

WALNUT TOWNSHIP ZONING RESOLUTION

FAIRFIELD COUNTY

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ARTICLE I

TITLE, PURPOSE, ADOPTION AND APPLICATION

1.1 TITLE

This Resolution shall be known as and shall be cited and referred to as the “Zoning Resolution of Walnut Township, Fairfield County, Ohio.”

1.2 PURPOSE

Except as otherwise provided in ORC Section 519.01 – 519.99, in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, the Board of Township Trustees may in accordance with a comprehensive plan regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of the township; and for all these purposes, the Board of Trustees may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zones, but the regulations in one district or zone may differ from those in other districts or zones.

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

1.3 CONFORMANCE

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

ARTICLE II

INTERPRETATION OF STANDARDS - EXEMPTIONS AND LIMITATIONS

2.1 INTERPRETATION AND APPLICATION

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

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

2.2 SEPARABILITY CLAUSE

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

2.3 ADOPTION

This Zoning Resolution shall become effective upon approval by the Walnut Township Zoning Commission and the Walnut Township Board of Trustees as set forth in Section 519.12 of the Ohio Revised Code. Upon approval and effective date of this Zoning Resolution by the Walnut Township Zoning Commission and the Walnut Township Board of Trustees as set forth in Section 519.12 of the Revised Code all previous zoning resolutions in effect shall be deemed to be repealed.

2.4 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL

A. Agricultural Exemption

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

to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, this Zoning Resolution hereby regulates:

- a. Agriculture on lots of one acre or less.
 - b. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines, height and size. Such buildings or structures shall comply with the requirements within the applicable zoning district.
 - c. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvements that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming uses of land and buildings or structures pursuant to Section 519.19 of the Revised Code and subject to the restrictions in Article V of this Resolution.
3. Section 2.4(A)(2) of this section confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.
 4. Such sections confer no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

B. Public Utilities and Railroads

Except as otherwise provided in ORC Section 519.211(B), Section 519.211 (C) and Section 519.213, such sections confer no power on any Township Board of Trustees or Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. Per ORC 519.21, "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734 of the Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the Revised Code. (ORC Section 519.21)

As provided in ORC Section 519.211(B), telecommunication towers shall be regulated as a conditional use in the RR, R-1, R-2, R-3, RLF-1, RLF-2, & RMU Districts and subject to the provisions of Section 11.3 (Free Standing Telecommunication Towers) of this Zoning Resolution.

As provided in ORC Section 519.213, Individual Wind Energy Conversion Systems and Small Wind Farms (as defined in Article III), whether publicly or privately owned, shall hereby be regulated as set forth within this Zoning Resolution.

C. Retail Establishments and Alcoholic Beverages

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

D. Outdoor Advertising

For the purpose of Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code, outdoor advertising shall be classified as a business use and be permitted in the B-1, B-2, B-3, I-1 and I-2 districts. (See Section 10.9F for Outdoor Advertising Regulations).

ARTICLE III DEFINITIONS

Interpretation of terms or words: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

- A. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any legal entity which may own or use land or buildings.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied, constructed, altered or converted.”
- E. The word “lot” includes the words “plot,” “parcel” or “tract.”

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

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

ACCESSORY STRUCTURE - A structure detached from the principal building and subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary building and are not designed for human occupancy as a dwelling. Examples of accessory structures are detached private garages, carports, sheds (160 square feet or less), pool houses, storage buildings, and other similar type buildings.

ACCESSORY USE – A subordinate use which is incidental to and customary in connection with the primary building and which is located on the same lot with such primary building or use. An example of an accessory use would be an attached garage within a residential dwelling unit.

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

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

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

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

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

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

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

ADULT MOTEL – A hotel, motel or similar commercial establishment which:

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

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

ADULT THEATER – A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

AGRICULTURE - The use of land for any of the following purposes: farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising

of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storing, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production (ORC Section 519.01).

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

ASSOCIATION – A legal entity operating under recorded land agreements or contracts through which each unit owner within a conservation development or planned unit development is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common 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, property owners' association, condominium association or other similar entity.

AUTOMOBILE OR TRAILER SALES AREA – An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition.

AUTO ORIENTED BUSINESS – A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle and/or including services rendered directly on, to, or for vehicles. Auto-oriented business facilities include, but are not limited to, drive-thru restaurants, drive-in restaurants, automated teller machines (ATMs), drive-thru banks, drive-in movie theaters, car washes (all types), gas stations, facilities specializing in oil changes, car repair, establishments installing car accessories, other similar auto service facilities. The sale of new or used vehicles, auto body repair, and stand alone parking lots are not included within this definition.

BANK, STREAM OR RIVER – 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 or stain lines.

BASEMENT – A story all or partly underground but having at least one half of its height below the average level of the adjoining ground (see Story)

BED AND BREAKFAST FACILITY – Any place of lodging that provides four (4) or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

BILLBOARD – See Sign, Outdoor Advertising.

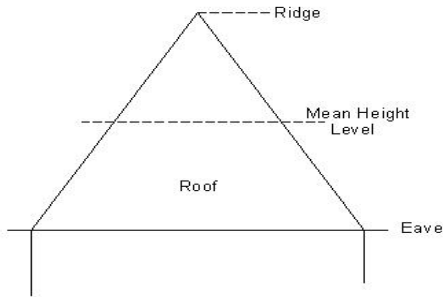
BUILDABLE AREA (OF A LOT) – The space within a lot that is remaining after the minimum yard setback requirements have been complied with.

BUILDING – Any structure having a roof supported by columns or walls, designed, built, or occupied for the shelter, support, or enclosure of persons, property or animals and used for residential, commercial, industrial, institutional, assembly, educational, recreational purposes or other similar uses.

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 yard setback and spacing requirements. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.

BUILDING HEIGHT – The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge (see exhibit and mathematical equation) for gable, hip and gambrel roofs.

Exhibit



$$\text{Mean Height Level} = (\text{Ridge Height} - \text{Eave Height})/2$$

BUSINESS, AGRICULTURAL IMPLEMENT – A use primarily engaged in the selling of items used for agricultural production and the rendering of services that is incidental to the sale of such items. Such uses include fertilizer sales, seed sales, agricultural machinery sales and repairs, and other similar uses.

BUSINESS, RETAIL – A use primarily engaged in the selling of merchandise and the rendering of services that is incidental to the sale of the goods.

BUSINESS, HOME BASED RETAIL - A Retail Business where goods are sold in the home of the retail operator either using the Internet, a magazine, catalog or other similar mechanism, and in which the consumer is typically not required to visit the operator's home to choose, order, purchase or pick up the goods. Such uses do not involve delivery trucks other than normal parcel delivery services.

BUSINESS, NEIGHBORHOOD RETAIL – A Retail Business that is less than ten thousand (10,000) square feet in area and typically services nearby neighborhoods.

BUSINESS, GENERAL RETAIL – Any Retail Business regardless of its size.

BUSINESS, SERVICES PERSONAL – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, garment repair services, or laundry or dry cleaning services.

BUSINESS, WHOLE SALE – A use that generally sells commodities in large quantities or by the piece to the general public, business members, retailers or other wholesale establishments.

BUFFER – A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained.

BUFFER, LAND USE – Land area used to separate or visibly shield and/or screen one use from another.

CANAL – Channel extending from Buckeye Lake.

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

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

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

CERTIFICATE OF ZONING COMPLIANCE - A certificate issued by the Zoning Inspector confirming that the requirements of this Resolution have been met and the building can be occupied or the property can be utilized for the purpose stated in the zoning permit.

CHILD DAY-CARE CENTER – Any place in which child care or publicly funded child care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Any facility listed in ORC Section 5104.01(L)(1)-(3) shall not be considered a Child Day-Care Center (ORC Section 5104.01(L)).

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

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

COMMENCE (WORK) – The time at which physical improvements begin to be made to a building or structure so that it may be utilized for its intended purpose stated in the zoning permit.

COMMENCE (CONSTRUCTION) – The time at which physical improvements begin to be made to a property (excluding the clearing of the land) to comply the requirements of an approved development plan within a Planned Unit Development District.

COMMERCIAL ENTERTAINMENT FACILITY – Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, dance halls, pools halls, bowling alleys, skating rinks, and similar entertainment activities.

COMMERCIAL RECREATIONAL USES – The recreational use of land or water for business or financial gain. Commercial recreational uses include but are not limited to business activities such as golf courses; tennis, soccer, or other sports clubs, guided sports fishing, guided or outfitted sport hunting, guided recreation, off-road vehicle uses, and other similar uses.

COMMON AREA – Any land area and associated facilities, within a conservation development or planned unit development that is held in common ownership by the residents or lot owners 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.

COMMON DRIVE – A private way which provides vehicular access to at least two but not more than three dwelling units.

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

CONSERVATION DEVELOPMENT – A contiguous area of land to be planned and developed as a single entity, 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.

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 Section 5301.67 through Section 5301.70.

CONSTRUCTION/DEMOLITION FACILITY – Any site, location, tract of land, or building used for the disposal of materials resulting from the alteration, construction, destruction, or repair of any physical structure that is built by humans including, but not limited to houses, buildings, industrial or commercial facilities, or roadways. A construction/demolition facility also includes the particles and dust from the demolition activities, but does not include materials identified as solid waste or hazard waste.

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

CUL-DE-SAC – A short minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn around.

DAY-CARE HOME, FAMILY (TYPE A) - A permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp. (ORC Section 5104.01(RR)).

DAY-CARE HOME, FAMILY (TYPE B) - A permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp. (ORC Section 5104.01(SS)).

DENSITY – The number of dwelling units developed on an acre of land.

DEVELOPER – an individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity developing land.

DEVELOPMENT PLAN – A proposal including drawing(s) and map(s) for a planned unit development prepared in accordance with these regulations, illustrating the proposed design, layout and other features for the development.

DISTRICT – A section or sections of the unincorporated territory of the Township governing the development and use of buildings and use of premises or the height and area of buildings.

DWELLING – A building or portion thereof, conforming to all requirements applicable to the district in which it is located and that it is used exclusively for residential occupancy, including single-family dwelling units, single-family cluster dwellings, single family attached dwellings, two-family dwelling units, and multi-family dwelling units, but excluding hotels, and motels.

DWELLING – ATTACHED SINGLE FAMILY – 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.

DWELLING – CLUSTER SINGLE FAMILY – A building that is designed and used 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 accordance with the standard zoning district regulations.

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.

DWELLING, MULTI-FAMILY – A building or portion thereof occupied or constructed to be occupied by more than two families or housekeeping units.

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

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

EASEMENT – Authorization by a property owner for the use by another and for a specified purpose of any designated part of the owner’s property.

EAVES – The overhanging lower edge of a roof.

EROSION – The wearing away of land surface caused by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Detachment and movement of soil and rock fragments by wind, water, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN – A set of plans indicating the specific measures and sequencing to be used in controlling sediment and erosion on a development site both during and after construction.

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

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

EXCAVATION – Any act by which organic matter, earth, sand, gravel, rock, and any other similar material is cut into, dug, quarried, uncovered, removed, displaced, or bulldozed, and shall include the conditions resulting therefrom.

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

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

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

FENCE, OPEN – A fence constructed for its functional, ornamental, or decorative effect and, when viewed at right angles, having not less than 50% of its vertical surface area open to light and air. Examples of open fences include, but are not limited to, picket fences (when the space between the vertical boards is greater than the width of the boards), chain link fences, split rail fences, and wrought iron fences.

FENCE, SOLID – A fence designed to inhibit public view and provide seclusion and, when viewed at right angles, having more than 50 percent of its vertical surface area closed to light and air. Examples of solid fences include, but are not limited to, board on board fences and solid picket fences (where the boards abut one another).

FILL – Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

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

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

FLOOR AREA – The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings.

FLOOR AREA, LIVABLE – The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms,

unfinished garages, unfinished basements, attic space or rooms used exclusively for utilities or storage shall not be considered as livable floor area. Breezeways, open porches and uncovered steps shall also not be considered as livable floor area. In no case shall an area less than 6 feet in height be considered livable floor area.

FRONTAGE – The portion of a lot that directly abuts a street or street right-of-way and provides primary access to the property. For through lots or lots with two (2) or more segments that abut the same street or street right-of-way but are not contiguous, the segments of street or street right-of-way shall not be totaled together when calculating lot frontage. Rather the lot frontage will be measured from only the segment that directly abuts the street or street right-of-way and provides access to the lot. Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage. Frontage for cul-de-sac lots shall be measured at the building setback line.

GARAGE, PRIVATE – A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises.

GARAGE, PUBLIC – A principal or accessory building other than a private garage used for parking or temporary storage of passenger automobiles and in which no service shall be provided for remuneration.

GRADE – The ground elevation established for the purpose of regulating the number of stories and the height of buildings or structures (including towers). The building grade shall be the level of the ground adjacent to the walls of the building if the final grade is level. If the final grade is not entirely level, the building grade shall be determined by averaging the elevation of the ground for each face of the building or structure.

GRADE, FINAL – The vertical location of the ground or pavement surface after the grading work is completed and in accordance with any applicable Master Grading Plan (if applicable).

HAZARDOUS WASTE – Any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director of environmental protection (see ORC 3134.01(B)), because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
- (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

Hazardous Waste includes any substance identified by regulation as hazardous waste under the “Resource Conservation and Recovery Act of 1976,” 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the “Atomic Energy Act of 1954,” 68 Stat. 919, 42 U.S.C.A. 2011, as amended. (ORC 3134.01(J)).

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

HOME OCCUPATION – An accessory use which is an activity, profession, occupation, service, craft or revenue enhancing hobby conducted by a person on the same premises as the principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home

occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music or dance lessons, or tutoring, Home Based Retail Businesses, or other similar uses that do not change the character of the residential neighborhood. Family Day-Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and conditional uses as listed in the applicable zoning district.

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

HOTEL – A building in which temporary lodging for boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge. Compensation is usually assessed on a day-to-day basis.

INDUSTRIALIZED UNIT – A building unit or assembly of closed construction fabrication in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity, but does not include a permanently sited manufactured home or mobile home as defined in Article III of the Walnut Township Zoning Resolution (ORC Section 3781.06(C)(3)).

INFLAMMABLE FUEL – Any fuel that is capable of being set on fire, such as gasoline, oil, and other similar liquids or gases.

INVASIVE SPECIES – Organisms that harm, or have potential to harm, the environment, economy, or human health; species so listed shall be as defined by the Ohio Department of Natural Resources.

ISOLATED LAND – Any portion of parcel within a PUD District that is separated from the remainder of the parcel by an excessively steep slope, water body, or other feature that would not support a road under normal building standards, rendering the portion unbuildable.

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

LAKE VIEW – The view of the lake along the front of a lake front lot. In no case, shall the view for a lake front lot extend beyond the front or side lot lines of said property.

LANDSCAPING – The improvements of a lot with grass, shrubs, trees, and other vegetation.

LAND TRUST – A non-profit, tax exempt entity whose primary purpose includes the preservation of open space, wooded land, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements under ORC Section 5301.68.

LOADING SPACE – An off-street space on the same lot with a building or contiguous group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials,

which abuts a street, alley, or other appropriate means of access, but is located totally outside of any street or alley right-of-way.

LOT – A parcel of land intended as a unit for transfer of ownership or for building development together with the required open spaces and having frontage on a street right-of-way.

LOT, CANAL FRONT – A lot abutting both a street and a canal.

LOT, CORNER – A lot situated at the intersection of two streets or which fronts a street on two or more sides forming an interior angle of less than 135 degrees.

LOT INTERIOR – A lot that abuts no more than one (1) street and that fronts a street on no more than one side.

LOT, LAKEFRONT – A lot fronting both a street and Buckeye Lake or Buckeye Lake Dam.

LOT, THROUGH – A lot fronting on two parallel or approximately parallel streets.

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

LOT COVERAGE – The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT DEPTH – The average horizontal distance between the front and rear lot lines. For through lots, the average horizontal distance between the two front lot lines.

LOT LINE – A line bounding or demarcating a plot of land or ground.

LOT LINE, FRONT –

- A. For a canal front lot, the line marking the boundary between the lot and the abutting canal.
- B. For a lake front lot, the line marking the boundary between the lot and Buckeye Lake/Buckeye Lake Dam.
- C. For an interior lot, the line marking the boundary between the lot and the abutting street.
- D. For a through lot, the lines marking the boundaries between the lot and each of the abutting streets.
- E. For a corner lot, the lines marking the boundaries between the lot and each of the abutting streets. There are also two front lot lines for corner lots.

LOT LINE, REAR – The line opposite and most distant from the front lot line. Through lots do not have a rear lot line.

LOT, SIDE – A lot boundary line other than a front or rear lot line.

LOT OF RECORD – A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the deed of which has been so recorded.

LOT WIDTH – The average horizontal distance between side lot lines.

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

MANUFACTURED HOME – A building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label or tag permanently affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards (ORC Section 3781.06(C)(4)).

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

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

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

1. The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
2. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
3. The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The structure was manufactured after January 1, 1995.
5. The structure is not located within a manufactured home park as defined in ORC Section 3733.01(A).

MASTER GRADING PLAN – A grading plan that reflects changes in before and after contours that has been approved for a subdivision by the Fairfield County Regional Planning Commission. Elevations shall be based on the mean sea level datum (United States Geological Service).

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

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

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

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

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 climatic stress, and energy costs.

NONCONFORMING USE – Any use lawfully established prior to the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Regulations of the district in which it is situated.

NONCONFORMING STRUCTURE – Any Structure existing prior the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Regulations of the District in which it is situated.

NONCONFORMING LOT OF RECORD – Any lot that has been lawfully established prior to the effective date of these regulations or amendment or supplement thereto, which does not conform to the Regulations of the District in which it is situated.

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

NUDITY OR A STATE OF NUDITY – The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

NURSING HOME – A home used for the reception and care of individuals who by reason of illness or physical impairment require skilled nursing care and of individuals who require personal care services but

not skilled nursing. A nursing home is licensed to provide personal care services and skilled nursing care (ORC Section 3721.01(A)(6)).

OPEN SPACE – An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, agricultural land, wooded areas, and waterbodies.

OPEN SPACE, RESTRICTED – Open space that is of sufficient size and shape to meet the minimum zoning requirements, that is restricted from further development.

ORC – Ohio Revised Code.

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

OWNER – Owner of record according to records contained in the County Recorder’s office.

OVERLAY ZONING DISTRICT – A district that is placed over the standard zoning district in which a property is located. Overlay zoning districts are typically applied to a specific geographical area to achieve a particular goal within a defined area. An overlay zoning district can include development standards that are to be applied in addition to or in lieu of the development standards of the underlying zoning district. An overlay zoning district may or may not include use restrictions.

PARKING AREA – An open area other than a street or other public way that is used for the parking of vehicles and/or bicycling.

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

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

PERENNIAL STREAM – A natural waterway that contains water throughout the year except in severe drought as identified on the U.S. Geological Survey maps.

PERMANENT VEGETATION – Ground cover mature enough to control soil and erosion satisfactorily and to survive severe weather conditions.

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

PLANNED INTEGRATED COMMERCIAL DEVELOPMENT – A grouping of two or more buildings for commercial uses located on the same lot of record or a grouping of two or more commercial uses within a single building whereby each use is within its own unit separated from the adjoining unit(s) by a common wall. Such developments function as a common retail facility, may have common vehicular parking facilities and controlled access to abutting streets, and are developed under a unified site plan.

innovative development techniques. Within a planned unit residential development district, the township zoning regulations need not be uniform.

PLANNED UNIT DEVELOPMENT (PUD) – A development which is planned to achieve particular design objectives, make provision for open space and common areas, promote greater efficiency in the provisions of utilities, or provide for innovative development techniques. A PUD may consist of one or more of the permitted uses in Section 9.15 (Planned Unit Development District).

