

**510.01.3 Nondetailed Flood Hazard Areas.** In designated flood hazard areas for which FEMA has not determined detailed flood elevations and floodway boundaries, the applicant shall be required to furnish such information prepared by qualified personnel to enable the administration of this Zoning Resolution consistent with its intent. Flood maps and data published by state or federal sources such as the Natural Resource Conservation Service (NRCS), U.S. Army Corps of Engineers, U.S. Geological Survey or Ohio Department of Natural Resources shall be utilized when available. In case of differing information from two or more of these sources, the more comprehensive and recent technical data shall be used.

When detailed flood elevations and floodway boundaries are not available for the Base Flood through FEMA or other state or federal sources, the applicant shall provide them. Such information and data shall be prepared by a qualified Professional Engineer in accordance with currently accepted hydrologic and hydraulic engineering techniques and methodology. Such studies, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Community NFIP Administrator.

**510.02 Permitted Uses in the Floodway.** The following uses, not including buildings, shall be permitted within the Floodway, provided they comply with all other applicable sections of this Zoning Resolution:

1. Agricultural land uses such as general farming and cultivation, pasturing, grazing, outdoor open air nurseries, truck farming, forestry, farming and similar uses.
2. Private or public recreational land uses such as golfing, tennis, archery, picnicking, boating, swimming; parks, wildlife, or nature preserves; shooting ranges, hunting and fishing areas; hiking, biking, jogging, and horseback riding trails; and other similar uses.
3. Residential open space uses such as lawns, gardens, play areas and other similar uses.

**510.03 Prohibited Uses in Floodway.** The following structures and uses are prohibited in the Floodway unless specifically listed under Section 510.04 as a Conditional Use:

1. Buildings and structures including mobile homes, for residential, commercial, industrial, agricultural or other uses.
2. Storage or processing of materials.
3. Trash, garbage, or waste disposal operations; landfills; wastewater treatment and disposal facilities.
4. Placement of material, fill, or spoil of any type or the construction or extension of levees, dams, dikes, floodwalls, or other such mounding or embankments.
5. Encroachments which would cause any increase in the Base Flood Elevations.

**510.04 Conditional Uses in Floodway.** The following uses shall be Conditional Uses within the Floodway provided they comply with all other applicable sections of this Zoning Resolution and any conditions attached by the Board of Zoning Appeals in granting the Conditional Use Permit:

1. Navigational and streamflow aids, marinas, boat rental, docks, piers, wharves, and water measuring and monitoring devices.
2. Construction, placement, or improvement or maintenance of public or private culverts, utilities, bridges and stream crossing of any type or size, erosion control and protection measures.
3. Extraction of sand, gravel, or other resources.
4. Alteration or relocation of the channel or watercourse.

**510.05 Permitted Uses in the Floodway Fringe.** Uses permitted in the Floodway by Section 510.02 shall also be permitted in the Floodway Fringe.

**510.06 Conditional Uses in the Floodway Fringe.** The following uses shall be Conditional Uses in the Floodway Fringe, provided they meet all applicable standards and requirements of this Zoning Resolution and any conditions attached by the Board of Zoning Appeals in granting the Conditional Use Permit:

1. All Conditional Uses in the Floodway as listed in Section 510.04.
2. Residential, commercial, industrial, manufacturing, or similar structures or buildings.
3. Storage or processing of materials.
4. Parking and loading areas.
5. Waste processing and/or disposal facilities and wastewater treatment and disposal systems.
6. Flood control or mitigation structures and measures.
7. Temporary or permanent placement of material, fill, or spoil of any type or other such mounding or embankment or additions or extensions thereto.

**510.07 Development Standards.** In addition to other applicable Development Standard provisions of this Zoning Resolution, the following standards for arrangement, development, and use of land and buildings shall be required in the Regulatory Floodplain District:

**510.07.1 Maintain Flow Characteristics.** No use of the Floodplain shall unduly or adversely affect or impact the efficiency, flow characteristics, or flood heights of the main channel or other affected tributaries, ditches, drainage facilities or systems, for storm frequencies up to and including the Base Flood vent. No use or encroachment within the Floodway shall increase the Base Flood Elevation.

**510.07.2 Minimize Flood Damage.** All activities and developments shall be planned, designed, constructed and installed consistent with the need to minimize damages in time of flooding.

**510.07.3 Buildings and Structures.** Temporary or permanent buildings and structures, including manufactured homes, new construction and substantial improvement of residential and nonresidential buildings shall be designed and constructed that:

1. The lowest floor, including basement, is at least one foot above the Base Flood Elevation, plus Floodway computation increases. Floodway computation increases range from 0.0 to 0.5 feet and are listed in the Flood Insurance Study published by FEMA and available at the offices listed in Section 510.011.
2. Fill uses to elevate structures which are located within the Floodway Fringe shall extend a minimum of ten (10) feet beyond the walls of the structure at a grade not to exceed ten (10) percent and be suitably placed and protected to prevent erosion or scour during periods of high water.
3. They shall have a means of vehicular ingress and egress to land outside the Regulatory Floodplain which shall be at least fifteen (15) feet wide and at least one (1) foot above the Base Flood Elevation.
4. The applicant shall obtain and furnish to the Community NFIP Administrator as-built elevations, certified by a Registered Surveyor, of the basement and first floor, to be maintained on file for public inspection.
5. Flood protection shall be achieved by elevating the structure. Structures shall not be permitted with floor levels below the Base Flood Elevations.
6. Placement of a manufactured home shall meet or exceed the requirements of Federal Law 44 CFR Part 60.3 and shall be protected from flotation or lateral movement by over-the-top ties at each corner plus two additional ties per side or frame ties at each corner plus five additional ties per side. Additions to the manufactured home shall also be anchored. Individual components of the anchoring system shall be able to carry a 4,800-pound force.

**510.07.4 Storage or Processing of Materials.** Storage or processing of materials which are buoyant, pollutants, flammable, explosive, or could be injurious to human, animal or plant life in time of flooding shall be stored one and one half (1 1/2) feet above the Base Flood Elevation, or suitably flood-proofed and protected. Proposed protection measures and safeguards shall be approved by the Ohio EPA. Storage of materials or equipment or placement of other obstructions, which in time of flooding may be dislodged or otherwise carried off site by floodwaters to the possible damage or detriment to life or property must be protected by suitable safety measures approved by the Board of Zoning Appeals.

**510.07.5 Parking and Loading Areas.** Public or private parking or loading areas which would be inundated to a depth of one and one-half (1 1/2) feet or more or subjected to flow velocities over four (4) feet per second must be provided with adequate flood warning devices and measures approved by the Board of Zoning Appeals.

**510.07.6 Waste Processing and/or Disposal Facilities and Wastewater Treatment and Disposal Systems.** Such facilities must be approved by the Ohio EPA, the Franklin County Sanitary Engineer, or the Franklin County District Board of Health, whichever has jurisdiction, and must be elevated or flood proofed to provide protection from the Base Flood.

**510.07.7 Flood or Erosion Control Measures or Watercourse Alteration or Relocation.** Dams, dikes, levees, embankments, floodwalls, rip rap, rock protection, or other flood or erosion control measures and any alteration or relocation of the channel or watercourse shall be subject to all applicable provision of Sections 1521.06 and 1521.07 of the Ohio Revised Code and all other applicable state, federal, county and local ordinances and-regulations.

1. Such measures over three (3) feet in height or involving over one thousand (1,000) square feet of surface area shall be submitted by the Community NFIP Administrator to the U.S. Army Corps of Engineers and/or the Ohio Department of Natural Resources for review, recommendations, and approval as appropriate.
2. Flood control measures intended to remove lands from the Regulatory Floodplain District classification must be approved by FEMA. The Regulatory Floodplain District shall be changed to coincide only with the effective revisions to published NFIP maps.
3. Other information as may be reasonably deemed necessary by the Zoning Inspector or the Board.

**510.08 Compliance with Approved Plans.** Certificates of Zoning Compliance and Conditional Use Permits issued on the basis of applications, plans, specifications, and other information approved by the Zoning Inspector or the Board of Zoning Appeals shall authorize only the use, arrangement, and construction set forth therein.

The applicant shall submit certification of finished elevations, and/or other proofs or assurances of compliance with approved plans to the satisfaction of the Zoning Officer and/or the Board.

**510.09 Compliance with the National Flood Insurance Program.** The provisions of Section 510 of this Zoning Resolution have been submitted to and reviewed by the National Flood Insurance Program (NFIP) State Coordinating Agency and the Federal Emergency Management Agency (FEMA) as required by Federal Law. These agencies have determined that these provisions meet or exceed the federal standards of Federal Law 44 CFR Part 60.

**510.09.1 Administration.** The administration of this Zoning Resolution shall in no way lower any requirement or standard of the National Flood Insurance Program, 44 CFR Part 60.3 and 60.6.

**510.09.2 Community NFIP Administrator.** The Community NFIP Administrator shall review all applications involving Conditional Uses and Variances in the Floodplain and prepare a brief report and recommendation to be submitted to the Board of Zoning Appeals, prior to action by the Board.