PLAT – A map of a tract or parcel of land made by a professional surveyor that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

PRIME AGRICULTURAL LAND – Land recommended for preservation by the Fairfield County Development Strategy and Land Use Plan, which employed the Land Evaluation and Site Assessment (LESA) process developed by the U.S. Department of Agriculture’s Natural Resource Conservation Service (formerly Conservation Service).

PRINCIPAL BUILDING –The building on a lot used to accommodate the primary use to which the premise is devoted.

PRIVATE STREET – See Street, Private.

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 Planned Unit Development. The term “project boundary” shall also mean “development boundary.”

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

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.

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

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

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

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

RESIDENTIAL FACILITY – A home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC,

a county home or district home operate pursuant to Chapter 5155 of the ORC, or a dwelling in which the only mentally retarded or developmentally disabled residents are in the independent living arrangement or are being provided supported living (ORC Section 5123.19(A)(1)(a).

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

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

RESTAURANT – A facility primarily engaged in the selling of food that is prepared and cooked within such facility and includes establishments commonly known as grills, cafes, and fast food establishments.

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

SATELLITE DISH ANTENNA, LARGE – Any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include any antenna used for AM/FM radio, amateur (“ham”) radio, Citizen’s Band (“CB”) radio, Digital Audio Radio Services (“DARS”) or short wave listeners.

SATELLITE DISH ANTENNA, SMALL - Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

SCRAP METAL PROCESSING FACILITY – An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remodeling re-melting purposes.

SEDIMENT – Solid material, both mineral and organic, that is or was suspended, is being or has been transported, or has been removed from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface either above or below water.

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

SERVICE INDUSTRIES – An establishment that may include an office, showroom or workshop for trade occupations such as an electrician, plumber, heating and cooling services, masonry, carpentry, roofing, well drilling and servicing, welding and other similar uses, and where such use is conducted completely within an enclosed building and there is not outdoor storage of materials.

SETBACK – The minimum required distance between a structure and a lot line, street right-of-way, pavement, stream or riverbank, wetland, or other delineated site feature.

SETBACK, FRONT YARD – The minimum distance required (measured horizontally and in accordance with Section 10.2) between the eaves of a building and a front lot line.

SETBACK, REAR YARD – The minimum distance required (measured horizontally and in accordance with Section 10.2) between the eaves of a building and the nearest portion of the rear lot line.

SETBACK, RIPARIAN – A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion.

SETBACK, SIDE YARD – The minimum distance required (measured horizontally and in accordance with Section 10.2) between the eaves of a building and the nearest side lot line.

SETBACK, WETLANDS – An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

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

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

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

SIGN – Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object, or product.

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

SIGN, GROUND – Any sign which is physically attached to a foundation. These are commonly known as pole, pylon, or monument signs.

SIGN, JOINT IDENTIFICATION – Any free standing sign used for multiple businesses on one parcel.

SIGN, OUTDOOR ADVERTISING (BILLBOARD) – Any freestanding sign other than a joint identification sign.

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

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

SITE DEVELOPMENT – The altering of terrain and/or vegetation and constructing improvements.

SOIL STABILIZATION – Measures which protect soil from the erosive forces of raindrop impact and flowing water and include, but are not limited to, vegetation establishment, mulching, and the early application of gravel base on areas to be paved.

SOLID WASTE – Any unwanted residual solid or semi-solid material that results from industrial, commercial, or community operations. Solid waste includes but is not limited to garbage, scrap tires, combustible and noncombustible materials, street dirt, and debris. Solid waste does not include earth material from construction, mining, demolition operations (or other waste material that would normally be included in demolition debris), or material that is an infectious waste or hazardous waste as defined in ORC Section 3734.

SOLID WASTE FACILITY – Any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes, or if the solid wastes consists of scrap tires, for the collection, storage, or processing of solid wastes; or for the transferring of solid wastes.

SPECIFIED ANATOMICAL AREAS – Human genitalia in a state of sexual arousal.

SPECIFIED SEXUAL ACTIVITIES – Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

STANDARD SUBDIVISION – A subdivision as defined by the ORC, in which property is subdivided into lots having the minimum front, side, and rear yards as specified in this Zoning Resolution and with each lot having the requisite frontage on a dedicated public street.

STORAGE YARD - An area not fully enclosed by solid walls and a roof that is used for the storage and/or rental of contractors' equipment, heavy machinery, repair equipment, motor vehicles, trucks or other similar pieces of equipment or machinery.

STORY – That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

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

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

STREET – A right-of-way, normally fifty (50) feet or more in width, which provides a means of access to abutting property. The term street shall include avenue, drive, circle, road, lane, court, parkway, boulevard, highway, thoroughfare, or any other similar term.

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

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

STREET, PRIVATE – A local private way which provides vehicular access to abutting property that has not been dedicated to the public or subject to any public easements.

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

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

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

STRUCTURE – A combination of materials constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, garages, fences, etc. The term “building” is one type of “structure.”

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

SUBDIVISION – Per ORC 711.01(B):

1. The division of any parcel of land shown as a unit or contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided however, that the following are exempt:
 - a. A division or partition of land into parcels of more than five acres not involving any new streets or easements of access;
 - b. The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites;
 - c. If the planning authority adopts a rule in accordance with section 711.133 of the Revised Code that exempts from division (B)(1) of this section any parcel of land that is four acres or more, parcels in the size range delineated in that rule.

2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

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

SURFACE MINING – All or any part of a process followed in the production of minerals from the earth or from the surface of the land by surface excavation methods, such as open pit mining, dredging, placering, or quarrying, and includes the removal of overburden for the purpose of determining the location, quantity, or quality of mineral deposits, and the incidental removal of coal at a rate of less than one-sixth the total weight of minerals and coal removed during the year, but does not include: test or exploration boring; mining operations carried out beneath the surface by means of shafts, tunnels, or similar mine openings, the extraction of minerals, other than coal, by a landowner for the landowner's own noncommercial use where such materials is extracted and used in an unprocessed form on the same tract of land; the extraction of minerals, other than coal, from borrow pits for highway construction purposes, provided that the extraction is performed under a bond, a contract and specifications that substantially provide for and require reclamation practices consistent with the requirements of this chapter; the removal of minerals incidental to construction work, provided that the owner or person having control of the land upon which the construction occurs, the contractor, or the construction firm possesses a valid building permit; the removal of minerals to a depth of not more than five feet, measured from the highest original surface elevation of the area to be excavated, where not more than one acre of land is excavated during twelve successive calendar months; routine dredging of a watercourse for purely navigational or flood control purposes during which materials are removed for noncommercial purposes, or the extraction or movements of soil or minerals within a solid waste facility, as defined in section 3734.01 of the Revised Code, that is a sanitary landfill when the soil or minerals are used exclusively for the construction, operation, closure, and post-closure of the facility or for the maintenance activities at the facility. (ORC 1514.01)

SWIMMING POOL – A pool, pond, lake or open tank capable of containing at least three feet of water at any point and maintained by the owner or manager. This definition does not include portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet or farm ponds.

PRIVATE – Exclusively used by the owner or lessee thereof and the family and friends invited to use it without payment of any fee.

COMMUNITY OR CLUB – Used by members of a property owners association, private club or association, lessees of a multi-family development, or patrons of a motel or hotel without paying an additional charge for admission.

COMMERCIAL – Operated with a charge for admission.

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

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

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

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

TELECOMMUNICATION TOWER, FREESTANDING (HEIGHT OF) – The distance measured from the base of the tower, at grade, to the highest point of the tower, including the antenna.

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

TYPE A FAMILY DAY-CARE HOME – See Day-Care Home, Family (Type A)

TYPE B FAMILY DAY-CARE HOME – See Day-Care Home, Family (Type B)

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

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

VEGETATIVE STRIPPING – Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

WALKWAY – A public way, four or more feet in width, for pedestrian use only, which may or may not be located within the street right-of-way.

WETLAND – An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

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

WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL – A wind energy conversion system which has an aggregate rated capacity of not more than 100 kilowatts and which is intended to primarily reduce on-site consumption of utility power.

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

WIND FARM, SMALL – A wind energy conversion system consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of 100 kilowatts or more, but less than 5 megawatts. Any wind farm that is 5 megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Zoning Resolution.

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

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

YARD, REAR – A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. In both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

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

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

ZONING MAP – The zoning maps of Walnut Township, Fairfield County, Ohio, dated as of the Resolution date together with all amendments subsequently adopted.

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

ARTICLE IV

ENFORCEMENT, PENALTIES, AND FEES

4.1 ENFORCEMENT

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

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

4.2 ZONING PERMIT

A. Zoning Permit Required.

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

B. Change in Use.

Prior to a use being changed within any building or part thereof, a zoning permit shall be obtained, unless the new use is specifically exempted per Section 2.4 (Uses Exempt or Limited from Township Control). A new zoning permit shall be required each time there is a change in use. The Zoning Inspector shall not issue a Zoning Permit for a change in use unless the change in use has been made in accordance with the provisions of this Resolution.

4.3 ZONING PERMIT APPLICATION

Three (3) copies of an application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not commenced (as defined in Article III) within one year or substantially completed (as defined in Article III) within two (2) years. An application shall not be considered complete until such time all applicable information required in Section 4.3 A – B (Zoning Permit Application) has been submitted by the applicant.

A. The zoning permit application shall list the following information:

1. Name, address, and phone number of the applicant.

2. Existing use.
3. Proposed use.
4. Zoning district in which the property is located.
5. The height of proposed buildings or alterations.
6. Parking plan in accordance with Section 10.10A (Parking Regulations).
7. Number of existing and proposed dwelling units.
8. Any other information as requested by the Zoning Inspector to determine conformance with or provide for the enforcement of this Zoning Resolution.

B. The zoning permit application shall be accompanied by the following information:

1. Legal description of the property.
2. An approval by the Fairfield Department of Health (for residential uses) or the Ohio Environmental Protection Agency (for non-residential uses) of the proposed method of water supply and for disposal of sanitary wastes (if public water and sanitary sewers are not proposed).
3. A vicinity map in sufficient detail to easily locate, in the field, the site for which the permit is sought, including boundary line and approximate acreage for the site, and legend and scale.
4. Three copies of a site plan showing all lot lines (with actual dimensions) and the following information:
 - a. The exact size and location of existing buildings, structures, sidewalks, and other features on the site.
 - b. The location and dimensions of the proposed building(s) or alteration.
 - c. Any easements, setbacks, rights-of-way or reserves.
 - d. All parking areas (including the dimensions of all parking spaces, driveways) (for non-residential uses the loading spaces, and maneuvering lanes shall also be shown).
 - e. Any other information as requested by the Zoning Inspector to determine conformance with or provide for the enforcement of this Zoning Resolution.

4.4 ZONING PERMIT APPROVAL

Within 30 days after the receipt of a completed application, the Zoning Inspector shall either approve or disprove the application, unless the provisions of Section 4.5 (Submission to the

Director of the Department of Transportation), or other specific sections of this Resolution apply. All approved zoning permits shall be conditional upon the commencement of work, as defined in Article III, within one (1) year. The Zoning Inspector shall return one (1) copy of the application/plans to the applicant after the Zoning Inspector or designated agent certifies by signature the application/plans as either approved or disapproved. In the case of disapproval, the Zoning Inspector shall state on the returned application/plans the specific reasons for disapproval. The Zoning Inspector shall retain two (2) copies of application/plans similarly marked. The Zoning Inspector shall forward one (1) of the retained copies to the County Auditor upon issuance of a certificate of zoning compliance. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alternation is in conformance with the provisions of this Resolution. Notwithstanding the above, this Resolution reserves to the Zoning Inspector the right to reject or deny incomplete applications or to return incomplete applications without acting upon them.

4.5 SUBMISSION TO THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION

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

4.6 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not commenced (as defined in Article III) within one (1) year from the date of zoning permit approval, or has not been substantially completed, as defined in Article III, within two (2) years from the date of zoning permit approval, then said permit shall expire. The Zoning Inspector shall revoke the zoning permit and give written notice of revocation to the persons affected. The notice shall indicate that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained.

4.7 CERTIFICATE OF ZONING COMPLIANCE

A. Certificate of Zoning Compliance Required

1. It shall be unlawful to use or occupy (or permit the use or occupancy of) any portion of a building and/or premises created, erected, changed, converted, altered or enlarged in its use or structure until a certificate of zoning compliance has been issued by the Zoning Inspector. The certificate of zoning compliance shall state that the work authorized in the zoning permit has been completed and conforms to the requirements of this Resolution.

2. Certificates of Zoning Compliance shall be applied for simultaneously with the application for a zoning permit and shall be issued within ten (10) days after notice by the applicant that the work authorized in the zoning permit has been completed and conforms to the requirements of this Resolution.

B. Temporary Certificate of Zoning Compliance

A temporary certificate of zoning compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

C. Record of Certificate of Zoning Compliance

The Zoning Inspector shall maintain a record of all certificates of zoning compliance and a copy of any individual certificate shall be furnished upon request.

4.8 VIOLATION

A. Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance

Failure to obtain a zoning permit or certificate of zoning compliance shall be a violation of this Resolution and punishable under Section 4.8(D) (Penalties for Violation) of this Resolution.

B. Construction and Use

Zoning permits and certificates of zoning compliance are issued on the basis of plans and applications approved by the Zoning Inspector and authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided in Section 4.8(D) (Penalties for Violation).

C. Complaints Regarding Violations

Any person may file a written complaint alleging a violation of this Zoning Resolution. Such complaint shall be filed with the Zoning Inspector and shall fully state the causes and basis of the complaint. The Zoning Inspector shall properly record such complaint, immediately investigate, and take such appropriate action thereof as may be necessary and as provided by this Resolution.

D. Penalties for Violation

A violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction be fined \$500 (or the maximum amount permitted under Section 519.99 of the ORC whichever is greater) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and shall be subject to the above stated

penalties. Nothing within this Resolution shall prevent the Township Board of Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

4.9 SCHEDULE OF FEES, CHARGES, AND EXPENSES

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

4.10 STATUTE OF LIMITATIONS

Per ORC 519.122, no action challenging the validity of a zoning resolution or of any amendment to such a resolution because of a procedural error in the adoption of the resolution or amendment shall be brought more than two years after the adoption of the resolution or amendment.

No action alleging procedural error in the actions of a township board of zoning appeals in the granting of a zoning variance or conditional use certificate as provided for in sections 519.14 and 519.15 of the ORC shall be brought more than two years after the variance or certificate was granted.

**ARTICLE V
NON-CONFORMING USES**

5.1 INTENT

The purpose of this Article is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Zoning Resolution or amendments thereto.

5.2 GRACE PERIOD

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

5.3 CONFORMANCE REQUIRED.

Any lot, building, structure or use established prior to the enactment of this Zoning Resolution or amendment thereto, may continue to be utilized in accordance with requirements in Article V. Unless otherwise specified in Article V, if such buildings, structures or uses are moved, reconstructed, extended, enlarged or altered, they must conform to the regulations for the applicable zoning district.

5.4 NON-CONFORMING LOTS.

A. In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record as of the effective date of these regulations, provided however, said lot has a minimum of forty (40) feet of road frontage. Furthermore, the following conditions must be met:

1. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership at the time this resolution became effective.

2. The side yard setback requirement shall be determined by the following equation:

$$\frac{\text{(Road Frontage x 's 25\%)}}{2} = \text{Side Yard Setback (each side)}$$

3. The width of any side yard setback shall not be less than five (5) feet, except on a corner lot, the width of the side yard setback abutting the street lot line shall be not less than fifteen (15) feet.

4. The front yard setback shall be no less than 25 feet.
 5. The rear yard setback shall not exceed 20 percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.
 6. Any non-conforming lot not served by central sewer shall have a minimum lot area as required by the Fairfield Board of Health.
- B. Notwithstanding Section 5.4A, if there are two or more Lots with contiguous Frontage under the same ownership at the effective date of this Resolution or amendment thereto that either separately or together, do not comply with the applicable Lot Area, Lot Frontage or Lot Width requirements, then such lots shall be considered one Nonconforming Lot of Record for purposes of this Zoning Resolution. Only one single family dwelling will be permitted on said lots. All other requirements, including Yard Setback requirements, of the applicable zoning district shall apply. Variances from the required Yard Setback standards shall be obtained only through action of the Board of Zoning Appeals. All such Lots shall be required to be replatted, resurveyed or otherwise combined prior to a Zoning Permit for the intended use being issued. No portion of said Lots shall be used or sold in a manner which diminishes compliance with the Lot Width, Frontage or Lot Area requirements established by this Zoning Resolution.
- C. No Nonconforming Lot of Record shall not be divided in a manner that would further reduce the Lot Frontage, Lot Width or Lot Area below the requirements stated in this Zoning Resolution.

5.5 NON-CONFORMING STRUCTURES.

A. Continuation

Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of Sections 5.5(B) (Repair, Maintenance, Alteration, Enlargement, or Expansion), 5.5(C) (Moving) and 5.7 Damage or Destruction).

B. Repair, Maintenance, Alteration, Enlargement or Expansion

1. Repairs and Maintenance

Any such structure described in Subsection 5.5(A) (Continuation) may be maintained or repaired provided that no such maintenance or repair shall either create any additional non-conformity or increase or extend the degree of an existing non-conformity of all or any part of such structures.

2. Enlargements or Expansions

Any structural alteration, enlargement or expansion made to a non-conforming structure must comply with the then current zoning regulations for the district in which the structure is located, except an existing residential building within the R1-LF or R2-LF district that does not comply with the then current side yard setbacks may be increased in height provided the building does not exceed the maximum height requirements in Sections 9.6 and 9.7 as applicable.

C. Moving

No structure described in Subsection 5.5(A) (Continuation) shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it will be located after being moved. A zoning permit shall be required prior to moving such structure.

5.6 NON-CONFORMING USES.

A. Continuation

Any lawfully existing non-conforming use of part or all of a structure or any lawfully existing non-conforming use of land, not involving a structure, may be continued, so long as otherwise lawful, subject to the restrictions of Sections 5.6(B) (Substitution) – 5.6(F) (Discontinuance).

B. Substitution

A non-conforming use may be changed to another nonconforming use only by the Board of Zoning Appeals, 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 non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution, which if violated are punishable under Section 4.8(D) Penalties for Violation of this Resolution.

C. Extension

Except as hereinafter specifically provided, or except when otherwise required by law, no nonconforming use shall be enlarged, extended, reconstructed or structurally altered.

1. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a non-conforming use to be enlarged to an extent not exceeding twenty-five (25) percent of the ground floor area of the existing building or buildings devoted to a non-conforming use at the time of enactment of this Resolution or at the time of its amendment making a use non-conforming. The Board of Zoning Appeals shall not authorize any enlargement which would result in a violation of the provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard setback or other requirements of this Resolution.
2. The Board of Zoning Appeals may authorize the expansion of nonconforming uses not involving a structure or building at the effective date of this Resolution or the date of any amendments making such use nonconforming, provided that such extension is necessary and incidental to the existing properties and shall involve no structure or buildings.

D. Moving

No structure devoted in whole or in part to a non-conforming use, shall be moved to any other location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which it will be located after being so moved. Moreover, no non-conforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such use shall thereafter conform to the

regulations of the district in which it is located after being moved. A zoning permit shall be required prior to moving such structure.

E. Repair and Maintenance

Any structure devoted to a non-conforming use may be maintained, repaired, or structurally altered, provided, however, that no such maintenance, repair, or structural alteration shall either create any additional non-conformity or increase or extend the degree of the existing non-conforming use.

F. Abandonment or Replacement

1. A Nonconforming Use shall be considered abandoned when there is intent either express or implied to cease the Nonconforming Use for a period of two (2) years. Abandonment may be evidenced by an overt act or failure to act indicating that the Owner has not been using the Nonconforming Use for said time period.
2. A Nonconforming Use shall be considered replaced when either one of the following conditions exists:
 - a. When a Nonconforming Use has been changed to a permitted use in the applicable district.
 - b. When it has been changed to another Nonconforming Use under permit from the Board of Zoning Appeals.
3. A Nonconforming Use which has been replaced or abandoned shall not thereafter be returned to the Nonconforming Use.

5.7 DAMAGE OR DESTRUCTION.

In the event that any non-conforming building or other non-conforming structures or any building or structure devoted in whole or in part to a non-conforming use is damaged or destroyed to the extent of more than seventy-five (75) percent of its fair market value at the time of damage, as determined by the Board of Zoning Appeals, such building or other structure shall not be restored unless such building or other structure and the use thereof conform to the regulations of the district in which it is located. If such damage is seventy-five (75) percent or less of its current fair market value, as determined by the Board of Zoning Appeals, it may be reconstructed with previous dimensional characteristics and the previous use may be permitted, if a building permit is obtained, and restoration actually begins within one year after the date of such partial destruction.

ARTICLE VI

ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

6.1 ZONING INSPECTOR

The Board of Township Trustees shall appoint a Zoning Inspector who shall be responsible for administering and enforcing this Resolution. The Board of Township Trustees may direct other persons to assist the Zoning Inspector in his/her duties. The Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code. The duties of the Zoning Inspector shall be to:

- A. Issue zoning permits and certificates of zoning compliance when the provisions of this Resolution have been met.
- B. Upon finding that any of the provisions of this Resolution are being violated, the Zoning Inspector shall notify in writing the person responsible for such violation(s) and order such action necessary to correct such violation(s).
- C. Order the discontinuance of illegal uses of lands, building, or structures.
- D. Order the removal of illegal buildings or structures or illegal additions or structural alterations.
- E. Order the discontinuance of any illegal work being done.
- F. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This includes making and keeping records necessary and appropriate to the office including records of issuance and denial of zoning permits; collecting designated fees for zoning permits, rezoning applications, appeals, variances, and conditional uses; and such similar administrative duties as are permissible under the law.

6.2 TOWNSHIP ZONING COMMISSION

- A. Establishment

The Board of Township Trustees of any township proceeding under sections 519.01 to 519.99 of the Revised Code, shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the Board of Trustees. The Board of Township Trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the Board of Trustees may appoint qualified members of such commission to serve on the township zoning commission. Each regular or alternate member shall serve until the member's successor is appointed and

qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the un-expired term.

B. Proceedings of Zoning Commission

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and at such times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be a public record and be immediately filed in the office of the Township Trustees.

C. Duties of Zoning Commission

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

1. Initiate amendments to this Resolution, pursuant to Section 7.1(B)(2) (Initiation of Zoning Amendments) and ORC 519.12.
2. Review all proposed amendments to this Resolution in accordance with Section 7.1 (Procedures for Amendment or District Changes) and ORC 519.12 and make recommendations to the Board of Township Trustees.
3. Review all planned unit developments and make recommendations to the Board of Township Trustees.

6.3 BOARD OF ZONING APPEALS

A. Establishment

A Board of Zoning Appeals is hereby established having the powers as hereinafter indicated. Said Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a legal resident of the unincorporated territory of Walnut Township included in the area zoned. Members shall be appointed for a term of five (5) years and shall be arranged so that the term of one member will expire each year.

Members of the Board of Zoning Appeals shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Zoning Appeals, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

B. Proceedings of Board of Zoning Appeals

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the 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 of Zoning Appeals determines. The Chair, or in his/her absence the acting Chair, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such a fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the township trustees and be a public record.

C. Duties of the Board of Zoning Appeals

In exercising its duties, the Board of Zoning Appeals may as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant of any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board of Zoning Appeals has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
2. To authorize such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in an unnecessary hardship in accordance with the provisions of Section 7.2 of this Resolution.
3. To grant conditional use permits as listed in each zoning district in Article 7.3 (Procedure and Requirements for Approval of Conditional Uses) and under conditions specified in Article XI (Conditional Use Regulations) as well as additional safeguards specified by the Board of Zoning Appeals in order to uphold the intent of this Resolution.
4. To authorize the substitution of non-conforming uses in accordance with Section 5.6(B) (Substitution) or the extension of a non-conforming use in accordance with Section 5.6(C) (Extension).
5. To determine similar uses in conformance with Section 8.5 (Similar Uses).

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

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law. It is further

the intent of this Resolution that the duties of the Township Board of Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Resolution. Under this Resolution the Township Board of Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 4.9 (Schedule of Fees, Charges, and Expenses) of this Resolution.

ARTICLE VII

ADMINISTRATIVE PROCEDURES

7.1 PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES

This Zoning Resolution may be amended by using the procedure specified in Section 7.1A through 7.1O (Procedures for Amendment or District Changes).

A. Whenever the public necessity, general welfare, or good zoning practice requires, the Township Board of Trustees may by resolution amend, supplement, change or repeal the regulations, restrictions, boundaries or classifications of property, subject to the procedures required by law. The Board of Trustees must obtain the recommendation from the Zoning Commission before taking any action on a proposed zoning amendment.

B. Initiation of Zoning Amendments

Initiation of Zoning Amendments may be done in one of the following ways:

1. By adoption of a resolution by the Board of Township Trustees and certification of the resolution to the Township Zoning Commission.
2. By adoption of a motion by the Township Zoning Commission.
3. By filing of an application by at least one (1) or more owners or lessees of the property proposed to be changed by said amendment with the Township Zoning Commission. If a lessee of a property files an application for rezoning, the application shall include the signature of the property owner.

C. Contents of Application

Three (3) copies of the application shall be submitted. The application for all zoning amendments shall contain at a minimum the following information:

1. Name, address, and phone number of the property owners for each parcel to be rezoned.
2. Proposed amendment to the text, if applicable.
3. A statement as to how the proposed amendment relates to the Walnut Township Comprehensive Land Use Plan, when and if adopted, or in the absence of such plan, the Fairfield County Comprehensive Plan, when and if adopted, and to the neighborhood properties.

In addition to the items listed above, an application for a proposed map amendment shall include the following:

1. The legal description of the parcel(s) to be rezoned.
2. Current use and current zoning classification.

3. Proposed use and proposed zoning classification.
4. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
5. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) to be rezoned and their respective addresses as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
6. A fee as established by the Board of Township Trustees (see Section 4.9 (Schedule of Fees, Charges, and Expenses)) to defray the cost of advertising, mailing, filing with the county recorder, and other expenses.

D. Transmittal to Zoning Commission

Immediately after the adoption of a resolution by the Board of Trustees, said resolution shall be certified to the Zoning Commission (Reference: ORC 519.12(A)(2)).

E. Submission to the Regional Planning Commission

Within five (5) days after action taken in 7.1(B) (Initiation of Zoning Amendments), the Zoning Commission shall transmit a copy of such documents together with the text and map pertaining to the case to the Fairfield County Regional Planning Commission. The Regional Planning Commission shall recommend approval, denial or approval with some modification of the proposed amendment and shall submit such recommendation to the Zoning Commission. The Zoning Commission shall consider the recommendation of the Regional Planning Commission at a public hearing.

F. Submission to the Director of the Department of Transportation

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

G. Public Hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing upon the initiation of a zoning amendment in accordance with Section 7.1(B) (Initiation of Zoning Amendments). Said hearing shall not be less than twenty (20) days nor more than forty (40) days from the date zoning amendment was initiated in accordance with Section 7.1(B) (Initiation of Zoning Amendments).

H. Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 7.1(G) (Public Hearing by Zoning Commission), notice of such hearing shall be given by the Zoning Commission in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing by the Walnut Township Zoning Commission, the nature of the proposed amendment, the name of the person giving notice of the public hearing, the time and place where the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Board of Trustees for further determination. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the proposed amendment, as they appear on the County Auditor's then current tax list, as well as, the present zoning classification of the subject property.

I. Notice to Property Owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, 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, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditor's current tax list. The failure of delivery of the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.1(H) (Notice of Public Hearing in Newspaper).

J. Recommendation by Zoning Commission to the Board of Trustees

Within thirty (30) days after the public hearing required by Section 7.1(G)(Public Hearing by Zoning Commission), the Zoning Commission shall recommend to the Township Board of Trustees that the proposed zoning amendment be approved, approved with some modification, or denied and shall submit the following items to the Board of Trustees:

1. the Zoning Commission's recommendation on the proposed amendment;
2. the motion, application, or resolution involved;
3. the text and map pertaining to the proposed amendment;
4. the Regional Planning Commission's recommendation on the proposed amendment; and
5. The development plan, if a map amendment to the PUD District is proposed.

K. Public Hearing by the Board of Trustees

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

L. Notice of Public Hearing by Board of Trustees

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

M. Notice to Property Owners by Township Board of Trustees

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

N. Action by Township Board of Trustees

Within twenty (20) days after the public hearing required in Section 7.1(K) (Public Hearing by the Board of Trustees), the Township Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.

O. Effective Date and Referendum

Such amendment adopted by the Township Board of Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Township Board of Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total votes cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Township Board of Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such

referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

7.2 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.

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

A. Appeals

1. Any person aggrieved by a decision of the Zoning Inspector may appeal such decision to the Board of Zoning Appeals. Such appeal shall be made by filing an application that complies with Section 7.2(C) (Procedures for Variance or Appeals Application) and (D) (Contents of Application) within 20 days of the decision that is being appealed. The application shall be submitted to the Zoning Inspector who shall transmit it, along with all the papers constituting the record upon which the appeal is made, to the Board of Zoning Appeals.
2. An appeal shall stay all proceedings in furtherance of the action being appealed. However, by reason of facts stated within the application, the Zoning Inspector may certify to the Board of Zoning Appeals that a stay would cause imminent peril to life or property in the Inspector's opinion. In such cases, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals or by judicial proceedings.

B. Variances

Upon appeal in specific cases, the Board of Zoning Appeals shall have the power to authorize such variances from the provisions of this Resolution. Such variances shall only be granted in cases of exceptional conditions involving irregular, narrow, shallow, steep or other exceptional physical conditions of a lot. Furthermore, a variance shall only be granted if it will not be detrimental to the public interest and will not impair the intent and purpose of these regulations. The procedure for the filing and review of a variance application shall follow Section 7.2(C) Procedures for Variance or Appeals Application) – (J) (Decisions of the Board of Zoning Appeals). The Board of Zoning Appeals shall not grant a variance from the strict application of any provision of this Resolution, unless the Board of Zoning Appeals finds that all of the following facts and conditions exist:

1. That there are special circumstances or conditions, fully described in the Board of Zoning Appeal's decision, applying to the land or building for which the variance is sought. These circumstances or conditions must be unique to the land or buildings in question and must not apply generally to land or buildings in the neighborhood. Furthermore, these circumstances or conditions would result in a practical difficulty or unnecessary hardship and deprive the applicant of the reasonable use of the land and/or building, if strict application of this Resolution were to be applied.
2. That the variance as granted by the Board of Zoning Appeals is the minimum variance that will accomplish the reasonable use of the subject land or building.

3. That the granting of the variance will be in harmony with the general purpose and intent of this Resolution, will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board of Zoning Appeals shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
4. That the condition or situation of the land or building in question is not of so general or recurrent in nature that such condition or situation should be made a part of this Resolution.

C. Procedure for Variance or Appeals Application

Any person owning property may file an application to obtain a variance to the zoning requirements that apply to the owner's property. Any person who is aggrieved by any decision of the Zoning Inspector may file an appeal to such decision, provided the application is made within 20 days of the decision that is being appealed. Three (3) copies of the application for a variance or an appeal shall be filed with the Zoning Inspector who shall forward without delay to the Board of Zoning Appeals.

D. Contents of Application

The application for a variance or an appeal shall contain the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of property.
3. Each application on an appeal shall reference the decision that is being appealed and refer to the specific provisions of this Resolution that pertain to the appeal being filed.
4. A list of property owners within, contiguous to, and directly across the street from the parcel being considered and their addresses as appearing on the County Auditor's then current tax list.
5. Each application for a variance shall set forth:
 - a. The use for which special exception is sought.
 - b. Details of the variance being requested and the grounds on which the variance should be granted, as the case may be.
 - c. The application for a variance must also address the provisions of Section 7.2(B)(1)–(4) (Variance).
6. The required fee as established in Section 4.9 (Schedule of Fees, Charges, and Expenses).

E. Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be

deemed a violation of this Resolution and punishable under Section 4.8(D) Penalties for Violation of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permitted under the terms of this Resolution in the district involved or any use expressed or by implication prohibited by the terms of this Resolution in said district.

F. Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days from the date that the application for an appeal or variance was submitted to the Zoning Inspector.

G. Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 7.2(F) (Public Hearing by the Board of Zoning Appeals), notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

H. Notice of Parties of Interest

Before holding the public hearing required in Section 7.2(F) (Public Hearing by the Board of Zoning Appeals), written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.2(G) (Notice of Public Hearing in Newspaper). Parties of interest shall include: the owners of the property being considered and the owners of property contiguous to and directly across the street from the property being considered.

I. Adjournment of Hearings

During the public hearing for any variance or appeal, the Board of Zoning Appeals may adjourn the hearing in order to permit additional information to be secured or to provide notice to other interested parties who were not originally notified, but who the Board of Zoning Appeals decides should be notified. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time when the hearing will be resumed, unless the Board of Zoning Appeals so decides.

J. Decisions of the Board of Zoning Appeals

The Board of Zoning Appeals shall decide all variances and appeals within thirty (30) days after completion of the required hearing, and such decision shall become effective upon certification of the Resolution of the Board of Zoning Appeals. A certified copy of the Board of Zoning Appeal's decision shall be binding upon and observed by the Zoning Inspector, and the terms and conditions of the decision shall be incorporated into the permit to the applicant or appellant whenever a permit is authorized by the Board of Zoning Appeals.

After the Board of Zoning Appeals by Resolution certifies its approval on any variance or appeal there shall be no further hearings upon such case. Any person who believes he/she has been aggrieved by the action of the Board of Zoning Appeals has all rights of appeal as set forth in any applicable section of the Ohio Revised Code. When the Board of Zoning Appeals has denied a variance, a new variance application may be filed subject to the same procedure as an original

application. If a new application is filed with the Board of Zoning Appeals within one (1) year of the date of the Board of Zoning Appeal's decision, the Zoning Inspector shall not schedule any hearing until the Board of Zoning Appeals has received the application and decided that there is new matter, evidence, or facts to be heard by the Board of Zoning Appeals.

7.3 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES.

A. Authorization

Each zoning district includes conditional uses 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 district. The conditional use procedures set forth development standards and criteria for locating and developing a conditional use to ensure such use will not negatively impact the surrounding area in which it is located.

B. Application for Conditional Use

Any person owning property may file an application for one (1) or more conditional uses listed within the zoning district in which the property is located. Three (3) copies of an application for a conditional use shall be filed with the Zoning Inspector who shall forward the application, without delay, to the Board of Zoning Appeals. The application for a conditional use shall include:

1. Name, address, and phone number of the applicant.
2. The legal description of the property where such use will be located (as recorded in the Fairfield County Recorder's Office).
3. The proposed use of the property.
4. A statement of the desirability and compatibility of the proposed use to the surrounding neighborhood or community.
5. Three (3) copies of a site plan for the proposed development showing the location of proposed buildings, parking, etc.; traffic circulation; open spaces; landscaping; refuse and service areas; utilities; signs; architectural renderings; dimensions and setbacks from the right-of-way and property lines of proposed structures and such other information required by the Board of Zoning Appeals.
6. A list of all property owners, within, contiguous to, and directly across the street from the parcel(s) in question and their address as appearing on the County Auditor's current tax list.
7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the Board of Zoning Appeals.
8. The required fee as established in Section 4.9 (Schedule of Fees, Charges, and Expenses).

C. Standards for Conditional Use

1. In order for the Board of Zoning Appeals to grant approval of a conditional use, the proposed use and development must meet the following general standards:
 - a. The proposed use will be harmonious with the existing or intended character of the surrounding area and such use will not adversely affect the public health, safety, and welfare.
 - b. The proposed use will be served adequately by essential facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or the persons or agencies responsible for the establishment of the proposed use shall be able to demonstrate their ability to adequately provide any such services.
 - c. The location and size of the conditional use; the nature and intensity of the operation involved or conducted in connection with the proposed use; the size of the site in relationship to the proposed use; and the location of the site with respect to streets giving access to the proposed use shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - d. The location, nature, and height of buildings, structures, walls, fences, etc. on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use, and enjoyment of adjacent land, buildings or structures.
 - e. The proposed use is in accordance with the general objectives and purposes of this Resolution.
2. In addition to the general standards listed above in Section 7.3(C)(1) (Standards for Conditional Use), additional conditions that are specific to a particular listed conditional use may also apply to ensure such use is compatible with its surrounding areas. Such conditions are listed in Article XI (Conditional Use Regulations). The Board of Zoning Appeals shall not grant approval of a conditional use unless it finds that the proposed use complies with both the general standards in Section 7.3(C)(1) (Standards for Conditional Use) and the applicable conditions in Article XI Conditional Use Regulations).

D. Supplementary Conditions and Safeguards

In granting any Conditional Use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Resolution and punishable under Section 4.8(D) (Penalties for Violation of this Resolution).

E. Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days from the date the application required in Section 7.3(B) (Application for Conditional Use) was submitted to the Zoning Inspector.

F. Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 7.3(E) Public Hearing by the Board of Zoning Appeals), notice of such hearings shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.

G. Notices to Parties of Interest

Before holding the public hearing required in Section 7.3(E) (Public Hearing by the Board of Zoning Appeals), written notice of such hearing shall be mailed by the Secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.3(F) (Notice of Public Hearing in Newspaper). Parties of interest shall include the owners of property contiguous to and directly across the street from the property being considered.

I. Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 7.3(E) (Public Hearing by the Board of Zoning Appeals), the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 7.3(D)(Supplementary Conditions and Safeguards), or disapprove the application as presented. If the application is approved or approved with modifications, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Board of Zoning Appeals for approval. Any person who believes he/she has been aggrieved by the action of the Board of Zoning Appeals has all rights of appeal as set forth in any applicable section of the Ohio Revised Code.

J. Expiration of Conditional Use Permit

A Conditional Use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if for any reason the conditional use shall cease for more than twelve (12) months.

ARTICLE VIII

ZONING DISTRICTS AND ZONING MAPS

8.1 DISTRICTS

For the purposes of this Resolution, Walnut Township, Fairfield County, Ohio is divided into the following zoning districts:

Reserved for Future Use	9.1
RR Rural Residential District	9.2
R-1 Suburban Single Family Residential District	9.3
R-2 One and Two Family Residential District	9.4
R-3 Multi-Family District	9.5
R1-LF Single Family Lake Front Residential District	9.6
R2-LF One and Two Family Lake Front Residential District	9.7
MHP Manufactured Home Park Residential District	9.8
RMU Recreational Mixed-Use District	9.9
B-1 Neighborhood Commercial District	9.10
B-2 Commercial Business District	9.11
B-3 Intensive and Motorist Services Business District	9.12
I-1 Service Industries and Light Industrial District	9.13
I-2 General Industrial District	9.14
PUD Planned Unit Development District	9.15
F-P Flood Plain Overlay District	9.16

8.2 MAP.

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

8.3 DISTRICT BOUNDARIES.

- A. The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official Zoning Map.
1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares, highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
 2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 3. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center lines of rights-of-way, such district boundaries shall

be construed as being parallel thereto and at such distance there from as indicated on the official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official Zoning Map.

4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
 5. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be said physical feature unless otherwise noted.
 6. Where district boundaries are so indicated that they follow or approximately follow the limits of a political subdivision, such boundaries shall be construed as following such limits.
 7. Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation, and all areas within the vacation shall be subject to all regulations appropriate to the respective extended districts.
- B. All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

8.4 DISTRICT USES.

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

8.5 SIMILAR USES.

- A. Determination as to whether a use is similar to uses permitted by right or conditional uses shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted or conditional use in that district as applicable.
- B. Applications for zoning permits for uses not specifically listed in the permitted or conditional use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.
- C. Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted by right or as a conditional use in the specific district. In order to find that a use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:
 1. Such use is not listed as a permitted or conditional use in another zoning district.

2. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
3. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is added.

8.6 DEVELOPMENT STANDARDS.

Lot area, setback, and height requirements for each district are listed in Article IX (Zoning Districts) and are hereby established. The General Development Standards as listed in Article X are hereby established and shall apply generally to development within all districts unless otherwise noted in Article X (General Development Standards).

ARTICLE IX
ZONING DISTRICTS

9.1 Reserved for Future Use.

9.2 Rural Residential District (RR)

A. Intent

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

B. Permitted Uses

The following uses shall be permitted in the RR District:

1. Agriculture and the usual agricultural buildings and structures in accordance with Section 2.4 (Uses Exempt or Limited from Township Control).
2. One (1) detached single family dwelling per lot, including permanently sited manufactured homes, provided each dwelling or manufactured home contains a minimum livable floor area of one thousand three hundred (1,300) square feet (See Section 10.1(A)) (Building Size and Permanent Foundation).
3. Adult Family Homes.
4. Residential Facilities – Type A.
5. Type B Family Day-Care Home.
6. Individual Wind Energy Conversion Systems, subject to the restrictions in Section 10.11(Individual Wind Energy Conversion Systems)
7. Accessory structures, as defined in Article III, subject to the following standards:
 - a. Accessory structures shall be located on the same lot as the primary building to which it is subordinate. No lot shall contain an accessory structure without a principal building.
 - b. Accessory structures shall not contain or be used as a dwelling unit.
 - c. Accessory structures and uses shall be setback a minimum of ten (10) feet from the main building and ten (10) feet from side or rear lot line. Accessory structures and uses must conform to the front yard setback (100 feet).

- d. On lots less than 5.01 acres, one accessory structure shall be permitted, provided said accessory structure does not exceed three thousand two hundred (3,200) square feet of floor space.
 - e. On lots 5.01 acres or larger, two accessory structures shall be permitted, provided the cumulative area of the floor space for both structures does not exceed three thousand two hundred (3,200) square feet. There must be a minimum of 20 feet between the two structures.
 - f. The height of an accessory structure shall not exceed twenty-six (26) feet.
 - g. In addition to the accessory structure(s) permitted above, one storage building (shed) with floor space not to exceed 160 square feet shall be permitted. Such structure shall comply with the setback requirements in 9.2(B)(7)(c) above, except for the minimum distance from the main building.
 - h. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
- 8 Customary home occupations as permitted and regulated in Section 10.5 (Home Occupations).
- 9 Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
10. Private or community/club swimming pools, subject to the following provisions:
- a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
 - b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
 - c. No swimming pool will be permitted within a front yard setback. A swimming pool shall otherwise be setback a minimum of twelve feet from any lot line or easement.
 - d. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.
11. Farm markets.
12. Recreational vehicles, subject to the standards in Section 10.7 (Parking and Storage of Vehicles and Recreational Vehicles).

13. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.6 (Temporary Buildings). Temporary buildings utilized for agriculture (as defined in Article III) shall not be subject to the standards in Section 10.6 (Temporary Buildings).
14. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI Conditional Use Regulations).

1. Type A Family Day-Care Home and Child Day-Care Centers, subject to the standards in Section 11.1 (Type A Family Day Care Home).
2. Commercial mines, quarries, and gravel pits subject to the conditions in Section 11.2 (Commercial Mines, Quarries, and Gravel Pits).
3. Free Standing Telecommunication Towers, subject to the conditions in Section 11.3 (Free-Standing Telecommunication Towers).
4. Small Wind Farms, subject to the standards in Section 11.4 (Small Wind Farms).
5. Churches or other places of worship, including Sunday school buildings and parish houses; public and parochial schools, subject to the conditions in Section 11.19 (Churches, Schools, Parks, Commercial Recreational Uses including Commercial Swimming Pools, Libraries, Museums, and Art Galleries).
6. Kennels and the boarding of dogs or other small animals, subject to the conditions in Section 11.16 (Kennels and the Boarding of Dogs and Other Small Animals).
7. Riding academies and commercial stables, subject to the conditions in Section 11.20 (Riding Academies and Commercial Stables).
8. Parks, commercial recreational uses including commercial swimming pools, subject to the conditions in Section 11.19 (Churches, Schools, Parks, Commercial Recreational Uses including Commercial Swimming Pools, Libraries, Museums, and Art Galleries).
9. Cemeteries, including mausoleums and crematories, subject to the conditions in Section 11.21 (Cemeteries).
10. Libraries, museums, and art galleries, subject to the conditions in Section 11.19 (Churches, Schools, Parks, Commercial Recreational Uses including Commercial Swimming Pools, Libraries, Museums, and Art Galleries)).
11. Bed and Breakfast Establishments subject to the conditions in Section 11.22 (Bed and Breakfast Establishments .
12. Rural Residential Businesses, subject to the conditions in Section 11.23 (Rural Residential Businesses . Rural Residential Businesses include woodworking (such as

cabinet making, furniture refinishing , repair or construction); small engine maintenance and repair shop (not including auto or auto body repair); landscaping services; welding shops; beauty shops; and any service establishment for an electrician, plumber, or other similar tradesman occupation. Any rural residential business that may be proposed, but not listed above, may be permitted as a conditional use provided it is determined to be a similar use pursuant to the procedures of Section 8.5 (Similar Uses), a conditional use permit is issued in accordance with the procedures in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and such use complies with the conditions of Section 11.23 (Rural Residential Businesses).

13. Stand Along Parking Lots, subject to the conditions in Section 11.15 (Stand Alone Parking Lots).
14. Agricultural Implement Businesses, subject to the conditions in Section 11.24 (Agricultural Implement Businesses).
15. Large Satellite Dish Antennas, subject to the conditions in Section 11.18 (Large Satellite Dish Antennas).

D. Signs

Signs shall be permitted in the RR District as regulated in Section 10.9 (Sign Regulations).

E. Off-Street Parking and Loading Spaces

Off-street parking and loading spaces shall be provided in accordance with the requirements of Section 10.10 (Parking Regulations).

F. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot area required shall be two (2) acres.
2. The minimum frontage required shall be two hundred (200) continuous feet.
3. The minimum required front yard setback shall be one hundred (100) feet, measured from the front lot line (see Section 10.2(A) (Front Yard Setback).)
4. The minimum required rear yard setback shall be fifty (50) feet.
5. The minimum required side yard setback shall be thirty (30) feet with a total sum of side yard setback of eighty (80) feet.
6. The maximum height shall be thirty-five (35) feet.

9.3 Suburban Single Family Residential District (R-1)

A. Intent.

It is the intent of this district to accommodate single family residential development adjacent to municipal or village boundaries where suburban type development can be found and where public

utilities can be extended in an orderly and efficient manner. Areas within this district shall be served by central water and/or sewer.

B. Permitted Uses.

1. One (1) detached single family dwelling per lot, including permanently sited manufactured homes, provided each dwelling or manufactured home contains a minimum livable floor area of one thousand three hundred (1,300) square feet (See Section 10.1(A) (Building Size and Permanent Foundation)).
2. Adult Family Homes.
3. Residential Facilities – Type A.
4. Type B Family Day-Care Home.
5. Individual Wind Energy Conversion Systems, subject to the restrictions in Section 10.11 (Individual Wind Energy Conversion Systems).
6. Accessory structures, as defined in Article III, subject to the following standards:
 - a. Accessory structures shall be located on the same lot as the primary building to which it is subordinate. No lot shall contain an accessory structure without a principal building.
 - b. Accessory structures shall not contain or be used as a dwelling unit.
 - c. Accessory structures and uses shall be setback a minimum of ten (10) feet from the main building and five (5) feet from side or rear lot line. Accessory structures and uses must conform to the front yard setback (50 feet).
 - d. Once detached accessory structure shall be permitted provided such structure does not exceed one thousand six hundred (1,600) square feet of floor space.
 - e. The height of any accessory structure shall not exceed twenty-two (22) feet.
 - f. In addition to the accessory structure permitted above, one storage building (shed) with floor space not to exceed 160 square feet shall be permitted. Such structure shall comply with the setback requirements in 9.3(B)(6)(c) above, except for the minimum distance from the main building.
 - g. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
7. Customary home occupations as permitted and regulated in Section 10.5 (Home Occupations).

8. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
9. Private or community/club swimming pools, subject to the following provisions:
 - a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
 - b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
 - c. No swimming pool will be permitted within a front yard setback. A swimming pool shall otherwise be setback a minimum of twelve feet from any lot line or easement.
 - d. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.
10. Farm markets, subject to the provisions of Section 2.4 (Uses Exempt or Limited from Township Control).
11. Recreational vehicles, subject to the standards in Section 10.7 (Parking and Storage of Vehicles and Recreational Vehicles).
12. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.6(Temporary Buildings).
13. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI Conditional Use Regulations).

1. Type A Family Day-Care Home, subject to the standards in Section 11.1(Type A Family Day Care Home).
2. Free Standing Telecommunication Towers, subject to the conditions in Section 11.3 (Free-Standing Telecommunication Towers).
3. Large Satellite Dish Antenna, subject to the conditions in Section 11.18 (Large Satellite Dish Antennas).
4. Stand along parking lots, subject to the conditions in Section 11.15 (Stand Alone Parking Lots).

5. Parks and commercial recreational uses including commercial swimming pools, subject to the conditions in Section 11.19 (Churches, Schools, Parks, Commercial Recreational Uses including Commercial Swimming Pools, Libraries, Museums, and Art Galleries).
6. Bed and Breakfast Establishments, subject to the conditions in Section 11.22 (Bed and Breakfast Establishments).
7. Churches or other places of worship, including Sunday school buildings and parish houses, public and parochial schools, subject to the conditions in Section 11.19 (Churches, Schools, Parks, Commercial Recreational Uses including Commercial Swimming Pools, Libraries, Museums, and Art Galleries).

D. Signs

Signs shall be permitted in the R-1 District as regulated in Section 10.9 (Sign Regulations).

E. Off-Street Parking and Loading Spaces

Off-street parking and loading spaces shall be provided in accordance with the requirements of Section 10.10 (Parking Regulations).

F. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot area required shall be thirty thousand (30,000) square feet.
2. The minimum frontage required shall be one hundred twenty (120) continuous feet from the road frontage.
3. The minimum required front yard setback shall be fifty (50) feet, measured from the front lot line (see Section 10.2(A) (Front Yard Setback)).
4. The minimum required rear yard setback shall be thirty (30) feet.
5. The minimum required side yard setback shall be twenty (20) feet with a total sum of side yard setback of fifty (50) feet.
6. The maximum height shall be thirty-five (35) feet.

9.4 One and Two Family Residential District (R-2)

A. Intent

It is the intent of this district to provide for an area for one and two family dwelling units on smaller lots adjacent to urban areas where central water and sewer are provided.

B. Permitted Uses

1. One (1) detached single family dwelling per lot, including permanently sited manufactured homes, provided each dwelling or manufactured home contains a minimum

livable floor area of one thousand three hundred (1,300) square feet (See Section 10.1(A) (Building Size and Permanent Foundation)).

2. Two-family dwellings, provided each dwelling unit contains a minimum of six hundred fifty (650) square feet of livable floor area (See Section 10.1(A) (Building Size and Permanent Foundation)).
3. Adult Family Homes.
4. Residential Facilities – Type A.
5. Type B Family Day-Care Home.
6. Individual Wind Energy Conversion Systems, subject to the restrictions in Section 10.11 (Individual Wind Energy Conversion Systems)
7. Accessory structures, as defined in Article III, subject to the following standards:
 - a. Accessory structures shall be located on the same lot as the primary building to which it is subordinate. No lot shall contain an accessory structure without a principal building.
 - b. Accessory structures shall not contain or be used as a dwelling unit.
 - c. Accessory structures and uses shall be setback a minimum of ten (10) feet from the main building and five (5) feet from side or rear lot line. Accessory structures and uses must conform to the front yard setback (25 feet).
 - d. Once detached accessory structure shall be permitted provided such structure does not exceed one thousand six hundred (1,600) square feet of floor space.
 - e. The height of any accessory structure shall not exceed twenty-two (22) feet.
 - f. In addition to the accessory structure permitted above, one storage building (shed) with floor space not to exceed 160 square feet shall be permitted. Such structure shall comply with the setback requirements in 9.4(7)(c), except for the minimum distance from the main building.
 - g. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
8. Customary home occupations as permitted and regulated in Section 10.5 (Home Occupations).
9. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
10. Private or community/club swimming pools, subject to the following provisions:

- a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
 - b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
 - c. No swimming pool will be permitted within a front yard setback. A swimming pool shall otherwise be setback a minimum of twelve feet from any lot line or easement.
 - d. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.
- 11. Recreational vehicles, subject to the standards in Section 10.7(Parking and Storage of Vehicles and Recreational Vehicles).
 - 12. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.6(Temporary Buildings).
 - 13. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI (Conditional Use Regulations).

- 1. Type A Family Day-Care Home, subject to the standards in Section 11.1(Type A Family Day Care Home).
- 2. Free Standing Telecommunication Towers, subject to the conditions in Section 11.3(Free-Standing Telecommunication Towers).
- 4.3. Stand-alone parking lots, subject to the conditions in Section 11.15 (Stand Alone Parking Lots).
- 4. Large Satellite Dish Antenna, subject to the conditions in Section 11.18 (Large Satellite Dish Antennas).

D. Signs

Signs shall be permitted in the R-2 District as regulated in Section 10.9 (Sign Regulations).

E. Off-Street Parking and Loading Spaces

Off-street parking and loading spaces shall be provided in accordance with the requirements of Section 10.10 (Parking Regulations).

F. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot area required shall be ten thousand (10,000) square feet.
2. The minimum frontage required shall be one hundred (100) continuous feet from the road frontage.
3. The minimum required front yard setback shall be twenty-five (25) feet, measured from the front lot line (see Section 10.2(A) (Front Yard Setback)).
4. The minimum required rear yard setback shall be twenty-five (25) feet.
5. The minimum side yard setback shall be 15 feet for each side. There are a number of existing non-conforming lots within this zoning district. The side yard setback for these existing non-conforming lots shall be as follows (See Section 5.4(A) (Non-Conforming Lots) for calculation):
 - a. 80X100 existing non-conforming lots = 10 feet each side.
 - b. 60X100 existing non-conforming lots = 7.5 feet each side.
 - c. 40 X 100 existing non-conforming lots = 5 feet each side.
6. The maximum height shall be thirty-five (35) feet.

9.5 Multi-Family District (R-3)

A. Intent

It is the intent of this district to provide an area for multi-family development while maintaining site plan review over the higher density apartments through the conditional use process.

B. Permitted Uses

1. One (1) detached single family dwelling per lot, including permanently sited manufactured homes, provided each dwelling or manufactured home contains a minimum livable floor area of one thousand three hundred (1,300) square feet (See Section 10.1(A) (Building Size and Permanent Foundation)).
2. Two-family dwellings, provided each dwelling unit contains a minimum of six hundred fifty (650) square feet of livable floor area (See Section 10.1(A) (Building Size and Permanent Foundation)).
3. Multi-family dwelling units, not to exceed eight dwelling units per acre. There shall be a minimum of five hundred seventy-five (575) square feet of livable floor area for a one bedroom unit, seven hundred twenty (720) square feet of livable floor area for a two bedroom unit, and eight hundred fifty (850) square feet of livable floor area for a three bedroom unit (See Section 10.1(A) (Building Size and Permanent Foundation)).
4. Adult Family Homes.

5. Residential Facilities – Type A.
6. Type B Family Day-Care Home.
7. Individual Wind Energy Conversion Systems, subject to the restrictions in Section 10.11 (Individual Wind Energy Conversion Systems)
8. Accessory structures, as defined in Article III, subject to the following standards:
 - a. Accessory structures shall be located on the same lot as the primary building to which it is subordinate. No lot shall contain an accessory structure without a principal building.
 - b. Accessory structures shall not contain or be used as a dwelling unit.
 - c. Accessory structures and uses shall be setback a minimum of ten (10) feet from the main building and five (5) feet from side or rear lot line. Accessory structures and uses must conform to the front yard setback (30 feet).
 - d. Once detached accessory structure shall be permitted provided such structure does not exceed one thousand six hundred (1,600) square feet of floor space.
 - e. The height of any accessory structure shall not exceed twenty-two (22) feet.
 - f. In addition to the accessory structure permitted above, one storage building (shed) with floor space not to exceed 160 square feet shall be permitted. Such structure shall comply with the setback requirements in 9.5(6)(c) above, except for the minimum distance from the main building.
 - g. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
9. Customary home occupations as permitted and regulated in Section 10.5 (Home Occupations).
10. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
11. Private and community/club swimming pools, subject to the following provisions:
 - a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
 - b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.

- c. No swimming pool will be permitted within a front yard setback. A swimming pool shall otherwise be setback a minimum of twelve feet from any lot line or easement.
 - d. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.
- 12. Recreational vehicles, subject to the standards in Section 10.7(Parking and Storage of Vehicles and Recreational Vehicles).
 - 13. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.6(Temporary Buildings).
 - 14. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI Conditional Use Regulations).

- 1. Multi-family dwellings (exceeding 8 dwelling units per acre), subject to the conditions in Section 11.5 (Multi-Family Dwellings) .
- 2. Adult Group Homes and Residential Facilities, Type B, Nursing Homes, Residential Care Facilities, Types A and B, and Homes for the Aging, subject to the standards in Section 11.6 (Adult Group Homes; Residential Facilities, Type B; Nursing Homes; Residential Care Facilities, Types A and B; and Homes for the Aging).
- 3. Type A Family Day-Care Home, subject to the standards in Section 11.1(Type A Family Day Care Home).
- 4. Free Standing Telecommunication Towers, subject to the conditions in Section 11.3 (Free-Standing Telecommunication Towers).
- 5. Large Satellite Dish Antenna, subject to the conditions in Section 11.18 (Large Satellite Dish Antennas).

D. Signs

Signs shall be permitted in the R-2 District as regulated in Section 10.9 (Sign Regulations).

E. Off-Street Parking and Loading Spaces

Off-street parking and loading spaces shall be provided in accordance with the requirements of Section 10.10(Parking Regulations).

F. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot area required shall be ten thousand (10,000) square feet.
2. The minimum frontage required shall be eighty (80) continuous feet from the road frontage.
3. The minimum required front yard shall be thirty (30) feet, measured from the front lot line (see Section 10.2(A) (Front Yard Setback)).
4. The minimum required rear yard setback shall be twenty (20) feet.
5. The minimum required side yard setback shall be ten (10) feet with a total sum of side yard setback of twenty-five (25) feet.
6. The maximum height shall be thirty-five (35) feet.

9.6 Single Family Lake Front Residential District R1-LF

A. Intent

The intent of this district is to accommodate lake front single family residential dwellings in areas adjacent to Buckeye Lake.

B. Permitted Uses

1. One (1) detached single family dwelling unit per lot, including permanently sited manufactured homes, provided each dwelling or manufactured home contains a minimum livable floor area of one thousand three hundred (1,300) square feet (See Section 10.1(A) (Building Size and Permanent Foundation)).
2. Adult Family Homes.
3. Residential Facilities – Type A.
4. Type B Family Day-Care Home.
5. Individual Wind Energy Conversion Systems, subject to the restrictions in Section 10.11 (Individual Wind Energy Conversion Systems)
6. Customary home occupations as permitted and regulated in Section 10.5 (Home Occupations).
7. Accessory structures, as defined in Article III, subject to the following standards:
 - a. Accessory structures shall be located on the same lot as the primary building to which it is subordinate. No lot shall contain an accessory structure without a principal building.
 - b. Accessory structures shall not contain or be used as a dwelling unit.
 - c. The height of any accessory structure shall not exceed twenty-two (22) feet.