**510.09.3 Warning and Disclaimer of Liability.** This Zoning Resolution does not imply that areas outside the Regulatory Floodplain District or uses allowed or otherwise permitted or approved within the Regulatory Floodplain District in accordance with the provisions of this Zoning Resolution will be free from flooding or flood damages. This Zoning Resolution or its administration and/or enforcement shall not create liability on the part of Plain Township, any officer or employee of Plain Township or other staff or personnel involved in its administration and/or enforcement.

Additional flood protection beyond that required by this Zoning Resolution is recommended and encouraged.

**SECTION 520      EXCEPTIONAL USE (EU) DISTRICT REGULATIONS**

**520.01 Special Uses.** The following listed uses shall be subject to Exceptional Use District Regulations, except as they may be permitted by other provisions of this Zoning Resolution.

**520.01.1 Transportation.** Airport or Flying Field, Transportation Terminals, Depots or other transportation facilities not exempt from regulation.

**520.01.2 Recreation and Amusement.**

- Amusement Center
- Amusement Park
- Athletic Field
- Camping or boating facilities
- Golf Club
- Country Club
- Drive-in theater or similar facility.
- Drive-in theater (except adult motion picture theater)
- Fishing Club or Lake
- Gun Club
- Miniature Golf
- Park
- Picnic grounds
- Race Track
- Resort establishment
- Riding Stable, including boarding of animals
- Similar recreational facility operated on an admission fee or membership basis
- Similar sports facility not otherwise allowed by the provisions of this Zoning Resolution
- Skating Rink
- Stadium
- Swimming Pool

**520.01.3 Social and Cultural Institution.**

- Cemetery or Crematory not otherwise allowed by the provisions of this Zoning Resolution.
- Convalescent Home
- Emergency Medical Treatment Center
- Hospital
- Private school or college including those with students or faculty in residence, not otherwise allowed by the provisions of this Zoning Resolution.
- Rest Home or Home for Children or the Aged, not otherwise allowed by the provisions of this Zoning Resolution.
- Sanatorium

**520.01.4 Borrow Pits.** A lot or parcel of land or part thereof used for the purpose of extracting sand, gravel or topsoil for sale or use on another premises, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made. A Borrow Pit meets the following requirements:

1. Excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of Certificate of Zoning Compliance.
2. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features;
3. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water;
4. All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.;
5. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the county engineer;
6. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater Interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated;
7. All excavation shall be made either to a water-producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustible solids, to secure:
  - a. That the excavated area shall not collect and permit to remain therein stagnant water, or
  - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three (3) feet horizontal to one (1) foot.
8. There shall be filed with the Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by resolution

of the Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

**520.01.5 Other Uses Not Provided For.** Other legal uses of unique or exceptional requirements or circumstances that are otherwise not permitted by this Zoning Resolution.

**520.02 Procedure.** The following procedure shall be followed in placing land in the Exceptional Use District.

**520.02.1 Development Plan.** Six (6) copies of a Development Plan shall be submitted with the application for amendment of the Zoning District Map and such plan shall be in text or map form:

1. The proposed location and size of areas of use, indicating size, location and type of structure.
2. The proposed location, size and use of all open areas landscaped and other open space with suggested ownership of such areas.
3. The proposed provision of water, sanitary sewer and surface drainage facilities including engineering feasibility or other evidence of reasonableness.
4. The proposed circulation pattern including streets, both public and private, parking areas, walks and other accessways including their relation to topography, existing streets and other evidence of reasonableness.
5. The proposed schedule of site development and construction of buildings and associated facilities including sketches or other documentation indicating design principles or concepts for site development, buildings, landscapes or other features. Such schedule shall include the use or redevelopment of existing features such as structures, streets, easements, utility lines and land use.
6. Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan within three (3) years. Such control includes property rights, economic resources and engineering feasibility as may be necessary.

**520.02.2 Basis of Approval.** Basis of approval for the Exceptional Use District shall be:

1. That the proposed development is consistent in all respects to the purpose, intent and applicable standards of this Zoning Resolution.
2. That the proposed development is in conformity with the Township Comprehensive Plan or a portion thereof as it may apply.
3. That the proposed development advances the general welfare of the Township and that the benefits to be derived from the proposed use justifies the change in the land use character of the area.

**520.02.3 Effect of Approval.** The Development Plan as approved by the Township Trustees shall constitute an amendment of the Zoning District Map and a supplement to the Exceptional Use District Regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of three (3) years to allow the preparation of a Subdivision Plat, submitted in accordance with the Franklin County Subdivision Regulations, if required; or if no plat is required for the completion of plans for application for a Certificate of Zoning Compliance. If the plat is not submitted and filed nor such certificate applied for and used within the three (3) year period, the approval shall become voided and the land shall revert to its last previous Zoning District, except if an application for time extension is submitted and approved in accordance with Section 540.034.

**520.02.4 Extension of Time or Modification.** An extension of the time limit or the modification of the approved Development Plan may be approved by the Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension of modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the Exceptional Use District.

**520.03 Development Standards.** The provisions Article IV, General Development Standards, shall pertain to the Exceptional Use District. Because of the unique nature and requirements of these uses, and because their locations cannot be readily predetermined, appropriate Development Standards cannot be set forth, but full usage of Development Standards, requirements, and other provisions of this Zoning Resolution as they may be appropriate, shall be used.



## **ARTICLE VI: TELECOMMUNICATION TOWERS REGULATIONS**

### **SECTION 600 TELECOMMUNICATION TOWERS REGULATIONS ADOPTED**

**600.01** Public Utilities or other functionally equivalent providers may site a telecommunication tower as a Conditional use provided the following conditions are met (in addition to any other applicable criteria):

#### **A. Application Requirements.**

1. A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
  - a. The location of all of the applicant's existing facilities both within the Township and within one (1) mile of the proposed site.
  - b. The general location of planned future facilities, if known.
  - c. For each location shown on the plan, there shall be listed:
    - (i) the type and size of tower at each location;
    - (ii) the type of equipment located or proposed on each tower;
    - (iii) the space available on the tower for additional equipment;
    - (iv) the ground network, if any, served by the tower; and
    - (v) a site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
  - d. A site plan for the facility which is being applied for shall also be submitted containing:
    - (i) the location, type and size of existing and proposed towers, antennas and equipment located at the site;
    - (ii) the location of existing and proposed buildings and structures, access easements and parking areas; and
    - (iii) detailed drawings of the screening plan and related design standards.
  - e. A written certification from a registered professional engineer certifying the following:
    - (i) that the tower's design is structurally sound and in compliance with all applicable federal, state and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code;
    - (ii) that the tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER); and

- (iii) that the tower will to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

**B. General Requirements for all Telecommunications Towers.**

1. The applicant or tower provider shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary; a description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure. If another tower is technically suitable, the applicant must show that a request to co-locate was made and that such request was rejected.
2. All towers shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with the authority to regulate such towers. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
3. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued. The owner/operator shall annually file a declaration with the Zoning Inspector which certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
4. The owner/operator shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code.

**C. Development Standards for all Telecommunications Towers.**

1. No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of

which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.

2. The maximum height of a tower shall not exceed 150 feet.
3. The tower shall not be placed closer than 150 feet from any existing residential dwelling unit.
4. The minimum lot size for which a tower is to be placed shall be two (2) acres.
5. The tower shall be located no closer to a street right-of-way than 15 feet behind the established building setback line.
6. A tower shall be located no closer to any lot line than twenty percent (20%) of the height of the proposed tower. Any stabilization structures or guide wires shall be located no closer to any side or rear lot line than 10 feet.
7. Security fencing shall be provided to prevent uncontrolled access to the tower site.
8. The lot on which the tower is to be located shall meet the minimum frontage requirements of the district in which it is located.
9. The tower shall be screened by a minimum six (6) foot high solid fence or barrier and continuous evergreen hedge or trees of a size deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained inside the screened area.
10. The tower shall be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the board of zoning appeals, the tower shall be of a non-corrosive monopole design.

- 11. No advertising is permitted anywhere on the telecommunications tower facility with the exception of one identification sign not to exceed one square foot in size.
- 12. The tower shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance.
- 13. Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
- 14. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to support this co-location capacity, and the tower must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed.
- 15. A tower may be attached to a residential or nonresidential building or structure that is a permitted use and structure in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached; and further provided that all requirements except those found in Items C 2, 7 and 9 are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the building or structure on which the tower is located, shall be screened by a minimum six (6) foot high solid fence or barrier and continuous hedge or trees of a size deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the tower area is kept free of weeds and trash.

**D. Exception to Conditional Use Permit.**

Telecommunications towers meeting the following conditions shall not be required to obtain a Conditional Use Permit, but shall be deemed to be permitted uses requiring a Certificate of Zoning Compliance.

- 1. Should the owner/operator of a telecommunications tower desire to site a tower on property that falls under the direct ownership and with the consent

of the Plain Township Board of Trustees, then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A 1 e (i) and (ii); B 2, 3 and 4; C 5, 7, 10, 11, 13 and 14.