- d. Once detached accessory structure shall be permitted provided such structure does not exceed one thousand six hundred (1,600) square feet of floor space.
 - e. In addition to the accessory structure permitted above, one storage building (shed) with floor space not to exceed 160 square feet shall be permitted.
 - f. Accessory structures shall be setback a minimum of ten (10) feet from the main building. Accessory structures and sheds shall be setback a minimum of five (5) feet of the side lot line and ten (10) feet from a rear lot line, and must conform to the front yard setback (25 feet).
 - g. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
8. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
9. Private and community/club swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the following provisions:
- a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
 - b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
 - c. A swimming pool shall be setback a minimum of twelve feet from any side or rear lot line or easement.
 - d. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.
10. Recreational vehicles, subject to the standards in Section 10.7 (Parking and Storage of Vehicles and Recreational Vehicles).
11. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.6(Temporary Buildings).
12. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI Conditional Use Regulations).

1. Type A Family Day-Care Home, subject to the conditions in Section 11.1(Type A Family Day Care Home).
2. Stand alone parking lots, subject to the conditions in Section 11.15 (Stand Alone Parking Lots).
3. Free-Standing Telecommunication Towers, subject to the conditions in Section 11.3 (Free-Standing Telecommunication Towers).
4. Large Satellite Dish Antenna, subject to the conditions in Section 11.18 (Large Satellite Dish Antennas).

D. Signs

Signs shall be permitted in the R1-LF district as regulated in Section 10.9(Sign Regulations).

E. Off-Street Parking and Loading Spaces

Off-street parking and loading spaces shall be provided in accordance with the requirements in Section 10.10(Parking Regulations).

F. Lot Area, Setback, Lot Coverage, and Height Requirements. The following lot area, setback, lot coverage and height requirements shall apply to all property within the R1-LF district.

1. The minimum lot size shall be the area described by metes and bounds description or as shown by the plat recorded for said lot in the Fairfield County Recorder's office as of the effective date of this resolution.
2. The minimum frontage required shall be as described by metes and bounds description or as shown by the plat recorded for said lot in the Fairfield County Recorder's office as of the effective date of this resolution.
3. The minimum required front yard shall be twenty-five (25) feet, measured from the front lot line (see Section 10.2(A) (Front Yard Setback)), except however, there is no front setback requirement when the front lot line abuts the Buckeye Lake dam.
4. The minimum required rear yard shall be ten (10) feet.
5. The minimum required side yard shall be five (5) feet.
6. The maximum height shall be thirty-five (35) feet.

9.7 One and Two Family Lake Front Residential District (R2-LF)

A. Intent

The intent of this district is to accommodate lake front single and two – family residential dwellings on smaller lots adjacent to Buckeye Lake.

B. Permitted Uses

1. One (1) detached single family dwelling unit per lot, including permanently sited manufactured homes, provided each dwelling or manufactured home contains a minimum livable floor area of one thousand three hundred (1,300) square feet (See Section 10.1(A) (Building Size and Permanent Foundation)).
2. Two-family dwellings, provided each dwelling unit contains a minimum of six hundred fifty (650) square feet of livable floor area (See Section 10.1(A) (Building Size and Permanent Foundation)).
3. Adult Family Homes.
4. Residential Facilities – Type A.
5. Type B Family Day-Care Home.
6. Individual Wind Energy Conversion Systems, subject to the restrictions in Section 10.11(Individual Wind Energy Conversion Systems).
7. Accessory structures, as defined in Article III, subject to the following standards:
 - a. Accessory structures shall be located on the same lot as the primary building to which it is subordinate. No lot shall contain an accessory structure without a principal building.
 - b. Accessory structures shall not contain or be used as a dwelling unit.
 - c. The height of any accessory structure shall not exceed twenty-two (22) feet.
 - d. Once detached accessory structure shall be permitted provided such structure does not exceed one thousand six hundred (1,600) square feet of floor space.
 - e. In addition to the accessory structure permitted above, one storage building (shed) with floor space not to exceed 160 square feet shall be permitted.
 - g. Accessory structures shall be setback a minimum of ten (10) feet from the main building. Accessory structures and sheds shall be setback a minimum of five (5) feet of the side lot line and ten (10) feet from a rear lot line, and must conform to the front yard setback (25 feet).
 - h. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
8. Customary home occupations as permitted and regulated in Section 10.5 (Home Occupations).

9. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
10. Private and community/club swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the following provisions:
 - a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
 - b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
 - c. A swimming pool shall be setback a minimum of twelve feet from any side or rear lot line or easement.
 - d. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.
11. Recreational vehicles, subject to the standards in Section 10.7(Parking and Storage of Vehicles and Recreational Vehicles).
12. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.6(Temporary Buildings).
13. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI Conditional Use Regulations).

1. Type A Family Day-Care Home, subject to the conditions in Section 11.1(Type A Family Day Care Home).
2. Stand alone parking lots, subject to the conditions in Section 11.15 (Stand Alone Parking Lots).
3. Free-Standing Telecommunication Towers, subject to the conditions in Section 11.3 (Free-Standing Telecommunication Towers).
4. Large Satellite Dish Antenna, subject to the conditions in Section 11.18 (Large Satellite Dish Antennas).

D. Signs

Signs shall be permitted in the R2-LF district as regulated in Section 10.9 (Sign Regulations).

E. Off-Street Parking and Loading Spaces

Off-street parking and loading spaces shall be provided in accordance with the requirements in Section 10.10 (Parking Regulations).

F. Lot Area, Setback, Lot Coverage, and Height Requirements. The following lot area, setback, lot coverage and height requirements shall apply to all property within the R2-LF District.

1. The minimum lot size shall be the area described by metes and bounds description or as shown by plat recorded for said lot in the Fairfield County Recorder's office as of the effective date of this Resolution.
2. The minimum frontage required shall be as described by metes and bounds description or as shown by plat recorded for said lot in the Fairfield County Recorder's office as of the effective date of this Resolution.
3. The minimum required front yard shall be twenty-five (25) feet, measured from the front lot line (See Section 10.2(A) (Front Yard Setback)), except however, there is no front setback requirement when the front lot line abuts the Buckeye Lake dam.
4. The minimum required rear yard shall be ten (10) feet.
5. The minimum required side yard shall be five (5) feet.
6. The maximum height shall be thirty-five (35) feet.

9.8 Manufactured Home Park Residential District (MHP)

A. Intent.

It is the intent of the MHP, Manufactured Home Park District, to provide an area for planned manufactured home parks in accordance with Ohio Administrative Code 3701 and the Ohio Revised Code Section 3733.

B. Principal Permitted Uses.

1. Manufactured Homes, subject to the restrictions in Section 10.1(A) (Building Size and Permanent Foundation).
2. Type B Family Day-Care Home.
3. Adult Family Homes.
4. Residential Facilities – Type A.
5. Individual Wind Energy Systems, subject to the standards in Section 10.11 (Individual Wind Energy Conversion Systems)

6. Accessory uses, buildings, or other structures customarily incidental to manufactured homes, including Home Occupations as regulated by Section 10.5 (Home Occupations).

C. Approval Procedures.

Manufactured home parks shall be developed according to the standards and regulations stated and referenced in Section 9.8(D). The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Section 7.1 (Procedures for Amendment or District Changes).

D. The Walnut Township Zoning Commission and Township Board of Trustees shall review the particular facts and circumstances of each proposed MHP District in terms of the following standards and shall find adequate evidence that such development meets the following standards:

1. The proposed manufactured home park will be adequately served by essential public facilities and services such as highways, streets, drainage, water, sewage disposal, refuse disposal, schools, law enforcement and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
2. The vehicular approaches to the proposed manufactured home park will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.
3. The proposed manufactured home park will not result in the damage, destruction, or loss of any natural, scenic or historic features of major importance.
4. The establishment of the proposed manufactured home park shall not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhoods.
5. All manufactured home parks shall have a twenty (20) foot landscape buffer along all public rights-of-way and adjacent parcels and shall comply with all the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

9.9 Recreational Mixed-Use District (RMU).

A. Intent

It is the intent of this district to provide for a mixture of residential uses with commercial service and recreational uses associated with resort development. It is further the intent of this district to provide limited business use that are scaled to blend with the surrounding area. The Recreational Mixed-Use District may be applied to land that does not directly abut Buckeye Lake but is within the general vicinity of this recreational area.

B. Permitted Uses

The following uses shall be permitted within the RMU District:

1. One and Two Family Dwelling Units, subject to the restrictions in Section 10.1(A) (Building Size and Permanent Foundation).
2. Type B Family Day-Care Home.
3. Adult Family Homes.
4. Residential Facilities – Type A.
5. Restaurants, without drive-through facilities.
6. Barber and Beauty Shops.
7. Drug stores.
8. Convenient stores.
9. Food sales – Neighborhood Markets.
10. Bakery, delicatessen, meat market, ice cream parlor, pizza shop.
11. Bed and Breakfast.
12. Customary home occupations as permitted and regulated in Section 10.5 (*Home Occupations*).
13. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable Federal regulations.
14. Private or community/club swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the following provisions.
 - a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
 - b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
 - c. No swimming pools will be allowed within a front yard setback. A swimming pool shall otherwise be setback a minimum of twelve feet from any lot line or easement.
 - d. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.
15. Recreational vehicles, subject to the standards in Section 10.7(Parking and Storage of Vehicles and Recreational Vehicles).

16. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.6(Temporary Buildings).
17. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI Conditional Use Regulations).

1. Type A Family Day-Care Home, subject to the conditions in Section 11.1(Type A Family Day Care Home).
2. Marinas, subject to the conditions in Section 11.7 (Marinas).
3. Outdoor service facilities, subject to the conditions in Section 11.8 (Outdoor Service Facilities).
4. Free Standing Telecommunication Towers, subject to the conditions in Section 11.3 (Free-Standing Telecommunication Towers).
5. Stand alone parking lots, subject to the conditions in Section 11.15 (Stand Alone Parking Lots).
6. Large Satellite Dish Antenna, subject to the conditions in Section 11.18 (Large Satellite Dish Antennas).
7. Commercial recreational uses including commercial swimming pools, subject to the conditions in Section 11.19 (Churches, Schools, Parks, Commercial Recreational Uses including Commercial Swimming Pools, Libraries, Museums, and Art Galleries).

D. Signs

Signs shall be permitted as regulated in Section 10.9 (Sign Regulations).

E. Off-street Parking and Loading

Off-street parking and loading spaces shall be provided in accordance with the requirements set forth in Section 10.10 (Parking Regulations).

F. Lot Area, Yard Requirements, and Height Limits

1. Minimum lot area required shall be ten thousand (10,000) square feet.
2. Minimum frontage shall be one hundred (100) continuous feet from the road frontage.
3. Minimum front depth shall be twenty-five (25) feet, measured in accordance with Section 10.2(A) (Front Yard Setback) of this Resolution.

4. Minimum rear yard shall be twenty-five (25) feet.
5. Minimum side yard shall be fifteen (15) feet.
6. Maximum height shall be thirty-five (35) feet.
7. Buildings for principally permitted uses within the RMU District shall not exceed 5,000 square feet.

9.10 Neighborhood Commercial District (B-1)

A. Intent.

It is the intent of the B-1 Neighborhood Commercial District to provide areas for business establishments that are pleasant, safe, and convenient to the neighborhood. It is furthermore the intent of this district to create an environment conducive to well-located and designed office building sites to accommodate professional offices, nonprofit organizations, and limited business activities. It is not the intent of this district to include shopping centers or other large scale commercial developments.

B. Permitted Uses

The following uses shall be permitted in the B-1 District, provided all business is conducted within a completely enclosed building. Any use that is conducted in an area not fully enclosed by solid walls and a roof is considered to be an Outdoor Service Facility (see definition in Article III) and may only be permitted as a conditional use in the B-1 district (see 9.10(C)(2) below).

1. Neighborhood Retail Businesses:

- a. florists and gift shops.
- b. food sales.
- c. convenient stores.
- d. drug stores.
- e. hardware stores.
- f. jewelry stores.
- g. clothing stores.
- h. sporting goods stores.
- i. optical stores.
- j. furniture, home furnishing, or household good stores.
- k. other similar neighborhood retail businesses.

2. Personal Service Businesses:
 - a. barber, beauty shop, salon services.
 - b. dry cleaning and laundry services, without drive-through facilities – (drive through facilities are considered to be an Auto Oriented Business and may be permitted as a conditional use (see 9.10(C)(1) below.)
 - c. shoe repair services.
 - d. garment repair/tailoring services.
 - e. other similar Personal Service Businesses.
3. Banks, building and loan associations, credit unions, and other similar financial institutions, without drive-through facilities. – (drive through facilities are considered to be an Auto Oriented Business and may be permitted as a conditional use (see 9.10(C)(1) below.)
4. Business, professional, medical, and dental offices buildings.
5. Veterinary offices, provided all business is conducted entirely within an enclosed building.
6. Funeral Homes.
7. Restaurants, without drive-through facilities. – (drive through facilities are considered to be an Auto Oriented Business and may be permitted as a conditional use (see 9.10(C)(1) below.)
8. Child Day Care Centers.
9. Telecommunication Towers.
10. Individual Wind Energy Conversion Systems, subject to the standards in Section 10.11(Individual Wind Energy Conversion Systems)
11. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
12. Temporary buildings for uses incidental to construction work, subject to the standards in Section 10.6(Temporary Buildings).
13. Dwelling units, provided said units are located in a building whose principal use is first permitted in the B-1 District.
14. Large satellite dish antennas.

15. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses.

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI Conditional Use Regulations).

1. Auto Oriented Businesses as defined in Article III, used independently or in conjunction with a permitted use, and subject to the conditions in Section 11.9 (Auto Oriented Businesses).
2. Outdoor Service Facilities used in conjunction with a permitted use and subject to the conditions in Section 11.8 (Outdoor Services Facilities).
3. Kennels and boarding of dogs or other small animals, subject to the conditions in Section 11.16 (Kennels and the Boarding of Dogs and Other Small Animals)

D. Signs

Signs shall be permitted as regulated in Section 10.9 (Sign Regulations).

E. Off-street Parking and Loading

Off-street parking and loading spaces shall be provided in accordance with the requirements set forth in Section 10.10 (Parking Regulations).

F. Lot Area, Yard Requirements, and Height Limits

1. Minimum lot area required shall be one (1) acre, when on-site water and sewer services will be utilized, and twenty thousand (20,000) square feet, when central water and sewer services will be utilized.
2. Minimum frontage shall be one hundred (100) continuous feet from the road frontage.
3. Minimum front yard setback shall be fifty (50) feet, measured from the front lot line (See Section 10.2(A) (Front Yard Setback)) of this Resolution.
4. Minimum rear yard setback shall be fifty (50) feet.
5. Minimum side yard setback shall be twenty-five (25) feet, unless located adjacent to a residential use, than a fifty (50) foot side yard setback shall be required.
6. Maximum height shall be forty (40) feet.
7. No building shall exceed 10,000 square feet.

9.11 Commercial Business District (B-2)

A. Intent.

The purpose of this district is to provide for a variety of retail and service establishments and provide personal and professional services that serve a community sized-and larger-trading area population. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood business district. Due to the intensity of this district, the B-2 District shall apply only to existing properties zoned B-2 as of the effective date of this Zoning Resolution and as shown on the Walnut Township Zoning Map. Any future rezoning to a commercial district after, _____, which is the effective date of this zoning resolution will be limited to the Neighborhood Business (B-1) District or the Planned Unit Development (PUD) District, as applicable.

B. Permitted Uses.

The uses listed in this section are the principal uses within the B-2 District. A building or lot within the B-2 district shall only be used for such purposes.

1. All uses permitted in the B-1 district.
2. Department store.
3. Off-street public parking lot.
4. Establishments engaged in retail trade of:
 - a. Drugs.
 - b. Book, stationary, toy, notion, art, antique, music and gift sales.
 - c. Clothing apparel, shoe and variety store.
 - d. Florist shop.
 - e. Sporting goods store.
 - f. Jewelry store.
 - g. Optical goods store.
 - h. Furniture, home furnishing, appliances and other major household goods.
 - i. Office equipment and office supplies store.
 - j. Eating and drinking establishments, but excluding drive-in restaurants. (drive-in restaurants are considered to be an Auto Oriented Business and may be permitted as a conditional use (see 9.11(C)(3) see below.)
 - k. Hardware, paint, floor coverings, wallpaper, materials and objects for interior decorating, auto accessories, and repair of household appliances and bicycles.

5. Establishment engaged primarily in the fields of finance, insurance, and real estate:
 - a. Bank.
 - b. Credit agency other than a bank.
 - c. Investment firm.
 - d. Insurance carrier.
 - e. Real estate and insurance company.
 - f. Investment company.
6. Establishments engaged in providing a variety of services to individuals and business establishments, such as:
 - a. Personal services such as barber and beauty shops, shoe repair shops, laundries, and dry cleaning.
 - b. Miscellaneous business services such as advertising news syndicate and employment agencies.
 - c. Medical and other health services.
 - d. Engineering and architectural services.
 - e. Legal services.
 - f. Accounting, auditing, and bookkeeping services.
 - g. Nonprofit, professional, charitable, and labor organizations.
 - h. Dance studio and school
 - i. Bowling alley.
 - j. Motion picture and theatrical playhouse, excluding drive-in theaters. (drive-in theaters are considered to be an Auto Oriented Business and may be permitted as a conditional use (see 9.11(C)(3) see below.)
 - k. Cultural, educational, or religious facilities.
 - l. Mini-storage or mini-warehouse facilities.
7. Other uses similar in character to those listed in this section, in accordance with the procedures in Section 8.5 (Similar Uses).
8. Public buildings and facilities owned or operated by a general purpose unit of local government.

9. Accessory uses clearly incidental to the uses permitted on the premises. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
10. Large satellite dish antennas.
11. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses.

The Board of Zoning Appeals may issue a conditional zoning certificate for uses listed herein, subject to the general requirements of Section 7.3 (Procedures and Requirements for Approval of Conditional Uses), and the specific requirements of the subsection referenced.

1. Institutions for human medical care, including hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the elderly, and philanthropic institutions, private clubs, lodges, and fraternal organizations, subject to the general conditions in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
2. Churches and other places of worship, including related buildings and parish houses, public and private schools; provided that such uses shall be not less than fifty feet from any other lot, and subject to the general conditions of Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
3. Auto-oriented businesses, subject to the conditions in Section 11.9 (Auto Oriented Businesses).
4. Planned Integrated Commercial Developments, subject to the conditions in Section 11.17 (Planned Integrated Commercial Developments).

D. Signs.

Signs shall be permitted as regulated in Section 10.9 (*Sign Regulations*).

E. Off-Street Parking and Loading.

Off-street parking and loading spaces shall be provided in accordance with the requirements set forth in Section 10.10 (Parking Regulations).

F. Lot Area, Yard Requirements, and Height Limitations.

1. Minimum lot area required shall be twenty thousand (20,000) square feet.
2. Minimum lot frontage shall be one hundred (100) continuous feet from the road frontage.
3. Minimum front yard setback shall be twenty-five (25) feet measured from the front lot line (See Section 10.2(A) (Front Yard Setback)), except when adjacent to a residential district, it shall be the same as the minimum front yard depth of the residential district.

4. Minimum Side Yard Setback shall be twenty-five (25) feet when adjacent to a residential district on the side adjacent to the residential district only.
5. Minimum Rear Yard Setback shall be forty (40) feet, except that no rear yard shall be required when the business use abuts a public parking area intended to serve the particular business use.
6. Maximum height shall be forty-five (45) feet.

9.12 Intensive and Motorist Services Business District (B-3)

A. Intent.

This district is established to provide for uses in addition to those specified for the neighborhood and commercial business districts and thereby provide service and sales in support of the primary business activities in the community. This district includes activities which because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems, or certain other inherent dangers create special problems and are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the community. Due to the intensity of this district, the B-3 District shall apply only to existing properties zoned B-3 as of the effective date of this Zoning Resolution and as shown on the Walnut Township Zoning Map. Any future rezoning to a commercial district after December 23, 2010, which is the effective date of this zoning resolution will be limited to the Neighborhood Business (B-1) District or the Planned Unit Development (PUD) District, as applicable.