2. Should the owner/operator of a telecommunications tower desire to co-locate a tower on another existing telecommunications tower or on another utility structure (i.e. water tower), then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A 1 e (i) and (ii); B 2, 3 and 4; C 5, 7, 10, 11, 12 and 13.
3. Should the owner/operator of a telecommunications tower desire to site a tower using a no-impact design (specifically meaning that the tower will be completely invisible to the casual observer by incorporating the tower within an existing structure such as inside a steeple), then a Certificate of Zoning Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: A 1 e (i) and (ii); B 2, 3 and 4; C 10, 11, 12 and 13.



**ARTICLE VII: AMENDMENTS, ZONING APPEALS, VARIANCES AND  
CONDITIONAL USE PROCEDURES AND REQUIREMENTS**

**SECTION 700 AMENDMENTS TO THE ZONING RESOLUTION OR MAP**

**700.01 Change or Amendment by Township Trustees.** The Township Trustees may change or amend the text of this Zoning Resolution or the Zoning District Map or Special District Map.

**700.02 Initiation by Resolution.** Proposed changes or amendments may be initiated by the Township Trustees by resolution or by motion of the Township Zoning Commission.

**700.03 Initiation by Application.** Proposed changes or amendments may be initiated by one or more owners or lessees of land within the area that is proposed to be changed by amendment of the Zoning District Map or by one or more owners or lessees of land to be affected by change or other provisions of this Zoning Resolution.

**700.04 Initiation of Action by Owner or Lessee of Land.** Two (2) copies of a provided application form shall be filed with the Zoning Commission, together with the fee provided for in Section 710.02, at any regularly scheduled meeting of the Township Zoning Commission. No such application shall be accepted or deemed to have been filed unless the Zoning Commission shall determine that such application is complete and complies as to form with the requirements of this Zoning Resolution. Such determination relates to form only and does not reflect on the substantive merits of any application.

**SECTION 710      AMENDMENT APPLICATION AND PROCEDURE**

**710.01 Application.** The application for any proposed change or amendment shall contain:

1. A description or statement of the present and proposed provisions of the Zoning District Map or Special District Map.
2. A legal description by map and text of the property to be affected by the proposed change or amendment.
3. A statement of the relation of the proposed change or amendment to the general health, safety and welfare of the public in terms of need or appropriateness within the area by reason of changed or changing conditions and the relation to appropriate plans for the area. Also approval by the controlling health agency and, where applicable, the county engineer.
4. A current list of owners of property within, contiguous to, directly across the street from, and within 200 feet of such area proposed to be rezoned. Such list to be in accordance with the Franklin County Auditor's current tax list, and shall include all owners' addresses with zip code.

**710.02 Fees.** A fee shall be paid to the Township for each application for any proposed change or amendment to cover the necessary administrative and advertising costs. Reference the current fee schedule, available from the Township Clerk or Zoning Inspector.

**710.03 Procedure for Consideration of Proposed Change or Amendment.**

**710.04 Establishment of Public Hearing by Plain Township Zoning Commission.** Upon the certification of such resolution by the Township Trustees, the adoption of such motion by the Township Zoning Commission or the filing of such application for a proposed change or amendment of the text of this Zoning Resolution, the Zoning District Map or Special Map, the Township Zoning Commission shall set a date for a public hearing.

**710.04.1 Hearing Date.** The date for a public hearing shall be set for not less than twenty (20) days nor more than forty (40) days from the date of the resolution, motion or filing of the application.

**710.04.2 Notice of Hearing.** Notice setting forth the time and the place of such hearing and the nature of the proposed change or amendment shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such public hearing. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within two hundred (200) feet of such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate

any such amendment. The notice shall contain the same information as required of notices published in newspapers.

**710.04.3 Notice to County or Regional Planning Commission.** One copy of the proposed change or amendment, together with text and map pertaining thereto, shall be forwarded to the County or Regional Planning Commission within five (5) days from the date of the resolution motion or filing of application. The Planning Commission shall forward their recommendation to the Township Zoning Commission for their consideration at the public hearing.

**710.05 Action by the Township Zoning Commission.** After a public hearing, the Township Zoning Commission shall act on a proposed change or amendment.

**710.05.1 Consideration.** The Township Zoning Commission shall consider the approval, denial or some modification, if the modification is requested by the applicant, of the proposed change or amendment as such proposal in the Commission's judgement advances the general health, safety and morals of the public by encouraging appropriate use and development of the land affected and the comprehensive or overall development of the surrounding area.

**710.05.2 Recommendation.** Within thirty (30) days after the public hearing, the Township Zoning Commission shall submit to the Township Trustees a recommendation of approval, denial, or some modification, if the modification is requested by the applicant, of the proposed change or amendment including a statement of reasons for such recommendation, together with such resolution or application, the text and map pertaining thereto, and the recommendation of the Planning Commission.

**710.05.3** The recommendation by the Township Zoning Commission for approval of a zoning request shall not eliminate the requirements for a Certificate of Zoning Compliance.

**710.06 Action by the Township Trustees.** Upon receipt in a regularly scheduled meeting of such recommendation concerning proposed change or amendment, the Township Trustees shall set a time for a public hearing.

**710.06.1 Hearing Date.** The date for a public hearing shall be set for not more than thirty (30) days from the date of the receipt of recommendation from the Township Zoning Commission.

**710.06.2 Notice of Hearing.** Notice setting forth the time and place of the public hearing and a summary of the proposed change or amendment shall be given by the Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of the public hearing.

Written notice by first class mail may, if required by the Township Trustees, be given as set forth in Section 519.12, Ohio Revised Code.

**710.06.3 Final Action.** Within twenty (20) days after such public hearing, the Township Trustees shall either adopt or deny the recommendation of the Township Zoning Commission or adopt some modification thereof. In the event the Township Trustees deny or modify the recommendation of the Township Zoning Commission, the unanimous vote of the Township Trustees shall be required

**710.06.4 Date of Effect.** Such change or amendment as the Township Trustees shall adopt shall become effective in thirty (30) days after the date of such adoption unless within such thirty (30) day period there is presented to the Township Trustees a petition, as set forth in Section 519.12, Ohio Revised Code, requesting the Township Trustees to submit the proposed change or amendment to referendum vote.

**710.06.5** The recommendation by the Township Trustees for approval of a zoning request shall not eliminate the requirement for a Certificate of Zoning Compliance.

## **SECTION 720      ZONING APPEAL REQUIREMENTS**

**720.01 Administrative Appeals.** Any party aggrieved by an administrative order, requirement, decision or determination made under this Resolution by the Zoning Inspector may appeal to the Board of Zoning Appeals.

**720.02 Filing of an Appeal.** A Zoning Appeal shall be filed within twenty (20) days after the decision by filing a Notice of Appeal with the Zoning Inspector and the Board of Zoning Appeals, specifying the grounds upon which the Appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the appealed action was taken. The Board of Zoning Appeals shall hold a public hearing on the Appeal after sending written notice to the parties of interest and a general publication notice is published.

**720.02.1 Notice of Appeal.** A Notice of Appeal shall be filed with the Zoning Inspector within twenty (20) days of the date of the order or decision being appealed. The Notice shall contain the following:

1. The name, address, and telephone number of the party filing the Appeal.
2. The location of the property being affected by the decision being appealed.
3. Identification of the provision of this Zoning Resolution governing the decision being appealed.
4. A statements of the grounds on which the Appeal is based.
5. The reason given by the administrative official or body for the decision.
6. A brief summary of the factual evidence upon which the Appeal is based.
7. A plot plan and written description of the use affected by the decision being appealed.
8. A filing fee as adopted by the Township Trustees

**720.03 Hearing and Action.** Upon receipt, the Zoning Inspector shall transmit the notice of Appeal and the complete record of the decision to the Board of Zoning Appeals. The Board shall fix a reasonable time for a public hearing on the Appeal.

Within a reasonable period of time after the conclusion of the hearing, the Board of Zoning Appeals shall take final action on the Appeal. The Board may affirm, reverse, or modify the action being appealed, subject only to judicial review in the Court of Common Pleas in accordance with applicable state statute. To this end, the Board shall have all the powers of the party from which the Appeal was taken and may direct the issuance of a permit.

**720.04 Approval Criteria for Appeals.** Appeals shall be decided only in conformance with the criteria listed below. The Board of Zoning Appeals shall reverse the order appealed only if it finds that the action or decision appealed:

1. Was arbitrary or capricious;
2. Was based on an erroneous finding of a material fact;
3. Constituted an abuse of discretion; or
4. Was based on erroneous interpretation of this Zoning Resolution or zoning law.

**SECTION 730**      **VARIANCE REQUIREMENTS**

**730.01 Nature of Variance.** On a particular property circumstances may exist making a strict enforcement of the applicable Development Standards of the Zoning Resolution unreasonable and, therefore, the procedure for Variance from Development Standards is provided to allow the flexibility necessary to adapt to change or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

**730.02 Written Application.** Six (6) copies of a provided application shall be filed with the Zoning Inspector.

**730.02.1 Description of Property and Nature of Variance.** The application shall include the following statements:

1. The nature of the Variance; i.e., including the specific provisions of the Zoning Resolution upon which the Variance is requested.
2. A legal description of the property.
3. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
4. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
5. A current list of owners of property within, contiguous to, directly across the street from, and within 200 feet of such area proposed to be considered for - Variance. Such list to be in accordance with the Franklin County Auditor's current tax list, and shall include all owners' current addresses and zip codes.
6. Such other information regarding the application for Variance as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

**730.02.2 Plot Plan.** The application shall be accompanied by six (6) copies of a plot plan drawn to an appropriate scale showing the following:

1. The boundaries and dimensions of the lot.
2. The nature of the special conditions or circumstances giving rise to the application for approval.
3. The size and location of existing and proposed structures.
4. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping.
5. The relationship of the requested Variance to the Development Standards.

6. The use of land and location of structures on adjacent property.

**730.03 County or Regional Planning Commission Review.** One (1) copy of the application and plot plan **may** be forwarded to the County or Regional Planning Commission not less than fifteen (15) days prior to the date of the public hearing of the application. Staff of the County or Regional Planning Commission shall forward their recommendation to the Board of Zoning Appeals for consideration at the public hearing.

**730.04 Notice of Hearing.** The Board of Zoning Appeals shall fix a reasonable time for a public hearing on the application, give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by publication in one (1) or more newspapers of general circulation in Plain Township at least ten (10) days before date of such hearing, and notify, by first class mail, all property owners within two hundred (200) feet.

**730.05 Approval of Variance.** The Board of Zoning Appeals shall only approve a Variance or modification thereof if the following findings are made:

1. That such Variance or modification will not be contrary to the public interest.
2. That owing to special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship.
3. That the approval of such Variance or modification thereof is consistent with the spirit of this Zoning Resolution, and substantial justice shall be done thereby.

## **SECTION 740      CONDITIONAL USE REQUIREMENTS**

**740.01 Nature of Conditional Uses.** Specifically listed Conditional Uses are provided with the Zoning District Regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Zoning Districts.

The intent of the Procedure for Authorizing a Conditional Use Is to set forth the Development Standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

**740.02 Written Applications.** The required filing fee and three (3) copies of a provided application form shall be filed with the Zoning Inspector.

**740.02.1 Description of Property and Intended Use.** The application shall include the following:

1. A legal description of the property.
2. The proposed use of the property.
3. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
4. A statement of the relationship of the proposed use to adjacent property and land use.
5. Such other Information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.
6. A current list of owners of property within, contiguous to, directly across the street from, and within 200 feet of such area proposed to be considered for Conditional Use. Such list to be in accordance with the Franklin County Auditor's current tax list, and shall include all owners' current addresses and zip codes.

**740.02.2 Plot Plan.** The application shall be accompanied by six (6) copies of a plot plan, drawn to an appropriate scale, clearly showing the following:

1. The boundaries and dimensions of the lot.
2. The size and location of existing and proposed structures.
3. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping.
4. The relationship of the proposed development to the Development Standards.

5. The use of land and location of structures an adjacent property.

**740.02.3 Notice of Hearing.** The Board of Zoning Appeals shall fix a reasonable time for a public hearing on the application, give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before date of such hearing, and notify, by first class mail, all property owners within two hundred (200) feet.

**740.03 Actions of the Board of Zoning Appeals.** The Board of Zoning Appeals shall hold a public hearing and act on a Conditional Use in one of the following ways:

**740.03.1 Approval.** The Board of Zoning Appeals shall approve an application for a Conditional Use if the following three (3) conditions are met:

1. The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards District, and the applicable Development Standards established in this Zoning Resolution are met.
2. The proposed development is in accord with appropriate plans for the area.
3. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

**740.03.2 Approval with Modification.** The Board of Zoning Appeals may approve with modification an application for a Conditional Use, if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met, but plot plan modification is required:

1. To be in accord with appropriate plans for the area; and
2. To prevent undesirable effects of adjacent property and the surrounding area.

Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.

**740.03.3 Disapproval.** The Board of Zoning Appeals shall only disapprove an application for a Conditional Use for any one (1) of the following reasons:

1. The proposed use is not a Conditional Use of the Zoning District, or the applicable Development Standards are not and cannot be met.
2. The proposed development is not in accord with appropriate plans of the area.

3. The proposed development will have undesirable effects on the surrounding area and is not in keeping with the existing land use character and physical development potential of the area.

**740.03.4 Conditional Use Approval.** Upon a favorable finding, the Board of Zoning Appeals shall approve a Conditional Use application within a reasonable period of time following the public hearing.

**740.03.5 Conditional Use Permit.** A Certificate of Zoning Compliance may be issued only for an approved Conditional Use within the period of one (1) year from the date of final approval by the Board of Zoning Appeals.

**740.03.6 Building Permit.** A Building Permit may be obtained only for the development in accordance with the approved plot plan.



## **ARTICLE VIII: ADMINISTRATION**

### **SECTION 800 ENFORCEMENT OF REGULATIONS**

**800.01 Zoning Inspector.** This Zoning Resolution shall be administered and enforced by a Zoning Inspector or the designated representative who shall be appointed by the Township Trustees as is prescribed by Section 519.16, Ohio Revised Code, and is hereby empowered:

**800.01.1 Certificate of Zoning Compliance.** To issue a Certificate of Zoning Compliance when these regulations have been followed or to deny the same in the event of noncompliance.

**800.01.2 Expiration of Certificate of Zoning Compliance.** If the change or modifications described in any Certificate of Zoning Compliance has not begun within six months and has not been substantially completed within one (1) year of the from the date of issuance thereof, said Certificate of Zoning Compliance shall expire; it shall be revoked by the Administrative Officer; and written notice thereof shall be given to the persons affected.

**800.01.3 Collection of Fees.** To collect the designated fees as set forth in this Zoning Resolution for Certificates of Zoning Compliance, application for amendment or changes, Appeal or Conditional Use.

**800.01.4 Making and Keeping Records.** To make and to keep all records necessary and appropriate to the office, including records of the issuance and denial of all Certificates of Zoning Compliance and of receipt of complaints of violation of this Zoning Resolution and action taken on the same.

**800.01.5 Inspection of Building or Land.** To inspect any building or land to determine whether any violations of this Zoning Resolution have been committed or exist.

**800.01.6 Enforcement.** To enforce this Zoning Resolution and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress, and may request the Franklin County Prosecuting Attorney to commence appropriate action.

**800.01.7 Advise Zoning Commission.** To keep the Zoning Commission advised of all matters other than routine duties pertaining to the enforcement of this Zoning Resolution and to transmit all applications and records pertaining to supplements and amendments.

**800.01.8 Advise Board of Appeals.** To keep the Board of Zoning Appeals advised of all matters pertaining to Conditional Use Permits, Appeals or Variances and to transmit all applications and records pertaining thereto.

**800.02 Certificate of Zoning Compliance.** No occupied or vacant land shall hereafter be changed in its use in whole or part until the Certificate of Zoning Compliance shall have been issued by the Zoning Inspector. No activity resulting in a disturbance equal to or greater than 1 acre of occupied or vacant land shall hereafter be permitted until the

Certificate of Zoning Compliance has been issued by the Zoning Officer. No existing or new building shall hereafter be changed in its use in whole or in part until the Certificate of Zoning Compliance shall have been issued by the Zoning Officer. This section shall in no case be construed as requiring a Certificate of Zoning Compliance in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no repairs, alterations or additions are proposed for such building.

**800.02.1 Building Permit.** No building permit for the extension, erection or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance issued, and no building shall be occupied until such certificate is approved.

**800.02.2 Applications for Certificates.** Each application for a Certificate of Zoning Compliance for new development shall be accompanied by a plan in duplicate, prepared by a professional engineer, surveyor or architect, drawn to scale, one (1) copy of which shall be returned to the owner upon approval. The plan shall show the following:

1. The actual dimensions of the lot including easements.
2. The exact size and location of all buildings existing on the lot.
3. The proposed new construction.
4. The existing and intended use of all parts of the land or buildings.
5. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Zoning Resolution.
6. The proposed provisions of water and sanitary sewer.
7. A grading plan and storm sewer layout, to include existing and proposed surface and subsurface draining features indicating how storm runoff will be handled.
8. The requirements of 800.02.2, or portions thereof, may be waived by the Zoning Officer when, in his or her opinion, the applicant has satisfactorily demonstrated that all aspects relative to the above have been suitably addressed.

Applications for Certificates of Zoning Compliance must comply with applicable local and state requirements and regulations. These may include, but are not limited to, the Franklin County Stormwater Drainage Manual if the proposal will disturb 1 or more acres of land, Franklin County Public Health Regulations, Franklin County Sanitary Engineer requirements, Franklin County Drainage Engineer requirements, Franklin County Engineer requirements and requirements of the applicable Ohio Environmental Protection Agency Construction permit.

**800.02.3 Fees.** Fees shall be charged according to the current Fee Schedule adopted by the Township Trustees.

**800.02.4** Issuance of Certificates. Certificates of Zoning Compliance shall be issued or denied within thirty (30) working days after the date of application. Written notice of such denial and reason thereof shall be given to the applicant.