B. Permitted Uses.

The following uses shall be permitted in the B-3 District. A building or lot within the B-2 district shall only be used for such purposes.

1. All uses permitted in the B-2 District.
2. Gasoline service station.
3. Car wash subject to the stacking requirements in Section 10.10(I) (Stacking Spaces for Auto-Oriented Businesses).
4. Garden supply sales.
5. Amusement and recreation uses.
6. Display or show room where merchandise sold is stored elsewhere.
7. Hotel, motel, tourist home.
8. Mortuary.
9. Off-street public parking lot and garage.

10. Passenger-transportation agency and terminal.
 11. Printing, blueprinting, newspaper printing, telegraphic service.
 12. Club, lodge, and fraternal organizations.
 13. Automobile, truck, trailer, and farm implement sales and services, and storage both new and use.
 14. Drive-in establishments including restaurants and theaters.
 15. Wholesale establishments.
 16. The following uses, conducted within an enclosed building when conducted not closer than within fifty feet of any R-district.
 - a. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments.
 - b. Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales, and service including vulcanizing.
 - c. Truck and transfer terminal.
 17. Other uses similar in character to those listed in this section.
 18. Public buildings and facilities owned or operated by a general purpose unit of government.
 19. Clay Target and Skeet Shooting.
 20. Marinas.
 21. Accessory uses clearly incidental to the uses permitted on the premises shall be permitted. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
 22. Large satellite dish antennas.
 23. Fences, subject to the standards in Section 10.3 (Fence Requirements).
- C. The Board of Zoning Appeals may issue a conditional zoning certificate for uses herein listed, subject to the general requirements of Section 7.3 (Procedures and Requirements for Approval of Conditional Uses), and the specific requirements of the subsections referenced.
1. Institutions for human medical care, including hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the elderly, and philanthropic institutions,

private clubs, lodges, and fraternal organizations, subject to the general conditions in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).

2. Churches and other places of worship, including related buildings and parish houses, public and private schools; provided that such uses shall be not less than fifty feet from any other lot and subject to the general conditions of Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
3. Kennels and animal hospitals, subject to the conditions in Section 11.16 (Kennels and the Boarding of Dogs and Other Small Animals).
4. Private or governmentally owned or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar outdoor recreational facilities, subject to the general conditions in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
5. Private or governmentally owned or operated parks, recreational areas, and campground where camping in tents, trailers, or other structures or vehicles are permitted for overnight prolonged periods of time; and day camps, summer camps, and other types of outdoor and/or recreationally oriented uses which involve facilities for group activities and accommodations, subject to the general conditions in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
6. Parking lots accessory to a use permitted in an adjacent zoning district, subject to the general conditions of Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
7. Airports and related facilities, subject to the conditions in Section 11.10 (Airports).
8. Cemeteries, including mausoleums and crematoriums, subject to the general conditions in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
9. Public libraries, museums, and similar public or quasi-public cultural facilities, provided no building is located less than thirty feet from any lot in the RR-Rural Residential district, subject to the general conditions in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
10. Boarding homes, tourist homes, and bed and breakfast establishments, subject to the general conditions in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses).
11. Professional offices, trade services, and personal service business uses, including the following and substantially similar uses subject to the general conditions in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses):
 - a. Antique shop/restoration.
 - b. Automotive repair.
 - c. Barber/beauty shop.

- d. Craft shop.
 - e. Day-Care Facility.
 - f. Data processing/computer services.
 - g. Drafting/graphic arts.
 - h. Electrical and appliance repair services.
 - i. Insurance, financial, investment services.
 - j. Landscaping services.
 - k. Photography/art studio.
 - l. Professional offices including accounting, architecture, bookkeeping, consulting services, engineering, legal, medical offices, real estate, and veterinary.
 - m. Trade services including carpentry, electrical, plumbing, heating and cooling, well drilling and servicing.
12. Planned Integrated Commercial Development, subject to the conditions in Section 11.17 (Planned Integrated Commercial Developments).
13. Sexually Oriented Businesses, subject to the conditions in Section 11.11 Sexually Oriented Businesses).

D. Signs.

Signs shall be permitted as regulated by Section 10.9 (Sign Regulations).

E. Off-Street Parking and Loading.

Off-street parking and loading spaces shall be provided in accordance with the requirements set forth in Section 10.10 (Parking Regulations).

F. Lot Area, Yard Requirements, and Height Limitations.

- 1. Minimum lot area required shall be fifteen thousand (15,000) square feet.
- 2. Minimum lot frontage required shall be sixty (60) continuous feet from the road frontage.
- 3. Minimum front yard setback shall be twenty-five feet measured from the front lot line (See Section 10.2(A) (Front Yard Setback)), except when adjacent to a residential district, it shall be the same as the minimum front yard setback of the residential district.
- 4. Minimum side yard setback shall be twenty-five (25) feet when adjacent to a residential district on the side adjacent to the residential district only.

5. Minimum rear yard setback shall be twenty-five (25) feet, except that no rear yard shall be required when the business use abuts on a parking area intended to serve the particular business use.
6. Maximum height shall be forty-five (45) feet.

G. Outdoor Display Areas.

Merchandise which is to be sold at retail on the premises may be displayed out of doors, except that no such display area shall be within fifty (50) feet of any residential district. Display areas shall be screened from abutting residential uses by landscaping sufficient to minimize undesirable visual effects of such display area; such landscape buffer shall be maintained in a neat and orderly fashion.

9.13 Service Industries and Light Industrial District (I-1)

A. Intent

It is the intent of the I-1 District to provide areas for service industries and light industrial uses. It is further the intent of the I – 1 District to prohibit dwelling uses.

B. Permitted Uses

The following uses shall be permitted in the I-1 District, provided such use (except telecommunication towers and individual wind energy conversion systems) is conducted within a building completely enclosed by solid walls and a roof, there is no outdoor storage of any kind, and no operation creates a hazard or nuisance beyond the confines of the building.

1. Service Industries (see definition in Article III).
2. Warehousing and distribution centers.
3. Assembling, packaging, or bottling of goods, materials, or products.
4. Auto-body repair.
5. Experimental testing and research facilities, providing such testing or experimentation creates no hazard or nuisance beyond the confines of the building.
6. The following types of manufacturing, processing, cleaning, servicing, or repair activities which will not be materially injurious to the occupants of adjacent premises or the community at large and will minimize as much as possible the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards glare or heat, or electromagnetic disturbances:
 - a. Fabrics.
 - b. Food products.
 - c. Ceramics.

- d. Glass.
- e. Products from previously and elsewhere prepared materials.
- 7. Printing, publishing, and allied professions.
- 8. Mini-storage units.
- 9. Stone and monument works.
- 10. Telecommunication Towers.
- 11. Individual Wind Energy Conversion Systems, subject to the standards in Section 10.11 (Individual Wind Energy Conversion Systems)
- 12. Outdoor Advertising Signs in accordance with Section 10.9(F) (Outdoor Advertising Signs).
- 13. Accessory uses, buildings, structures, or other structures, customarily incidental to any aforesaid permitted uses, including administrative offices associated with the principally permitted use. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
- 14. Large satellite dish antennas.
- 15. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as conditional uses and are subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 and Article XI Conditional Use Regulations.

- 1. Commercial mines, quarries, and gravel pits, subject to the conditions in Section 11.2 (Commercial Mines, Quarries, and Gravel Pits).
- 2. Small Wind Farms, subject to the conditions in Section 11.4 (Small Wind Farms).
- 3. Airports, subject to the conditions in Section 11.10 (Airports).

D. Signs

Signs shall be permitted as regulated in Section 10.9 (Sign Regulations).

E. Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in Section 10.10 (Parking Regulations).

F. Lot Area, Yard Requirements, Height Limits, and Buffer Requirements.

1. Minimum lot area required shall be one and two (2) acres, when on-site water and sewer services will be utilized, and thirty thousand (30,000) square feet, when central water and sewer services will be utilized.
2. Minimum lot frontage shall be one hundred twenty-five (125) continuous feet from the road frontage.
3. Minimum front yard setback shall be one hundred (100) feet, measured from the front lot line (See Section 10.2(A) (Front Yard Setback) of this Resolution).
4. Minimum rear yard setback shall be twenty-five (25) feet, unless located adjacent to a residential use, then a seventy-five (75) foot side yard setback shall be required.
5. Minimum side yard setback shall be twenty – five (25) feet, unless located adjacent to a residential use, then a seventy (75) foot side yard setback shall be required.
6. Maximum height shall be fifty (50) feet.
7. Buffer Requirements.

Screening shall be placed along any lot line abutting an existing residential use and shall be located in manner that will create a visual buffer from such uses. The buffer shall have a minimum depth of 35 feet, shall be landscaped with hardy evergreen shrubbery and maintained so as to minimize any undesirable noise, visual or environmental impacts associated with the proposed use.

G. Prohibited Uses

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

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

9.14 I-2 General Industrial District.

A. Intent

It is the intent of the I-2 District to provide areas for general industrial and warehousing uses free from the encroachment of residential, retail, and institutional uses.

B. Permitted Uses

The following uses shall be permitted in the I-2 District.

1. Warehousing and distribution centers.
2. Assembling, packaging, or bottling of goods, materials, or products.
3. Any manufacturing, processing, cleaning, servicing, testing, or repairs of the following materials, goods or products, when such uses will not be materially injurious to the occupants of adjacent premises or the community at large and where the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards glare or heat, or electromagnetic disturbances will be minimized as much as possible.
 - a. Fabrics.
 - b. Food products.
 - c. Ceramics.
 - d. Glass.
 - e. Wood.
 - f. Products from previously and elsewhere prepared materials.
 - g. Electronic components.
 - h. Leathers or furs.
 - i. Building materials.
4. Agricultural Implement Business.
5. Storage yards for contractors' equipment, heavy machinery, motor vehicles, trucks, or other similar pieces of equipment or machinery, including rental of equipment and any associated repair services.
6. Building and lumber yard, including mill work.
7. Truck or transfer facility.
8. Telecommunication Towers.
9. Individual Wind Energy Conversion Systems, subject to the standards in Section 10.11(Individual Wind Energy Conversion Systems).

10. Outdoor Advertising Signs in accordance with Section 10.9(F) (Outdoor Advertising Signs).
11. Accessory uses, buildings, structures, or other structures, customarily incidental to any aforesaid permitted uses, including administrative offices associated with the principally permitted use. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
12. Large satellite dish antennas.
13. Fences, subject to the standards in Section 10.3 (Fence Requirements).

C. Conditional Uses

The following uses may be permitted as a conditional use, subject to approval by the Walnut Township Board of Zoning Appeals as provided in Section 7.3 (Procedures and Requirements for Approval of Conditional Uses) and Article XI Conditional Use Regulations).

1. Any manufacturing, processing, cleaning, servicing, testing, or repairs of the following materials, goods or products, when such uses will not be materially injurious to the occupants of adjacent premises or the community at large and where the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards glare or heat, or electromagnetic disturbances will be minimized as much as possible, subject to the conditions in Section 11.12 (Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Materials, Goods or Products)..
 - a. Chemicals, including storage.
 - b. Animal byproducts.
 - c. Metal.
 - d. Explosives, incendiary devices, flammables, ammunition, including storage.
 - e. Paper.
 - f. Plastics, polymers, or rubbers.
2. Fuel distribution centers, including underground storage of inflammable fuels, subject to the conditions in Section 11.14 (Fuel Distribution Centers). (This does not include gas stations, which are classified as auto-oriented businesses).
3. Junk Yards, Scrap Metal Processing Facilities, Construction/Demolition Facilities, subject to the conditions in Section 11.13 (Junk Yards, Scrap Metal Processing Facilities, and Construction/Demolition Facilities).
4. Commercial mines, quarries, and gravel pits and/or the storage of mineral extractions, subject to the conditions in Section 11.2 (Commercial Mines, Quarries, and Gravel Pits).

5. Small Wind Farms, subject to the conditions in Section 11.4 (Small Wind Farms).

D. Signs

Signs shall be permitted as regulated in Section 10.9 (Sign Regulations).

E. Off-Street Parking and Loading

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in Section 10.10 (Parking Regulations).

F. Lot Area, Yard Requirements, Height Limits, and Buffer Requirements.

1. Minimum lot area required shall be one and two (2) acres, when on-site water and sewer services will be utilized, and thirty thousand (30,000) square feet, when central water and sewer services will be utilized.
2. Minimum lot frontage shall be one hundred twenty-five (125) continuous feet from the road frontage.
3. Minimum front yard setback shall be one hundred (100) feet, measured from the front lot line (See Section 10.2(A) (Front Yard Setback) of this Resolution).
4. Minimum rear yard setback shall be twenty-five (25) feet, unless located adjacent to a residential use, then a seventy-five (75) foot side yard setback shall be required.
5. Minimum side yard setback shall be twenty – five (25) feet, unless located adjacent to a residential use, then a seventy (75) foot side yard setback shall be required.
6. Maximum height shall be fifty (50) feet.
7. Buffer Requirements.

Screening shall be placed along any lot line abutting an existing residential use and shall be located in manner that will create a visual buffer from such uses. The buffer shall have a minimum depth of 35 feet, shall be landscaped with hardy evergreen shrubbery and maintained so as to minimize any undesirable noise, visual or environmental impacts associated with the proposed use.

G. Prohibited Uses

No land, building, area, or structure in the I-2 District shall be used for any of the prohibited uses as follows:

1. Dwellings, residences, living quarters, or other residential uses, except for watchman quarters.
2. Motel or hotel.
3. Schools and colleges.

4. Churches.
5. Hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use.

9.15 Planned Unit Development District (PUD)

A. Intent

The purpose of the Planned Unit Development (PUD) district is to provide the opportunity for orderly, progressive, and innovative large scale developments which offer greater benefit to the community by achieving one or more of the following objectives:

1. A wide choice of living environments by permitting a variety of housing and building types and a flexibility of their placement on the land.
2. A more efficient use of the land through clustering of buildings, thereby requiring a reduction in street and utility extensions, resulting in substantial savings both now and for future maintenance.
3. Encouragement of the preservation of natural topography and geologic features, scenic areas, trees, and other vegetation, thereby creating a lesser amount of disruption to natural drainage patterns and other features.
4. The establishment of usable open space and recreation areas for use of the residents or occupants of the development.
5. A complimentary blending of land uses providing a mixture of land use types in accordance with a unified development plan.
6. An overall increase of density for residential uses or intensity of non-residential uses that may not be permitted in the standard zoning district(s), provided the proposal is in conformance with a development plan in harmony with surrounding land uses, transportation facilities, and community facilities.

B. Conflict

Whenever there is a conflict or difference between Section 9.15 (Planned Unit Development District) and those of other sections of the Zoning Resolution, the provisions of Section 9.15 (Planned Unit Development District) shall prevail for the development of land within the PUD district. Subjects not addressed within Section 9.15 (Planned Unit Development District) shall be governed by the respective provisions found elsewhere in this Resolution.

C. Procedures for Rezoning to PUD

The procedures for rezoning a tract of land to a PUD district are provided in Section 9.15 (G) – (W) (Planned Unit Development District).

D. Permitted Uses

Single-family; multi-family; commercial including retail business uses, neighborhood retail business uses, wholesale business uses, offices, and personal services businesses; public and semi-public uses, open space, recreational uses, and accessory structures shall be permitted within the PUD district, provided that the proposed locations of commercial uses do not adversely impact adjacent property or the public health and safety. A PUD may include one or more of these permitted uses. Furthermore, the location of commercial uses is limited to the specific locations approved by the Township Board of Trustees on the development plan.

E. Minimum Project Area and Ownership

The land proposed for rezoning to the PUD district shall be under joint or common ownership and control of the applicant. Due to the unique characteristics of Walnut Township, no minimum project area will be required. The Zoning Commission shall consider the type of proposed development and the specific site characteristics to determine if the size of the site is adequate. A development plan approved under the procedures of this Section shall be binding upon the applicant(s), successors, and assigns.

F. Development Standards

The following standards shall apply to development with the PUD district in addition to any requirements included in an approved development plan.

1. Arrangement of Areas

The location and arrangement of various densities within the PUD shall be distributed so that the more intense uses are balanced with open space and less intense development. Less intense uses and open spaces should be placed around critical resources areas, such as existing water bodies, drainage patterns, wetlands, wooded areas, etc.

2. Restricted Open Space

A minimum of twenty (20) percent of the gross acreage of the tract of land shall be set aside as restricted open space. Required yard setback areas on individual lots, private roads, public road rights-of-way, parking areas, accessways, driveways, utility corridors, private yards, or other small fragmented or isolated land areas that have a dimension less than 50 feet in any direction shall not count towards the restricted open space requirements. Restricted open space shall be placed within a reserve or protected by deed, easements or covenants. Restricted open space shall be maintained by an Association (as defined in Article III) for the development, unless other arrangements for maintenance are made with the Township Board of Trustees during the rezoning process.

The Bylaws, Code of Regulations, and any other final covenants and restrictions and maintenance agreements shall give the majority of the members of the Association the right to force the Association to maintain the common area through any legal means available including but not limited to filing suit against the Association and instituting removal procedures against the Association's governing body. The failure of the Association, or other organization or entity responsible for maintaining and operating the restricted open space, to maintain said restricted open space in reasonable order and condition in accordance with the Development Plan required by this Section, shall constitute a violation of both the Development Plan and this Zoning Resolution.

3. Lot Area

No minimum lot area shall be required for an individual unit. However, the Township Board of Trustees shall consider the type of water and waste disposal systems proposed when determining if sufficient lot area has been provided for individual units.

4. Setbacks

Minimum front, side and rear setbacks for individual lots within the PUD shall be determined by the approved development plan.

5. Height

No residential structure within a PUD shall exceed thirty-five (35) feet in height, except for those items listed in Section 10.2(E) (Height Exceptions). No non-residential structure shall exceed forty (40) feet in height.

6. Utilities

Potable water and adequate sewage facilities shall be provided to accommodate the development.

7. Signs

Only those signs approved with the development plan shall be permitted within the PUD, except for temporary signs, which shall be regulated by Section 10.9(B)(5) (Temporary Sign Regulations).

8. Parking

Parking, unless otherwise approved with a development plan, shall be provided in accordance with Section 10.10 (Parking Regulations).

9. Non-residential Uses

Non-residential uses within the PUD shall comply with the following requirements:

- a. The proposed site shall have adequate ingress/egress for the type of vehicles utilized for transporting such materials, goods or products, and proper on-site circulation shall be provided within the development. The proposed ingress/egress shall be designed to have sufficient width and turning radii to accommodate the type of use proposed and shall be located in accordance with appropriate access management principles. The Zoning Commission may require the proposed site plan to be reviewed by the Fairfield County Engineer's office to ensure adequate access is proposed.
- b. The Zoning Commission may require a traffic impact study to ensure the surrounding road network is capable of handling the traffic generated by the proposed use(s).

- c. Stacking spaces shall be provided in accordance with Section 10.10(I) (Stacking Spaces for Auto-Oriented Businesses).
- d. When a proposed use is located adjacent to an existing residential structure, sufficient landscaping around the perimeter of the site shall be provided to reduce any potential noise, visual, or environmental impacts associated with the proposed use. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
- e. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties and shall comply with the requirements of Section 10.10(C) (Parking Lot Lighting). Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
- f. In no case, shall a proposed use create any dangerous, injurious, noxious, or otherwise objectionable impact on any adjacent land. Such impacts shall include those related to noise, vibration, odor, dust, or heat. Statements in writing that such uses comply or will comply with such requirements may be required by the Zoning Commission from the applicant.
 - 1. Vibration.

No vibrations that are perceptible without the aid of instruments shall be permitted, as measured on the boundary of the PUD.
 - 2. Odor.