**SECTION 810**            **PENALTIES FOR VIOLATION**

**810.01 Penalty for Violation of Zoning Resolution.** Any person violating any provision of any article of this Zoning Resolution, or who shall violate or fail to comply with any order made thereunder or who shall falsify plans or statements filed thereunder or who shall continue to work upon any structure after having received written notice from the Zoning Officer to cease work, shall be guilty of a misdemeanor and subject to the penalty provided in Section 519.99, Ohio Revised Code.

**SECTION 820**      **BOARD OF ZONING APPEALS**

**820.01 Powers and Duties.** A Board of Zoning Appeals shall be established for Plain Township and have the following powers and duties:

1. 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 enforcement of this Zoning Resolution.
2. To authorize only such Conditional Uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of this Zoning Resolution.
3. To hear and decide in specific cases such Variances from the terms of this Zoning Resolution as will not be contrary to the public interest where, owing to special conditions on the land, a literal enforcement of the provisions of this Zoning Resolution would result in unnecessary hardship. In granting such Variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the Zoning District in conformity with this Zoning Resolution.

**820.02 Board of Zoning Appeals Members.** The Board of Zoning Appeals shall consist of five (5) members, who shall all be residents of the township. The terms of all members shall be five (5) years and shall be so arranged that the term of one member shall expire every year. The Township Trustees shall appoint all members and appoint a new member to fill the un-expired term of any member whose place has become vacant.

**820.02.1 Alternates.** The Township Trustees may appoint up to two (2) alternates to the Board of Zoning Appeals serving a one (1) year term.

**820.03 Organization.** The Board of Zoning Appeals shall organize and adopt rules in accordance with this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chair and at such other times as the board determines. The chair, or in his/her absence the vice-chair, shall administer an oath to all persons giving testimony. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Board of Zoning Appeals shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees, and be a public record.

**820.04 Removing a Board of Zoning Appeals Member.** A Board of Zoning Appeals member may be removed for nonperformance of duty, misconduct in office or other cause by the Township Trustees after a public hearing is held and a copy of the charge(s) against such member has been delivered, either in person or by registered mail, to the member at least ten (10) days prior to the hearing. The member shall be given an opportunity to answer such charge(s) at the hearing.

**SECTION 830**      **ZONING COMMISSION**

**830.01 Powers and Duties.** A Zoning Commission shall be established for Plain Township and have the following powers and duties:

1. Recommend to the Township Trustees amendments to the Township Comprehensive Plan, the Township Zoning Resolution, and any additional plans for the development and redevelopment of the township.
2. Conduct public hearings and make recommendations to the Township Trustees for approval, conditional approval or denial of all applications for:
  - A. Amendments to the Township Zoning Resolution
  - B. Amendments to the Township Zoning Map
3. Adopt bylaws and any other procedural rules consistent with this resolution and other Township resolutions and state statutes.

**830.02 Zoning Commission Members.** The Zoning Commission shall consist of five (5) members, who shall all be residents of the township. The terms of all members shall be five (5) years and shall be so arranged that the term of one member shall expire every year. The Township Trustees shall appoint all members and appoint a new member to fill the unexpired term of any member whose place has become vacant.

**830.02.1 Alternates.** The Township Trustees may appoint up to two (2) alternates to the Zoning Commission serving a one (1) year term.

**830.03 Organization.** The Zoning Commission shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Zoning Commission shall be held at the call of the chair and at such other times as the commission determines. The chair, or in his/her absence the vice-chair, shall administer an oath to all persons giving testimony. All meetings of the Zoning Commission shall conform with Ohio's open meeting law. The Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Zoning Commission shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees, and be a public record.

**830.04 Removing a Zoning Commission Member.** A Zoning Commission member may be removed for nonperformance of duty, misconduct in office or other cause by the Township Trustees after a public hearing is held and a copy of the charge(s) against such member has been delivered, either in person or by registered mail, to the member at least ten (10) days prior to the hearing. The member shall be given an opportunity to answer such charge(s) at the hearing.



## **ARTICLE IX: NONCONFORMITIES**

### **SECTION 900 INTENT**

Within the districts established by this Zoning Resolution or amendments that may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Resolution or future amendment. It is the intent of this Zoning Resolution to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Zoning Resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

### **SECTION 910 INCOMPATIBILITY OF NONCONFORMITIES**

Nonconformities are declared by this Zoning Resolution to be incompatible with Permitted Uses in the districts in which such use is located. A nonconforming use of structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Zoning Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition or other uses of a nature which would be generally prohibited in the district in which such use is located.

### **SECTION 920 AVOIDANCE OF UNDUE HARDSHIP**

To avoid undue hardship nothing in this Zoning Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Resolution. Actual building construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

**SECTION 930**      **SINGLE NONCONFORMING LOTS OF RECORD**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Resolution, notwithstanding limitations imposed by other provisions of this Zoning Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. 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, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in this Zoning Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals.

**SECTION 940**      **NONCONFORMING LOTS OF RECORD IN COMBINATION**

If two 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 passage or amendment of this Zoning Resolution and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Resolution, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Zoning Resolution.

**SECTION 950**            **NONCONFORMING USES OF LAND**

Where, at the time of adoption of this Zoning Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

**950.01** No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Resolution;

**950.02** No such nonconforming 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 this Zoning Resolution;

**950.03** If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), and subsequent use of such land shall conform to the regulations specified by this Zoning Resolution for the district in which such land is located;

**950.04** No additional structure not conforming to the requirements of this Zoning Resolution shall be erected in connection with such nonconforming use of land.

**SECTION 960**            **NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Resolution that could not be built under the terms of this Zoning Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

**960.01** No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

**960.02** Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Zoning Resolution.

**960.03** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**SECTION 970**      **NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Resolution that would not be allowed in the district under the terms of this Zoning Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**970.01** No existing structure devoted to a use not permitted by this Zoning Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

**970.02** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Resolution, but no such use shall be extended to occupy any land outside such building;

**970.03** If no structural alterations are made, any nonconforming use of a structure or structure and land may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Zoning Resolution.

**970.04** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a Permitted Use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed;

**970.05** When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

**970.06** Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**SECTION 980**            **REPAIRS AND MAINTENANCE**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**SECTION 990**            **NONCONFORMING USES**

Any use which is permitted as a Conditional Use in a district under the terms of this Zoning Resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.



**ARTICLE X: OFFICIAL ZONING MAP**

**SECTION 1000 ZONING DISTRICT MAP ADOPTED**

**1000.01 Division of Land.** All land in Plain Township within the scope of this Zoning Resolution is placed into Zoning Districts as is shown on the Zoning District Map of Plain Township, Ohio, which is hereby adopted and declared to be a part of this Zoning Resolution.

**1000.02 Final Authority.** The Zoning District Map, as amended from time to time, shall be the final authority for the current Zoning District status of land under the jurisdiction of this Zoning Resolution.

**1000.03 Land Not Otherwise Designated.** All land under this Zoning Resolution and not designated or otherwise included within another Zoning District on the Zoning District Map shall be included in the Rural District.

**SECTION 1010 IDENTIFICATION OF THE ZONING DISTRICT MAP**

The Zoning District Map, with any amendments made thereon, shall be identified by the signatures of the Board of Township Trustees of Plain Township, Ohio, under the following words:

“Zoning District Map of Plain Township, Ohio. Adopted by the Board of Trustees of Plain Township, Ohio.”

\_\_\_\_\_

Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Board of Trustees

**SECTION 1020 AVAILABILITY OF ZONING DISTRICT MAP**

A current Zoning District Map or facsimile thereof shall be maintained by the Township Trustees. Such map or facsimile shall be made available for scheduled or special meetings called by the Zoning Commission or the Board of Zoning Appeals.

**SECTION 1030      DESIGNATION OF ZONING DISTRICT**

**1030.01 Standard Zoning Districts.** The name and symbol for Standard Zoning Districts as shown on the Zoning District Map are as follows:

<u>NAME</u>	<u>MAP SYMBOL</u>
Agricultural	A
Rural	(NONE)
Suburban Estate Residential	SER
Low Density Residential	R-2
Suburban Residential	R-4
Multifamily Residential	R-12
Suburban Office	SO
Local Business	LB
General Business	GB
Light Manufacturing	M-1
Heavy Manufacturing	M-2

**1030.02 Planned Development Zoning Districts.** The name and symbol for Planned Development Zoning Districts as shown on the Zoning District Map or as prescribed by this Zoning Resolution are as follows:

<u>NAME</u>	<u>MAP SYMBOL</u>
Planned Residential Conservation Development	PRCD
Planned Unit Development	PUD
Select Commercial Planned District	SCPD
Planned Commercial	PC
Planned Industrial Park	PIP

**1030.03 Special Districts.** The name and symbol for Special Districts as shown on the Zoning District Map or as prescribed by this Zoning Resolution are as follows:

<u>NAME</u>	<u>MAP SYMBOL</u>
Floodplain	FP
Exceptional Use	EU

**1030.04 Legend.** There shall be provided on the Zoning District Map a legend which shall list the name and symbol for each Zoning District.

**1030.04.1 Explanatory Notes.** The Rural District has no symbol and includes all land under this Zoning Resolution not designated or otherwise included within another Zoning District.

**SECTION 1040**      **INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

**1040.01 Rules for Determination.** When uncertainty exists with respect to the boundaries of Zoning Districts as shown on the Zoning District Map, the following rules shall apply:

1.     **Along a Street or Other Right-of-Way.** Where Zoning District boundary lines are indicated as approximately following a centerline of a street or highway, alley, railroad easement or other right-of-way, or a river, creek or other watercourse, such centerline shall be the Zoning District boundary.
  
2.     **Along a Property Line.** Where Zoning District boundary lines are indicated as approximately following a lot line, such lot line shall be the Zoning District boundary.
  
3.     **Parallel to Right-of-Way or Property Line.** Where Zoning District boundary lines are indicated as approximately being parallel to a centerline or a property line, such Zoning District boundary lines shall be parallel thereto and, in the absence of specified dimension on the map, at such scaled distance as indicated on the Zoning District Map.
  
4.     **Actual Conflict with Map.** When the actual street or lot layout existing on the ground is in conflict with that shown on the Zoning District Map, the party alleging that such a conflict exists shall furnish an actual survey for interpretation by the Township Trustees.



## **ARTICLE XI: DEFINITIONS**

### **SECTION 1100 DEFINITION OF WORDS**

**1100.01 Definition of Words.** Except where specifically defined herein, all words in this Zoning Resolution shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word “structure” includes the word “building;” the word “lot” includes the words “plot” or “parcel;” the term “shall” is always mandatory; the words “used” or “occupied,” as applied to any land or structure, shall be construed to include the words “intended, arranged or designed to be used or occupied.”

### **SECTION 1110 SPECIFICALLY DEFINED WORDS**

**1110.01 Specifically Defined Words.** The following listed “words” are specifically defined for use in this Zoning Resolution.

**ADULT MATERIAL.** Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:

1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

**ALLEY.** Secondary accessway of not less than twenty (20) feet in width dedicated to public use for travel or transportation and affording vehicular access to abutting property.

**BASE FLOOD.** A flood which is representative of large floods known to have occurred in the central Ohio region and characteristic of floods expected to have a one (1) percent chance of being equaled or exceeded in any given year. Sometimes referred to as Regional Flood or 100-Year Flood.

**BZA.** The Board of Zoning Appeals.

**BUILDING.** A structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure shall be deemed a separate building.

**BUILDING, HEIGHT OF.** The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

**BUILDING SETBACK LINE.** A line establishing the minimum allowable distance between the nearest portion of any building and the centerline of any street when measured perpendicularly thereto.

**CHANNEL.** A natural or artificial depression of perceptible extent with definite bed and banks to confine and conduct flowing water either continuously or periodically.

**COMMISSION.** The Plain Township Zoning Commission.

**COMMUNITY NFIP ADMINISTRATOR.** The person, persons, agency, or other local government entity responsible for the administration and enforcement of the National Flood Insurance Program in compliance with Federal Law 44 CFR Parts 59 and 60, as may be amended. For unincorporated Franklin County (NFIP Community Number 390167) the Franklin County Development Department is the Community NFIP Administrator.

**COMMUNITY-BASED CARE FACILITY.** "Community-based care facility" means the use of a dwelling unit or dwelling units within a building primarily for providing supervised room, board and care in a residential setting to not less than three (3) and no more than ten (10) residents thereof who live together in such a facility as a single housekeeping unit and whose disabilities or status limit their ability to live independently, and only secondarily for training, rehabilitation, and nonclinical services. The term excludes such as a social and cultural institution as listed in Section 540.023, food and lodging establishments as defined in Sections 240 and 304, day care centers for children and/or adults, nursery schools, dormitories, clinics, institutions, hospitals, nursing homes, convalescent homes, and other similar uses. Rooming houses, boarding houses, and other single-family and multiple-family residential units which house persons who live independently shall not be classified as a community-based care facility.

**DETONABLE MATERIALS.** Generally unstable materials having the propensity to explode violently from a moderately irritating force. Examples of such materials include, but are not limited to, fulminates, nitrocellulose, black powder, dynamite, nitroglycerine, ozonides, perchlorates, gasoline, fuel oil and other flammable gases and vapors.

**DISTURBANCE.** Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

**DEVELOPMENTAL DISABILITY.** "Developmental disability" means having a disability that continues or can be expected to continue indefinitely, and constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to one of the following:

1. Mental retardation, cerebral palsy, epilepsy or autism;
2. Any other condition found to be closely related to mental retardation because it results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons and requires treatment and services similar to those required for such persons;
3. Dyslexia resulting from a disability described in this definition. As used herein "special handicap" means a handicap that results in significant deficiencies in two or more areas of adaptive behavior. Individuals are developmentally disabled, under this definition when deficiencies in two or more areas of adaptive behavior are commensurate with those of an individual diagnosed as moderately, severely or profoundly mentally retarded.

**DWELLING, FARM.** A single-family dwelling on a lot of five (5) or more acres.

**DWELLING, SINGLE-FAMILY.** A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

**DWELLING, TWO-FAMILY.** A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units with separate entrances.

**DWELLING (APARTMENT).** A building arranged or intended for three (3) or more families living independently of each other in separate dwelling units, any two (2) or more provided with a common entrance or hall and all dwelling units are intended to be maintained under single ownership or owned under condominium.

**GROSS ACRE.** An area of 43,560 square feet.

**FAMILY.** An individual or two or more persons related by blood or marriage, or a group of not more than five unrelated persons (excluding servants) who need not be related by blood or marriage, living together in a single dwelling unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

**FLOODPLAIN.** The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.

**INOPERABLE MOTOR VEHICLE.** Any motor-powered vehicle, including automobile, boat, motorcycle, truck, farm equipment or similar vehicle, which is in need of mechanical or structural repairs to return it to a normal and safe operating condition.

**INTENSE BURNING MATERIALS.** Materials having the propensity to burn with great intensity by virtue of characteristics such as low ignition temperature, high rate of burning and large heat evolution. Such materials include, but are not limited to, manganese, pyrotechnics and pyroxylin.

**LOT, MINIMUM.** A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Zoning Resolution, and having not less than the minimum required frontages upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.

**LOT, DEPTH OF.** The average horizontal distance between front and rear lot lines.

**LOT LINE.** A line bounding or demarcating a plot of land or ground as established by a plat of record.

**LOT WIDTH.** The average horizontal distance between side lot lines.

**MANUFACTURED HOME.** Any non self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and include the plumbing, heating, air conditioning and electrical systems contained therein, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974." Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows (ORC 4501.01). For the purposes of this Section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on, wheels, jacks, blocks or other foundation, connection to utilities and the like.

**MENTAL RETARDATION.** "Mental retardation" means having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the development period.

**MOBILE HOME.** A non self-propelled dwelling unit built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty-five (35) feet in length, which when erected on site is three hundred twenty (320) or more square feet, that is transportable in one (1) or more sections and which does not qualify as a manufactured home. Specifically, it does not conform to the 1974 HUD standards for manufactured homes.

**NONCONFORMING USE.** A legal use of a building and/or of land that antedates the adoption of these regulations and does not conform to the regulations for the Zoning District in which it is located.

**ODOR.** A scent of spicy, flowery, fruity, resinous, foul or burnt character of sufficient intensity and duration to be irritating to one (1) or more individuals.

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter which is in, along, across, or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or which is placed where the flow of water might carry the same downstream to the damage of life or property.

**OPAQUENESS.** The degree to which a wall, fence, structure or landscaping is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

**PARTICULATES.** Fine particles, either solid or liquid, which are small enough to be dispensed or otherwise carried into the atmosphere.

**PHYSICAL HANDICAP.** “Physical handicap” means having a physical condition which is a substantial impediment to a person's activities or functions and which is of such a nature that, if not corrected, will continue to result in limiting a person's activities or functioning.

**PORTABLE STORAGE UNIT.** A non-permanent, non-habitable, self-contained unit designed for placement on and subsequent removal from a property which can be transported by vehicle and left on-site for the purpose of facilitating the storage of personal property.

**RECREATIONAL VEHICLE.** A recreational vehicle is a vehicle manufactured or modified for travel, recreation or vacation purposes. This definition shall include but is not necessarily limited to campers, travel trailers, truck campers and motor homes, motorcycles, etc.

**REGULATORY FLOODPLAIN.** A watercourse and the areas adjoining a watercourse which have been or hereafter may be covered by the Base Flood.

**SCREENING.** Any combination of walls, structures, fences, plantings, mounding or similar treatment which totally prevents the activity being screened from being seen from a specified area or location.

**STREET RIGHT-OF-WAY LINE.** The dividing line between a street right-of-way and the contiguous property.

**STRUCTURE.** Anything constructed or erected, including advertising signs, billboards and other construction or erection with special function or form, except fences or walks, and for purposes of this Zoning Resolution, Manufactured Homes which are otherwise herein defined and restricted.

**STRUCTURE, ACCESSORY OR ANCILLARY.** A subordinate structure, the use of which is incidental to that of a principal structure on the same lot.