No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the boundary of the PUD.
 - 3. Dust and Smoke.

The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the boundary of the PUD.

G. Procedure

A Planned Unit Development (PUD) District may be approved as a district on the Zoning Map in accordance with the procedures set forth in this section. It is the intent of this section to incorporate the review and approval of a development plan with the amendment process. In addition to the procedures set forth in this section, Section 7.1(O) (Effective Date and Referendum) shall apply at such time a zoning map amendment to a PUD designation is adopted by the Board of Township Trustees.

H. Sketch Plan Required

Prior to submitting a rezoning application, the applicant shall prepare a sketch plan for an informal review by the Zoning Commission. Eleven (11) copies of said plan shall be submitted.

I. Sketch Plan Contents

The sketch plan shall include the following information:

1. Boundaries of the area proposed to be zoned PUD, dimensions and total Acreage;
2. A topographic map at vertical intervals of not more than 2 feet;
3. Location of Wetlands (and potential Wetlands), the floodway boundary and floodway elevations as delineated by the Federal Emergency Management Agency, rivers, streams, and their related River or Stream Bank , ponds, and water courses;
4. All existing rights-of-way and easements;
5. Existing soil classifications;
6. Location of all wooded areas, tree lines, hedgerows and specimen trees;
7. Existing drainage patterns on the property, existing wells and well sites;
8. Existing vegetation and agricultural lands by type;
9. Existing Buildings, Structures, and other significant man-made features on the site and within 200 feet of the Project Boundary;
10. All Structures and areas of known historical significance;
11. A summary of the proposed development including the total Acreage, the general description of each proposed use, and number and type(s) of residential Dwelling Units (if any).
12. A sketch layout of proposed Lots and Building Setback lines. If applicable, Dwelling Unit types and the total number of Dwelling Units.
13. General location, type, and size of non-residential uses.
14. The general location of proposed Open Space, community spaces, etc.
15. General location of proposed roads. The sketch plan shall indicate the proposed roads will be private or publicly dedicated.
16. Natural Features to be conserved and Natural Features that have potential to be altered.

J. Review of Sketch Plan by Others

The Township Zoning Inspector shall distribute the sketch plan application to the following for review and request comments to be submitted within 15 days from the date distributed:

1. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Regional Planning Commission, the County Health District, the Soil and Water Conservation District, the County Sanitary Engineer, and the County Engineer.
2. Other agencies which, at the discretion of the township, may have appropriate technical expertise.
3. Appropriate local township administrative officials including the township's legal advisor and emergency services personnel.
4. Consultants retained by the township.

K. Review by the Township Zoning Commission

The Township Zoning Commission shall review the sketch plan during one of its regular meetings or a special meeting called for that purpose and provide informal feedback to the applicant. This meeting shall take place after the deadline for the other review agencies as specified in 9.15(J) above. No binding decisions or votes will be made during the sketch plan review.

L. Rezoning Application

The applicant, having determined to proceed, shall submit eleven (11) copies of an application to amend a tract of land to the PUD designation which shall be filed with the Zoning Inspector. The application shall be signed by all Owners of parcels within the tract of land for which the PUD District is proposed. The application shall include the same information required in Section 7.1(C) (Contents of Application) for a zoning amendment application and the following information:

1. A Development Plan prepared by a professional surveyor, professional engineer, and/or licensed landscape architect in the State of Ohio. The Development Plan shall include the following information:
 - a. All information listed in Section 9.15(I)(2)-(11); and
 - b. A site plan drawn at a scale not less than 1" = 100' indicating:
 - i. Boundaries of the area proposed for development, accurate dimensions and total Acreage.
 - ii. Layout of proposed Lots and Building Setback lines. If applicable, Dwelling Unit types and the total number of Dwelling Units shall be indicated on the proposed Development Plan.
 - iii. Layout, dimensions, and names of existing and proposed Streets and rights-of-way.
 - iv. The location, type, and size of non-residential uses.

- v. Proposed utility easements, drainage easements, or any other type of easement
 - vi. Proposed parks, community spaces, and Open Spaces and any proposed amenities included within these areas.
 - vii. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
 - viii. Any proposed Landscaping.
 - ix. Any proposed signage.
 - x. The proposed schedule of Site Development.
2. Name, address, and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the Development Plan.
 3. Verification by at least one Owner of the tract of land that all information in the application is true and correct to the best of the Owner's knowledge.
 4. A written statement from the property Owner(s) setting forth the reasons why, in the applicant's opinion, the Planned Unit Development District would be in the public interest and would be consistent with the stated intent of the applicable requirements.

M. Notice to Fairfield County Regional Planning Commission

Within five (5) days of an application being filed for a PUD zoning, the Zoning Commission shall transmit a copy of the application including the development plan to the Fairfield County Regional Planning Commission. The Fairfield County Regional Planning Commission shall recommend approval, approval with conditions, or denial of the proposed zone change. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed zoning amendment.

N. Zoning Commission Public Hearing

The Zoning Commission shall schedule a public hearing on the application for approval of the application, including the development plan, not less than twenty (20) nor more than forty (40) days from the date the application is filed by the property owner(s).

O. Notice of Public Hearing

The Zoning Commission shall give notice of the public hearing required in Section 9.15(N) above by one publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published notice of the public hearing shall state the information required in Section 519.12 of the Ohio Revised Code. Written notice of the public hearing shall also be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of the property within and contiguous to and directly across the street from such area proposed for rezoning to the addresses of such owners appearing on the County Auditor's then current tax list. Notices to the individual property owners shall state the information required in Section 519.12 of the Ohio Revised Code.

P. Zoning Commission Finding Required

Prior to making its recommendation, the Zoning Commission shall determine if the facts submitted with the application/development plan and presented at the public hearing establish that:

1. The site has been designed in the most efficient manner possible.
2. The proposed roads will be able to carry the traffic generated by the development.
3. The proposed development will not be detrimental to the existing road networks outside of the proposed district.
4. The land has been designed in a manner that protects existing critical resources.
5. Adequate water and waste disposal systems have been provided to accommodate the proposed development.
6. Adequate storm drainage improvements have been proposed.

Q. Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required in Section 9.15(N) above, the Zoning Commission shall recommend to the Township Board of Trustees that the application, including the development plan, be approved as requested, approved with conditions, or denied.

R. Township Trustees Public Hearing

Upon receipt of the Zoning Commission's recommendation, the Township Board of Trustees shall schedule a public hearing on the application, including the development plan. The public hearing shall not be more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.

S. Notice of Public Hearing

The Township Board of Trustees shall give notice of the public hearing by one publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published notice of the public hearing shall state the information required in Section 519.12 of the Ohio Revised Code. Written notice of the public hearing shall also be mailed by the Township Board of Trustees, by first class mail, at least ten (10) days before the date of the public hearing to all owners of the property within and contiguous to and directly across the street from such area proposed for rezoning to the addresses of such owners appearing on the County Auditor's then current tax list. Notices to the individual property owners shall state the information required in Section 519.12 of the Ohio Revised Code.

T. Action by Township Board of Trustees

Within twenty (20) days after such public hearing, the Township Board of Trustees shall either adopt or deny the Zoning Commission's recommendations on the application and development plan or adopt some modification of them. If the application for rezoning is granted, the area of

land included in the application shall be designated as a Planned Unit Development on the Zoning Map upon the effective date of the rezoning. The resolution passed by the Township Board of Trustees approving the rezoning application shall incorporate the development plan, including any conditions that may be imposed by the Township Board of Trustees. Any violation of such conditions when made part of the terms under which the development plan is approved, shall be deemed a violation of this Resolution and subject to the provisions of Section 4.8(D) (Penalties for Violation).

U. Zoning Permit

The Zoning Inspector shall not issue a zoning permit for any structure in any portion of a PUD district for which a plat is required by the Fairfield County Subdivision Regulations until the plat has been approved by the applicable County agencies and is recorded. Any modifications to an approved development plan that may be required during the platting process must be approved in accordance with Section 9.15(V) below.

V. Modifications to Approved Development Plan

The Township Zoning Commission may approve minor modifications to an approved development plan without a public hearing. If major modifications are proposed, such as a substantial change in use, density, layout of roads, access points, etc., the modification shall be considered through the public hearing process followed in the original application for rezoning.

W. Expiration

If construction has not commenced (as defined in Article III) within two (2) years of the effective date of the rezoning, the development plan shall be void and a new development plan shall be approved through the process followed in the original application for rezoning, unless an extension is granted by the Township Zoning Commission.

9.16 Flood Plain Overlay District (F-P)

A. Purpose

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

B. Establishment of District Boundaries and Applicability

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

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

C. Permitted Uses

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

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

D. Permit Required

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

ARTICLE X

GENERAL DEVELOPMENT STANDARDS

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

A. Building Size and Permanent Foundation

Any single-family dwelling, manufactured home, or permanently sited manufactured home shall contain a minimum livable floor area of one thousand three hundred (1,300) square feet. Any two-family structure shall contain a minimum of six hundred fifty (650) square feet of livable floor area per dwelling unit. All single and two-family dwellings shall be placed on a permanent foundation.

For multi-family dwelling units, there shall be a minimum of five hundred seventy-five (575) square feet of livable floor area for a one bedroom unit, seven hundred twenty (720) square feet of livable floor area for a two bedroom unit, and eight hundred fifty (850) square feet of livable floor area for a three bedroom unit.

B. Lot Area, Yard Requirements, and Height Limits

The minimum lot area, yard requirements and height limits shall be as established and listed within the applicable zoning district.

10.2 MEASUREMENTS

A. Front Yard Setback

The front yard setback shall be measured from the Front Lot Line (as defined in Article III). In no case shall the distance between the eaves of a building and the Front Lot Line be less than the minimum front yard setback requirement for the applicable district.

B. Side Yard Setback

The side yard setback shall be measured from the nearest side lot line. In no case shall the distance between the eaves of a building and the nearest side lot line be less than the minimum side yard setback requirements for the applicable district. For corner lots, there shall be two front yard setbacks (one along each right-of-way, measured in accordance with Section 10.2(A) (Front Yard Setback) and one side yard setback measured in accordance with this Section).

C. Rear Yard Setback

The rear yard setback shall be measured from the nearest portion of the rear property line. In no case shall the distance between the eaves of a building and the nearest portion of the rear property line be less than the minimum rear yard setback requirement for the applicable district.

D. Exceptions to Yard Setback Requirements

- 1.. Unless otherwise limited by the applicable zoning district, a wall or fence not over six (6) feet high may be erected in any required setback, except a front yard setback in which case the height of the wall or fence shall not be over four (4) feet. If the wall is a retaining wall the height shall be measured on the highest (fill) side. No fence, tree, or foliage shall be maintained on a lot that will materially obstruct the view of a driver of a vehicle.
2. Steps, open and uncovered porches, decks, or other similar features not over three and one-half (3 ½) feet in height above the average finished grade may project into a setback for a distance not to exceed five (5) feet. For those Lake Front Lots abutting the Buckeye Lake Dam, steps used for the sole purpose of ingress/egress to the dwelling unit may project into a side yard setback for a distance not to exceed five (5) feet regardless of their height, provided that such features do not extend above the top elevation of the Buckeye Lake Dam.
3. Driveways shall be permitted in a required setback, but shall be five (5) feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.
4. Parking areas in accordance with Section 10.10(B)(3) (Off-Street Parking Design Standards – Setbacks) and off-street loading spaces in accordance with Section 10.10(H)(2)(b) (Off-Street Loading Space Design Standards – Setbacks)..

E. Height Exceptions

1. The height limitations of this Resolution shall not apply to churches, schools, hospitals, and such public buildings as a library, museum, art gallery, fire station, or a public building of a cultural, recreational, or administrative nature. However, for each two (2) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased by one-half (1/2) foot over the side and rear yards otherwise required in the district.
2. Church spires, belfries, cupolas, and domes, monuments, fire and hose towers, observation towers, chimneys, smokestacks, flag poles may exceed the height limitations.
3. The height limitations for the district in which bulkheads, water tanks, monitors, monuments, fire towers, hose towers, cooling towers, grain elevators, and gas holders are located shall not apply to such uses.

10.3 FENCE REQUIREMENTS.

A. Fence Requirements.

1. In all zoning districts, an Open or Solid fence shall be permitted provided such fence does not exceed six (6) feet in height and otherwise complies with the requirements of Section 10.2(D)(1) (Exceptions to Yard Setback Requirements).
2. Notwithstanding the above, Canal Front Lots and Lake Front Lots shall be limited to an Open Fence that does not exceed four (4) feet in height and otherwise complies with the requirements of Section 10.2(D)(1) (Exceptions to Yard Setback Requirements). Solid fences shall not be permitted on Canal Front Lots or Lake Front Lots, except when

necessary to comply with the requirements in the applicable zoning district for enclosing a permitted swimming pool.

10.4 SWIMMING POOLS

Private or Community/Club Swimming Pools.

See the requirements within the applicable residential zoning district.

10.5 HOME OCCUPATIONS

A. Intent.

It is the intent of Section 10.5 (Home Occupations) to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of this section to allow limited nonresidential uses in residential structures which are compatible with the residential character of their surroundings.

B. Requirements.

If a home occupation complies with the following criteria, it shall be permitted as an accessory use in residential districts.

1. The external appearance of the structure in which the use is conducted shall not be altered. Signs shall be permitted as regulated for the district in which the home occupation is located.
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
4. Not more than 25 percent of the gross floor area of the dwelling shall be devoted to the use.
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, ex-rays, radiation, or electrical disturbances.
6. No additional parking demand shall be created.
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

10.6 TEMPORARY BUILDINGS

Temporary buildings, including construction trailers, for uses incidental to construction work may be erected in any zoning district herein established. However, such temporary building or trailer shall be removed within ninety (90) days following the completion or abandonment of the construction work. Temporary buildings, construction trailers, tents, wheel campers, and motor homes are not to be used as temporary dwellings. These standards shall not apply to temporary buildings used for agriculture (as defined in Article III).

10.7 PARKING AND STORAGE OF VEHICLES AND RECREATIONAL VEHICLES

In all zoning districts, automotive or vehicles of any type without current registration shall not be parked or stored on any property other than in a completely enclosed building, unless otherwise specifically permitted by this Zoning Resolution. No more than two recreational vehicles as defined in Article III may be stored on lots within residential zoning districts. Said vehicles must have their current licenses/registration and shall not be stored in a front yard.

10.8 SATELLITE DISHES

1. Small satellite dish antennas, as defined in Article III, are exempt from zoning requirements and do not require a zoning permit.
2. Large satellite dish antennas, as defined in Article III, shall be considered conditional uses in the RR, R-1, R-2, R-3, RMU, R1-LF, and R2-LF districts and shall be subject to the standards in Section 11.18 (Large Satellite Dish Antennas).

10.9 SIGN REGULATIONS

A. Intent

The intent of this Section is to promote and protect the public health, safety, and welfare by regulating existing and proposed signs. It is intended to protect property values, create a more visually 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 clutter, distraction and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting into public right-of-way; provide more open space, curb the deterioration of the natural environment; and enhance community development by permitting signs which are compatible with their surroundings.

B. General Sign Regulations.

All signs shall comply with the following general regulations and the size, height and setback standards for the applicable zoning district, as specified in Section 10.9E (Size, Height, and Setback Requirements)

1. Any illuminated sign or lighting device shall employ only light emitting a constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or

moving light(s). In no event, shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from 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. Any exposed light fixtures shall be screened from view by site grading or evergreen shrubs.

2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or contain or consist of banners, posters, pennants, ribbons, streamers, or other similar moving devices or otherwise make use of motion to attract attention.
3. All wirings, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of any applicable electric codes. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard.
4. 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.
5. Temporary signs are permitted in all Districts provided such signs are less than sixteen (16) square feet in area and four (4) feet in height, provided such signs are not displayed for more than sixty (60) calendar days within any 180-day period. A zoning permit is required for such temporary signs. Such signs must also be located at least six (6) feet from the right-of-way line. Temporary signs that are seven (7) square feet in area or less and three (3) feet in height or less shall not be subject to the sixty (60) day time limit nor the zoning permit requirement.
6. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20 percent of the window surface.
7. 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.
8. Should any sign 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 put such sign in a safe and secure condition or remove the sign.
9. No sign shall be placed in any public right-of-way except traffic control signs.
10. No signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machines or public shelter.
11. No sign shall be located nearer than eight feet vertically or four feet horizontally from any overhead electrical wires, conductors or guy wires.
12. Signs along interstate and primary highways shall also conform to the requirements of the Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto (contact the Ohio Department of Transportation in such cases for these additional regulations).

C. Permit Required

1. No person shall locate or maintain any sign or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted from this Section.
2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
3. The repainting, changing of parts, and preventative maintenance of signs shall not be deemed alterations requiring a sign permit.

D. Signs Not Requiring a Permit

1. Any temporary sign that is seven (7) square feet in area or less.
2. Professional name plates not to exceed four square feet in area.
3. Signs denoting the name and address of the occupants of the premises, not to exceed two square feet in area.
4. Signs marking the entrances, exits, and circulation patterns within an off-street parking facility, provided such signs are two (2) square feet in area or less and no taller than three (3) feet in height.

E. Size, Height, and Setback Requirements

All signs shall comply with the size, height and setback requirements for the district in which the sign is located. These requirements are listed in the following table:

District	Permitted Types	Max. # of Signs	Max. Sign Height (Ft.)	Max. Sign Area (Sq. Ft.)*	Min. Setback from R.O.W (Ground Signs)
RR, R-1, R-2, R1-LF, R2-LF,	Wall	1 per dwelling unit	8	4	NA
R-3, MHP, RMU	Wall	1 per lot	20	25	NA
Intentionally left blank					
B – 1, B-2, B-3**	Wall	1*** per business	35 feet	1.5 square feet per 1 lineal foot of building width or part thereof, not to exceed 100 square feet.	NA
I -1, I-2**	Wall, Ground	1Wall and 1 Ground***	35 feet	1.5 square feet per 1 lineal foot of building width or part thereof, not to exceed 100 square feet.	NA
PUD	Per Approved Development Plan				
F-P	Per Underlying Zoning District				

*Maximum Sign Area and Maximum Sign Height applies to each permitted sign and shall be measured in accordance with Section 10.9H (Measurement of Signs).

**In addition to permitted signs, outdoor advertising signs (Billboards) are permitted in the B-1, B-2, B-3, I-1 and I-2 districts per the regulations in Section 10.9(F) (Outdoor Advertising Signs).

*** One joint identification sign shall also be permitted in the B-1, B-2, B-3, I-1 and I-2 districts per the regulations in 10.9(G) (Joint Identification Signs).

F. Outdoor Advertising Signs (Billboards)

Outdoor advertising signs (Billboards) shall be permitted only in the B – 1, B-2, B-3, I-1, and I-2 districts in addition to any signs permitted in Section 10.9(F) (Outdoor Advertising Signs). There shall be no more than two outdoor advertising signs per lot. The total area for outdoor advertising signs shall not exceed 1,200 square feet per lot. Outdoor advertising signs visible to approaching traffic shall have a minimum spacing of 200 feet. Outdoor advertising signs shall conform to all applicable yard and height regulations for the applicable zoning district, except that such signs intended to be viewed from an elevated highway shall not be more than 20 feet above the level of the roadway at its nearest point. Outdoor advertising signs shall have all structural and supporting members concealed from view.

G. Joint Identification Signs.

Joint identification (ground) signs serving a group of business and/or industrial establishments may be erected. Such signs shall not exceed thirty (30) feet in height, shall not exceed 200 square feet (measured in accordance with Section 10.9(H)), shall have a minimum setback of ten (10) feet from any right-of-way line and shall have a minimum setback of thirty (30) feet from any adjoining lot line. For every square foot by which any free standing joint identification sign exceeds fifty (50) square feet, the setback shall be increased by one-half foot but need not exceed one hundred (100) feet. No more than one free-standing joint identification sign shall be erected per building, regardless of the number of businesses conducted in said building.