**STRUCTURE, PRINCIPAL.** A structure in which is conducted the principal use of the lot on which it is situated.

**STRUCTURE, TWIN SINGLE.** A structure containing two (2) dwelling units which are divided by a common wall built to meet or exceed minimum fire and building code specifications.

**STRUCTURE, ZERO LOT LINE.** A dwelling unit which abuts one (1) side lot line to create additional yard area in the nonabutment side yard.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the 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 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.

**TOWNHOUSE.** A building consisting of a series of three (3) or more attached or semi-detached dwelling units divided by common fire walls built to meet or exceed minimum fire and building code specifications, each with a ground floor and a separate ownership or condominium.

**TOXIC SUBSTANCE.** Those toxic substances as defined by regulations adopted pursuant to the Resource Conservation and Recovery Act of 1976, and any future law or regulation of like tenor or effect.

**WATERCOURSE.** A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

**YARD, REAR.** An open space between the rear line of the principal structure (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory structures.

**YARD, SIDE.** An open, unoccupied space on the same lot with a structure between the side line of the structure (exclusive of steps) and the side line of the lot and extending from the front line to the rear line of the lot.

**ZONING DISTRICT.** Any section of Plain Township in which zoning regulations are uniform.

**ZONING INSPECTOR.** The official charged with the administration and enforcement of the Zoning Resolution, sometimes referred to as Zoning Administrator.

## **SECTION 1120      USE DEFINITIONS**

**1120.01 Use Definitions.** The following listed “uses” are defined for use in this Zoning Resolution.

**ACCESSORY USE.** Accessory buildings and uses in association with permitted dwellings and uses as specified in Article IV, Section 406.

**AGRICULTURAL.** Includes: farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry. Allows farm dwelling structures and farm labor quarters for labor working on the premises.

All requirements of these regulations for building and parking setback, off-street parking, ingress and egress, and accessory structures shall be adhered to in conjunction with the sales of agricultural products.

**ASSOCIATED SALES.** Associated sales as accessory to and in association with an agricultural Permitted Use. Such associated sales to cease upon cessation of the agricultural activity.

**BOARDING AND CARE OF ANIMALS.** Office of veterinarian and animal hospital, kennel, or other facilities for care of boarding of animals provided it occupies a lot of not less than five (5) acres and building, pen or other enclosure so used shall not be within two hundred (200) feet of any property line.

**CEMETERY.** A cemetery shall occupy a parcel of not less than forty (40) acres. A mausoleum, crematory or other structure shall not be within three hundred (300) feet of any property line.

**CHILD CARE.** Any place, home or institution which cares for young children apart from their parents when received for regular period of time for compensation such as kindergarten, nursery school or class for young children that develops basic skills and social behavior by games, exercise, toys and simple handicraft.

Kindergarten or child care may be an accessory use of a dwelling. There shall be an outdoor play area of two hundred (200) square feet or more per child. Such play area shall be arranged in accordance with the provisions of this district for accessory uses and shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of four (4) feet but not more than six (6) feet.

**DRIVE-IN USE.** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

1. The Board of Zoning Appeals may require that the applicant submit a traffic analysis and detailed plot plan performed by a registered professional engineer that demonstrates the proposed drive-in facility will not create traffic congestion or unsafe points of traffic conflict. All parking, ingress, egress and interior circulation shall be clearly marked with striping and/or curb barriers.
2. The proposed drive-in facility and access drive shall conform to all building setback and other developmental standards and shall be screened by plantings or other appropriate methods when adjacent to residential areas.

**DWELLING, SINGLE-FAMILY.** A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

**HOME OCCUPATION.** Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or within a building accessory to the primary structure, which shall be a dwelling.

**HOSPITALS AND HOMES.** Hospital, sanitarium, convalescent home, rest home or home for children or the aged, provided it occupies a lot of not less than five (5) acres and there is one (1) acre or more per twenty (20) beds.

In the agricultural and rural districts, this use must occupy a lot area of not less than one (1) acre.

**LAWN AND GARDEN STORES.** Lawn and garden stores and similar uses are permitted in some districts, provided all outside storage or sales areas are totally screened from view from any Residential, Suburban Office or Planned District. The Local Business 5,000-square-foot retail limit shall apply to all indoor sales areas, but shall not apply to outdoor sales or storage areas. However, such outdoor sales and storage areas shall be calculated as floor space in determining lot area coverage. This shall include, but is not limited to, garden supplies with a nursery or greenhouse, milk products with a dairy, or imported produce with a permitted produce stand.

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

**PRIVATE SCHOOL.** Private school offering general educational courses similar to those ordinarily given in public schools and, except for in the Agriculture and Rural districts, having no rooms regularly used for housing or sleeping of students, provided it occupies a lot of not less than five (5) acres.

**PUBLIC SCHOOL.** Public school offering general educational course and having no rooms regularly used for housing or sleeping of students.

**RELIGIOUS.** Church or other place of worship provided it occupies a lot of not less than three (3) acres and there is one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly area.

**SALES OF AGRICULTURAL PRODUCTS.** Sales of agricultural products in association with an agricultural Permitted Use shall be permitted provided at least fifty (50) percent of the gross income from the farm market is derived from produce raised on the farm owned or operated by the market operator in a normal crop year.

**SCHOOLS.** Public or private school offering general educational courses and having no rooms regularly used for housing or sleeping of students.

The Agricultural and Rural districts allow private schools and colleges, with students in residence, provided they occupy a lot of not less than ten (10) acres or more and there is one (1) acre or more per twenty-five (25) day students, and one (1) acre or more per fifteen (15) resident students.

**STORAGE AND PROCESSING OF AGRICULTURAL PRODUCTS.** Grain elevator, mill or other facilities for the storage, sorting or other preliminary processing of agricultural products including other than those produced on the premises. Storage facilities shall not be within fifty (50) feet of side or rear lot lines, except when along a railroad right-of-way. Processing facilities shall not be within two hundred (200) feet of a side or rear lot lines, except when along a railroad right-of-way.

**TELECOMMUNICATIONS TOWER.** Any free standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

1. The free standing or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 519.211 (i.e., 10/31/96).
2. The free standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
3. The free standing or attached structure is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use. Areas zoned for residential use shall include all land located within the following zoning districts: Rural, Suburban Estate Residential (SER), Low Density Residential (R-2), Suburban Residential (R-4), Multifamily Residential (R-12), Exceptional Use (EU) if a residential use component is included and all areas zoned for residential use within Planned Unit Districts.
4. The free standing structure is proposed to top at a height that is greater than thirty-five (35) feet. In the case of an attached structure, such structure is proposed to top at a height that is three (3) feet greater than the height of the building or other structure to which it is to be attached.
5. The free standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.



## **APPENDIX: PERMITTED AND CONDITIONAL USES**

The following is a list of Permitted and Conditional Uses for each Zoning District as provided for in this Zoning Resolution. The interpretation of uses shall be defined in Article XI: Definitions. Permitted and Conditional Uses shall meet the applicable requirements provided in this Zoning Resolution prior to issuance of a Certificate of Zoning Compliance by the Zoning Inspector.

The following list of uses is for convenience purposes only and is not intended to add to or detract from the Permitted and Conditional Uses otherwise allowed under the Applicable District Regulations of this Zoning Resolution. In the event of a conflict between this listing and applicable District Regulations, the District Regulations shall be controlling.

### **SECTION 204 AGRICULTURAL (A) DISTRICT**

#### **Permitted Uses**

Agriculture  
Agricultural accessory uses  
Dwelling structures, one-family  
Religious  
Sales of agricultural products  
Schools  
Storage and processing of agricultural products

#### **Conditional Uses**

Boarding and care of animals  
Cemetery  
Parks

### **SECTION 206 RURAL (R) DISTRICT**

#### **Permitted Uses**

Dwelling structures accessory uses, one-family  
Dwelling structures, one-family  
Home occupation  
Parks  
Public and private schools  
Religious

#### **Conditional Uses**

Boarding and care of animals  
Cemetery  
Hospitals and Homes  
Private school for child care  
Telecommunications Towers

**SECTION 208**

**SUBURBAN ESTATE RESIDENTIAL (SER) DISTRICT**

**Permitted Uses**

Child care  
Dwelling structures, one-family  
Dwelling structures accessory use, one-family  
Home occupation  
Parks  
Public and private schools  
Religious

**Conditional Uses**

Telecommunications Towers

**SECTION 210**

**LOW DENSITY RESIDENTIAL (R-2) DISTRICT**

**Permitted Uses**

Home occupation  
Dwelling structures, one-family  
Dwelling structures accessory use, one-family  
Parks  
Public and private schools  
Religious

**Conditional Uses**

Child care  
Telecommunications Towers

**SECTION 212**

**SUBURBAN RESIDENTIAL (R-4) DISTRICT**

**Permitted Uses**

Dwelling structures, one-family  
Dwelling structures accessory use, one-family  
Home occupation  
Parks  
Public and private schools  
Religious

**Conditional Uses**

Child care  
Dwelling structures, two-family  
Telecommunications Towers

**SECTION 214**

**MULTIFAMILY RESIDENTIAL (R-12) DISTRICT**

**Permitted Uses**

Dwelling structures, one-family  
Dwelling structures, two-family  
Home occupation  
Parks  
Private schools  
Religious  
Structures accessory to permitted dwelling structures  
Townhouse structures

**Conditional Uses**

Apartment structures containing more than four (4) dwelling units per structure  
Child care  
Telecommunications Towers

**SECTION 220**

**SUBURBAN OFFICE (SO) DISTRICT**

**Permitted Uses**

Administrative and business offices  
Advertising offices  
Banks  
Brokerage firm offices  
Business offices  
Data processing offices  
Funeral homes and other similar services  
Insurance offices  
Mortuaries  
Offices and clinics of dentists  
Offices and clinics of other licensed health practitioners  
Offices and clinics of physicians  
Offices of accountants  
Offices of architects  
Offices of attorneys  
Offices of credit institutions  
Offices of engineers  
Offices of financial institutions  
Offices of other financial and related services  
Other similar management and/or service offices  
Professional offices  
Professional or civil association offices  
Real estate offices  
Savings and loans offices

**Conditional Uses**

Drive-in facility in association of Permitted Use  
Single-family residence in association with a permitted principal use

**SECTION 240**

**LOCAL BUSINESS (LB) DISTRICT**

**Permitted Uses**

All uses permitted in the SO District

Antique furniture and novelty shops (excluding automobiles)

Art galleries

Book shops

Camera stores

Drug stores

Florist shops

Food preparation services (consumption off premises)

Fruit and vegetable markets

Fur sales and storage

Gift shops

Grocery stores

Hobby shops

Jewelry stores

Other similar retail stores (excluding adults-only material and adults-only entertainment)

Restaurants

Retail bakeries

Small item service and repair shops

State liquor stores

**Conditional Uses**

All Conditional Uses in the SO District

Dry cleaning store

Laundromat

Lawn and garden stores

Personal appeal services

**SECTION 250**

**GENERAL BUSINESS (GB) DISTRICT**

**Permitted Uses**

- All uses permitted in the SO District
- All uses permitted in the LB District
- Automobile sales
- Boat sales
- Building material sales
- Gasoline service stations (excluding automobile repair facilities)
- Large equipment sales
- Lawn and garden stores
- Lumber sales
- Retail stores (excluding adults-only material and adults-only entertainment)

**Conditional Uses**

- All Conditional Uses in the SO District
- All Conditional Uses in the LB District
- Automobile and other vehicle repair
- Building contractors and services
- Car washes
- Carpentry contractors and services
- Coin-operated entertainment machines
- Electrical contractors and services
- Game rooms
- Highway contractors and services
- Landscape contractors and services
- Masonry contractors and services
- Miscellaneous aircraft, marine and automotive dealers (new & used)
- Motor vehicle dealers
- Other similar contractors and services
- Plumbing contractors and services
- Pool rooms
- Uses associated with coin-operated entertainment machines

**SECTION 255**

**LIGHT MANUFACTURING (M-1) DISTRICT**

**Permitted Uses**

Book binding  
Manufacturing/assembly of clothing  
Manufacturing/assembly of footwear  
Manufacturing/assembly of miscellaneous clothing and accessories  
Manufacturing of clocks  
Manufacturing of communication equipment  
Manufacturing of computers and computer accessories  
Manufacturing of electronic components and accessories  
Manufacturing of jewelry  
Manufacturing of measuring and controlling devices  
Manufacturing of metal  
Manufacturing of photographic equipment and supplies  
Manufacturing of plated wire  
Manufacturing of pharmaceuticals  
Manufacturing of products of purchased glass  
Manufacturing of watches  
Manufacturing/processing of food, bakery, or confectionery products  
Printing  
Printing related services  
Publishing

**Conditional Uses**

Research and development laboratories not permitted under any other section of this Zoning Resolution

**SECTION 260**

**HEAVY MANUFACTURING (M-2) DISTRICT**

**Permitted Uses**

All uses permitted in the M-1 District

General building contractors

Heavy construction contractors

Manufacturing of cardboard

Manufacturing of dairy and grain mill products

Manufacturing of furniture

Manufacturing of glass

Manufacturing of household appliance

Manufacturing of leather and similar materials

Manufacturing of miscellaneous electrical equipment and supplies

Manufacturing of modular homes

Manufacturing of office supplies and similar small items

Manufacturing of partitions

Manufacturing of products from previously processed paper

Manufacturing of sporting goods

Manufacturing of toys

Manufacturing of wood building components

Manufacturing of wood prefabricated structural units

Personal storage warehouse

Special trade contractors

Transportation services

Warehousing

Wholesaling

Wholesale and/or retail sales and storage of lumber, concrete, and metal building material

**Conditional Uses**

Manufacturing of automobile, motorcycle, boat, aircraft, farm, and similar machinery and/or parts

Manufacturing of concrete, clay or similar products

Manufacturing of glass

Manufacturing of glass products

Manufacturing of hand tools, hardware or similar products

Machine Shops

Rental, sale and/or storage of portable storage units

Other industrial uses not permitted in any other zone which demonstrate they can meet the development standards, nuisance provisions, and other applicable requirements of this Zoning Resolution

**SECTION 301**

**PLANNED RESIDENTIAL CONSERVATION DEVELOPMENT  
(PRCD) DISTRICT**

**Permitted Uses (To Be Specified On Development Plan)**

Detached single-family dwellings  
Single-family cluster dwellings  
Single-family attached dwellings  
Recreation facilities for use by residents  
Restricted open space  
Home occupation  
Accessory buildings in association with a permitted dwelling  
Temporary uses limited to real estate sales offices and contractors' offices and equipment sheds  
Other residentially-oriented uses which, in the opinion of the Township Zoning Commission and the Township Trustees, meet the purpose and intent of the PRCD District and are adequately designed, located and specifically provided for in the approved Development Plan and other required documents

**SECTION 302**

**PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

**Permitted Uses**

Accessory buildings in association with Permitted Uses  
Religious  
Home occupations  
Other uses which meet the purposes and intent of the PUD District  
Parks, playgrounds, or playfields  
Public or private schools  
Child care (must occupy a lot of not less than one (1) acre  
Standard residential district uses  
Uses permitted in the SO and LB districts  
Public or private golf courses or other similar outdoors recreational facilities  
Zero lot line, attached twin single, townhouse, or other innovative forms of residential development  
Other uses which, in the opinion of the Township Zoning Commission and the Township Trustees, meet the purpose and intent of the PUD District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

**SECTION 303**      **SELECT COMMERCIAL PLANNED DISTRICT (SCPD)**

**Permitted Uses**

Selected uses identified by an applicant and found with Suburban Office, Local Business, and General Business districts

**SECTION 304**      **PLANNED COMMERCIAL (PC) DISTRICT**

**Permitted Uses**

Bars

Carry out restaurants

Combinations of retail and/or office and/or warehousing activities

Drive-in restaurants

Fast food restaurants

Hotels and other lodging establishments

Other commercial or commercially-oriented uses which meet the plan requirements and development standards of this District and Zoning Resolution, excepting adults-only entertainment facilities and sales of adult material.

Shopping centers and similar multi-tenant retail facilities

**SECTION 306**      **PLANNED INDUSTRIAL PARK (PIP) DISTRICT**

**Permitted Uses**

Industrial service activities located and maintained within the limits of the Development Standards of these Planned Industrial Park District Regulations and In accordance with the approved Development Plan, including:

- Manufacturing
- Processing
- Warehousing

Commercial establishments normally associated with and intended to serve the industrial establishments or their employees and approved as a part of the Development Plan including:

- Automobile repair establishments
- Financial institutions
- Gasoline service stations
- Recreation or other personal enrichment facilities established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments, developed as a part of the approved Development Plan.
- Restaurants

## **SECTION 520**

## **EXCEPTIONAL USE (EU) DISTRICT**

### **Permitted Uses**

Borrow Pits. See Section 540.024

Other Uses Not Provided For. Other legal uses of unique or exceptional requirements or circumstances that are otherwise not permitted by this Zoning Resolution.

- Amusement Center
- Amusement Park
- Athletic Field
- Camping or boating facilities
- Golf Club
- Country Club
- Drive-in theater or similar facility.
- Drive-in theater (except adult motion picture theater)
- Fishing Club or Lake
- Gun Club
- Miniature Golf
- Park
- Picnic grounds
- Race Track
- Resort establishment
- Riding Stable, including boarding of animals
- Similar recreational facility operated on an admission fee or membership basis
- Similar sports facility not otherwise allowed by the provisions of this Zoning Resolution
- Skating Rink
- Stadium
- Swimming Pool
- Social and Cultural Institution
- Cemetery or Crematory not otherwise allowed by the provisions of this Zoning Resolution.
- Convalescent Home
- Emergency Medical Treatment Center
- Hospital
- Private school or college including those with students or faculty in residence, not otherwise allowed by the provisions of this Zoning Resolution.
- Rest Home or Home for Children or the Aged, not otherwise allowed by the provisions of this Zoning Resolution.
- Sanatorium
- Transportation
- Airport or flying field,
- Transportation terminals, depots, or other transportation facilities not exempt from regulation.