H. Measurement of Signs

For purposes of this Resolution, the measurement of sign area shall comply with the following standards:

1. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
2. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
3. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.

I. Violations.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this resolution, the zoning inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 4.9 (Schedule of Fees, Charges, and Expenses of this Resolution).

10.10 PARKING REGULATIONS

A. Intent

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity or use, there shall be provided off-street parking spaces for automobiles in accordance with the provisions of this Section. A parking plan shall be submitted to the zoning inspector as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary wall, fences, and screening plan (as applicable).

After the effective date of this Resolution, whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten (10) percent or more in the number of parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements within this Section.

B. Off-Street Parking Design Standards

All off-street parking facilities including entrances, exists, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

1. Parking space dimensions.

Each off-street parking space shall have an area of not less than nine (9) feet in width and by eighteen (18) feet in length. Maneuvering aisles shall be a minimum of twenty-four (24) feet in width.

2. Access.

There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided within a dedicated easement of access as follows:

- a. One single-, two-, or three-family residential dwelling, the access drive shall be a minimum of nine feet in width.
- b. For all other residential and non-residential uses, the access drive shall be a minimum of twenty-four (24) feet in width.
- c. Evidence of a shared driveway maintenance agreement shall also be provided.
- d. All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or onto the public street or alley shall be traveling in a forward motion.

3. Setbacks.

Off-street parking areas may encroach a required side or rear yard setback, but in no case shall the off-street parking area be closer than three (3) feet from a property line, street or alley. Except for open and uncovered off-street parking spaces for single and two family dwellings, off-street parking areas shall not encroach a front yard setback.

4. Screening.

In addition to the setback requirements specified in this Resolution, any off-street parking facility for more than five (5) vehicles shall be screened with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting on each side of a parking area that abuts a lot that currently contains one or more residential dwelling units.

5. Paving.

All required parking spaces, driveways, and circulation areas shall be hard surfaced with a pavement having an asphalt, bituminous or concrete binder, except however, parking facilities for the following uses shall be exempt from this paving requirement:

- a. Any use in the I-1 or I-2 district, provided the parking facility for said use is located at least seven hundred (700) feet from any residential district.
- b. School auditoriums, assembly areas, sports fields, and other community meeting or recreation areas.
- c. Single-, two- and three-family dwelling units.

Where paving is not required, proper dust control measures shall be undertaken and maintained.

6. Drainage.

All parking spaces, driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

7. Markings.

All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner.

8. Maintenance.

Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.

9. Directional Signs.

Entrances, exits, and the intended circulation pattern of the off-street parking area shall be clearly marked with directional signs.

C. Parking Lot Lighting

1. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.
2. Any lighting provided in off-street parking areas, except for single, two or three family dwellings, shall comply with the following requirements:
 - a. Parking lot lights shall be of a cut-off fixture and shall be no more than 28 feet in height.
 - b. Parking lot lights must be placed within a landscape island or on a 36" high pole base to protect both the lights and vehicles from damage.

D. Determination of Required Spaces.

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

1. Where floor area is designed as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floor of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar non-usable areas.
2. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen lineal inches of benches or pews, except where occupancy standards are set by the fire marshal.
3. Fractional numbers shall be increased to the next whole number.
4. The parking space requirements for a use not specifically specified in this Resolution shall be determined following the procedure for a "substantially similar use" as determined by the Board of Zoning Appeals in accordance with Section 8.5 (Similar Uses).
5. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. In some cases as specified in Section 10.10E (Joint or Collective Parking Facilities), joint or collective parking facilities may be permitted. In such cases, however, the total sum of the requirements for the each use must be provided during the hours of operation for said use.

E. Joint or Collective Parking Facilities

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

1. All required parking spaces shall be located on the same lot with the building or use served, except in the following cases: in the Recreational Mixed-Use District (provided a conditional use permit is obtained for a Stand Alone Parking Lot), where an increase in the number of spaces is required by a change or enlargement of use; or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than five hundred (500) feet from the building served.
2. Not more than fifty (50) percent of the parking spaces required for Commercial Entertainment Facilities and churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments, and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
3. In any case where the required parking spaces are not located on the same lot with the building or use to be served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes. Said agreement must be approved as to form by the township's legal counsel, executed by the parties concerned and filed with the application for a Zoning Permit. Otherwise, the Zoning Permit application may be considered incomplete and/or denied.

F. Required Number of Off-Street Parking Spaces

The required number of off-street parking spaces shall be determined by the following table.

REQUIRED OFF STREET PARKING SPACES

Use	Number of Parking Off-Street Spaces	Use	Number of Off Street Parking Spaces
Animal Hospital	One (1) for every four hundred (400) square feet of floor area plus one for every two employees	Churches	One (1) space for each eight (8) seats in an auditorium or one (1) space for each six (6) seats in places of worship
Automobile or Machine Sale Service	One (1) space for each eight hundred (800) square feet of floor area	Dance Halls and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms in conjunction with auditoriums	One (1) space for each one hundred (100) square feet of floor area used for assembly or dancing
Banks, business, and professional offices except medical and dental offices or clinics	One (1) space for each four hundred (400) square feet of floor area	Dwellings	Two (2) spaces for each family or dwelling unit
Barber/Beauty Shop	Three (3) for each barber/beauty chair	Funeral Home, Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area, whichever is greater
Bowling Alleys	Five (5) spaces for each alley plus the necessary space as set forth in this section for affiliated uses such as bars, restaurants, and the like	Furniture and Appliance Stores, Household Equipment, or Furniture Repair Shop, over on thousand (1,000) square feet of floor area	Four (4) spaces plus one (1) space for every four hundred (400) square feet of floor area over one thousand six hundred (1,600) square feet
Car washing facilities	One (1) for each employee		
Child Day Care Centers/Nursery Schools	Four (4) for each classroom		

Use	Number of Off -Street Parking Spaces
Gas Station	Two (2) for each service bay and one (1) for every two gasoline pump
Hospitals, Nursing Homes, Adult Care, Residential Care, and Residential Facilities, Homes for the Aging, and other similar uses.	One (1) space for every two (2) beds
Hotels, Lodging Houses, Motels, Bed and Breakfast	One (1) space for each bedroom
Laundromats	One (1) for every two washing machines
Libraries, Museums, or Galleries	One (1) space for each six hundred (600) square feet of floor space
Manufacturing Plants, Research or Testing Laboratories, Assembly Plants	One (1) space for each one thousand two hundred (1,200) square feet of area
Medical and Dental Offices or Clinics	One (1) space for each one hundred (100) square feet of floor area
Restaurants, Bars, and Night Clubs	One (1) space for each one hundred (100) square feet of floor area

Use	Number of Off-Street Parking Spaces
Retail Stores, Shops, Etc.	One (1) space for each two hundred (200) square feet of floor area
Sports Arenas, Auditoriums, Assembly Halls, other than Schools	One (1) space for each six (6) seats
Swimming Pool (Commercial)	One (1) for each ten persons of capacity
Schools (Elementary)	Four (4) for each classroom plus one (1) for every four (4) seat in assembly halls, and one (1) for each additional non-teaching employee.
Schools (High/Middle Schools)	One for every ten (10) students plus one for every four (4) seats in auditorium, assembly areas or sports field, whichever is greater
Schools (Business/Trade)	One (1) for each (2) students
Tennis facilities/racquetball facilities or similar uses	Two (2) for each playing area; one (1) for each employee; and one (1) for each one hundred (100) square feet of other activity

Use	Number of Off-Street Parking Spaces
Unlisted business or commercial uses otherwise permitted in any business district.	One (1) for each one hundred and fifty (150) square feet of floor area
Wholesale Establishments or Warehouses	Five (5) spaces plus one (1) space for every three thousand (3,000) square feet of floor area over five thousand (5,000) square feet

G. Handicapped Parking Requirements.

Parking spaces shall be designated for the physically handicapped and may be used to compute the total number of spaces required. The number and location of the designated spaces shall be in compliance with the requirements of the Ohio Building Code. All such handicapped parking spaces shall be designated by a sign pursuant to the Ohio Manual of Uniform Traffic Control Devices.

H. Loading Space Requirements and Design Standards.

1. Required Off-Street Loading Spaces.

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of three thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, funeral home, Laundromats, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one (1) off-street loading space, and one (1) additional loading space for each ten thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three thousand (3,000) square feet.

2. Off-Street Loading Space Design Standards

All off-street loading spaces shall be in accordance with the following standards and specifications:

a. Loading space dimensions.

Each loading space shall have a minimum dimension not less than twelve (12) feet in width, sixty-five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet.

b. Setbacks.

Notwithstanding other provisions of these regulations, off-street loading spaces may be located in the required rear or side yard of any business or industrial district provided that not more than ninety (90) percent of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than fifty (50) feet to any residential district nor closer than five (5) feet from any street or alley.

c. Screening.

In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts a property with an existing residential use.

d. Access.

All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.

e. Paving.

All required off-street loading spaces, except for uses within the I-1 or I-2 district, if said loading spaces are at least 700 feet from any residential district, together with driveways, aisle, and other circulation areas, shall be surfaced with an asphalt or Portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control surface measures shall be undertaken and maintained.

f. Drainage.

All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

g. Lighting.

Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

I. Stacking Spaces for Auto-Oriented Businesses.

Stacking spaces for gas pumps, service bays, drive-through facilities, or other similar Auto-Oriented Businesses shall be provided to prevent encroachment of vehicles into parking areas and/or adjacent road networks. The minimum number of stacking spaces required is as follows;

Drive thru facilities – Five (5) stacking spaces per window. For restaurants, an additional three storage spaces behind any ordering area shall be required.

Self serving car washes – Three (3) stacking spaces per stall.

All other car washing facilities – Six (6) stacking spaces per entrance.

Gas stations – Two (2) stacking spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

Oil Changing Facility or other similar operation: 5 spaces per window bay.

Each stacking space shall be nine (9) feet wide and twenty-two (22) feet deep.

J. Parking of Disabled Vehicles.

The parking of disabled vehicles within a residential district for a period of more than one (1) week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building.

J. Parking in the Recreational Mixed-Use District

Due to the size of the lots, the unique character and the recreational opportunities that can be found within the Buckeye Lake area, the parking requirements for all uses, except residential dwellings, may be reduced by 50 percent of the required off-street parking spaces, provided that bicycle parking is provided in accordance with Section 10.10 (K)(1) – (11) below. Otherwise, 100 percent of the required off-street parking spaces shall be provided.

1. For every five off-street parking spaces reduced by the above formula, one bicycle parking space shall be provided. In no case shall less than two (2) bicycle parking spaces be provided.
2. A bicycle space shall include the provision for secure storage of bicycles by providing lockable enclosed lockers or racks or equivalent structures in or upon which a bicycles may be locked by the user.
3. Structures that require a user supplied locking device shall be designed to accommodate both chain and U-shaped locking devices and shall support the bicycle frame at two locations (not just the wheel).
4. All lockers and racks must be securely anchored to the ground or the building structure to prevent the racks and lockers from being removed from the location.
6. The surfacing of such facilities shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted provided edging materials, such as landscape timbers are used so that the bicycle parking area is clearly demarcated and the rock material is contained.
7. The area for the bicycle parking spaces shall be sufficiently separated from vehicular off-street parking areas to protect parked bicycles from damage by vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
8. Required bicycle parking spaces shall be at least two (2) feet by six (6) feet per bicycle.
9. An aisle a minimum of five (5) feet wide shall be provided behind the bicycle parking spaces to allow for maneuvering.
10. Sufficient space, to be a minimum of twenty-four (24) inches, shall be provided beside each parked bicycle to allow access. This access may be shared by

adjacent bicycles. Racks shall be installed a minimum of twenty-four (24) inches from any wall or other obstruction.

11. Bicycle parking facilities shall be located in a clearly designated safe and convenient location.

10.11 INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS

Walnut Township recognizes the importance of clean, sustainable and renewable energy sources. To that end, Walnut Township permits the use of small wind energy conversion systems under the following regulations to ensure the safety and welfare of all township residents is met. Small wind energy conversion systems shall comply with the following standards:

A. Maximum Height

The tower height of a small wind energy system shall not exceed 100 feet.

B. Setback Requirements

A small wind energy conversion system shall be located in such a manner where its tower will have a “clear fall zone” from all neighboring property lines, structures, as well as any inhabited structures. A small wind energy conversion system will need to be erected and placed in such a manner that if its tower were to fall, whatever direction the fall occurs would be contained solely on the property where the system is located and would not strike any structures including a primary building and any inhabited structures.

C. Maintenance

Small wind energy conversion systems must be maintained in good working order. Small wind energy conversion systems that become inoperable for more than twenty-four (24) months must be removed by the owner within thirty (30) days of issuance of a zoning violation. Removal includes the removal of all apparatuses, supports, and other hardware associated with the existing small wind energy conversion system.

D. Decibel Levels

Small wind energy conversion systems shall operate within a decibel range of 50 to 70 decibels. This information shall be obtained from the manufacturer of the residential wind turbine and all decibel readings, if necessary, shall be taken from the nearest neighboring property line.

E. Wiring and electrical apparatuses

All wires and electrical apparatuses associated with the operation of a small wind energy conversion system shall be located underground.

F. Anti-Climb Devices

All towers within a small wind energy conversion system must be unclimbable by design or protected by anti-climbing devices.

G. Permit Required

No person, firm or corporation shall construct or install a small wind energy conversion system without having received an approved Zoning Permit from the Zoning Inspector (unless otherwise exempted by state or federal laws). In addition to the general submittal requirements for a zoning permit listed in Section 4.3 (Zoning Permit Application), an engineering report that shows the following must be submitted:

1. The number and height of each tower within the small wind energy conversion system.
2. The total size and depth of the concrete mounting pad for each tower, as well as soil and bedrock data.
3. A list or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightening protection.
4. Data specifying the kilowatt size and generating capacity of each tower.
5. The maximum decibel level of the small wind energy conversion system. This information must be obtained from the manufacturer of the tower(s).
6. A site drawing showing the location of the tower(s) to existing structures on the property, roads, and other public rights-of-way and neighboring property.
7. Evidence of a “clear fall zone” with manufacturer’s recommendation must be attached to the engineering report.
8. A maintenance schedule as well as a dismantling plan that outlines how the small wind energy system will be dismantled.

10.12 SUBDIVISIONS.

All subdivisions shall comply with the Fairfield County Subdivision Regulations and must be approved by the Fairfield County Regional Planning Commission prior to being recorded. All lot splits must be approved by the Fairfield County Regional Planning Commission prior to being recorded.

ARTICLE XI

CONDITIONAL USE REGULATIONS

11.1 Type A Family Day Care Home.

A. Intent

It is the intent of this section to create standards for Type A Family Day-Care Homes to ensure the use is compatible to the surrounding neighborhood in which the use is located.

B. Applicability

These standards shall apply when a Type A Family Day-Care Home is proposed within a district where considered to be a conditional use.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for a Type A Family Day-Care Home, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

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

11.2 Commercial Mines, Quarries, and Gravel Pits.

A. Intent.

The intent of this section is to create standards for commercial mines, quarries, and gravel pits when such uses are listed as conditional uses. The Board of Zoning Appeals may permit a commercial mine, quarry, or gravel pit in any district where it is listed as a conditional use, upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties provided the following

conditions and the general conditions of Section 7.3(C) (Standards for Conditional Use) are guaranteed by the applicant.

B. Notification to County Engineer.

Per ORC 519.141(B)(1), prior to submitting a conditional use application for a proposed surface mining application, the applicant shall send written notice to the county engineer of the applicant's intent to apply for a conditional use zoning permit.

C. Submission of Additional Information.

Two (2) copies of the following information shall be submitted with the application required in Section 7.3(B) (Application for Conditional Use).

1. Name of the owner or owners of the land from which removal is to be made.
2. Name of the applicant making request for such permit.
3. Name of the person or corporation to be conducting the actual operations.
4. Location, description, and size of area from which the removal is to be made.
5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the processor or any other firm, person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise, in so far as reasonably possible.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. General description of the equipment to be used.
9. Method of rehabilitation and reclamation of the mined area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with the contour lines at intervals of five (5) feet or less.
10. The identification of specific roads to be used as the primary means of ingress to and egress from the proposed activity. For proposed surface mining activities, the roads utilized for such purposes shall be identified in accordance with ORC 303.141(B).

D. Development Standards

1. All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practicable noise, vibration, or

dust, which would injure or annoy persons living in the vicinity. Accessways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be specified by the Board of Zoning Appeals.

2. No mining or sand and gravel removal shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Zoning Appeals, where such is deemed necessary for the protection of adjacent property, especially when such use is located adjacent to a residential district. However, the above specified 50-foot setback may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
3. In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way, except as may otherwise be provided for by Section 1563.11 of the Ohio Revised Code.
4. Any excavated area adjacent to a right-of-way of any public street or road shall be back filled for a distance of one hundred fifty (150) feet from the right-of-way.
5. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
6. Quarrying shall not be carried out closer than fifty (50) feet to any adjoining property line unless the written consent of such adjoining property(s) has first been obtained.

E. Rehabilitation Requirements.

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

1. All excavations shall be made either to a water producing depth plus five (5) feet below the water mark, or shall be graded and back-filled with non-toxic, non-combustible, and non-flammable solids to assure:
 - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or
 - b. That the graded or back-filled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.
2. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line on the

pit bottom, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in subsection (E)(3) below.

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

11.3 Free Standing Telecommunication Towers.

A. Intent

The intent of this section is to regulate the placement and construction of telecommunication towers in residential districts in order to protect the public health, safety, and morals without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage co-location of antennas on existing towers in order to minimize tower locations and to protect residential areas through the use of height, setback, and lot area requirements.

B. Applicability

The following regulations may apply, through the conditional use process, to free-standing telecommunication towers located within a residential district, unless otherwise exempted by Section 11.3(D) below. These regulations shall not apply to telecommunication towers proposed in zoning districts that list such structures as permitted uses.

C. Conditions

The Board of Zoning Appeals shall issue a conditional use permit when a proposed free-standing telecommunication tower in a residential district complies with all of the conditions listed below. When measuring setbacks and lot area, the dimension of the entire lot shall control, even though the tower may be located on a leased area within such lot.

1. The minimum lot area shall comply with the minimum lot area for the applicable zoning district.
2. The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line). No new residential structures shall be permitted within this setback area.
3. The maximum height of the free-standing telecommunication tower shall be as follows:

# of users for which the tower is designed	Maximum Height
1	150 feet
2	165 feet
3	180 feet
4	195 feet

4. The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Guy wires and lattice designs shall not be permitted. Towers shall be a non-contrasting gray or similar color or a galvanized steel finish, unless these color requirements conflict with any FAA or FCC regulation. In such cases, the tower shall comply with those color requirements. Alternative tower designs that camouflage the tower and/or antenna, such as man-made trees, may also be permitted as approved by the Board of Zoning Appeals.
5. A fence (minimum six (6) feet in height) shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider. All towers must be unclimbable by design or protected by anti-climbing devices.
6. A landscaped buffer of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the tower and any adjacent public right-of-way and any adjacent properties. The 15-foot buffer shall consist of hardy evergreen shrubbery, not less than six (6) feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional landscaping upon review of an individual application. All required landscaping shall be continuously maintained and promptly restored, if necessary.
7. No signage shall be permitted anywhere on the telecommunication tower, antenna, fence, etc., except for a sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language shall be attached to the gate of the required fence. Any other signage required by Federal regulations shall be permitted.
8. No lighting shall be permitted, except as required by Federal regulations.

9. One point of access from a public road to the free-standing telecommunications tower shall be provided. The Board of Zoning Appeals may require review by the Township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
10. The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
11. The applicant shall demonstrate that co-location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.) Engineer, inventorying all existing telecommunication towers in Walnut Township. If the applicant cannot demonstrate that co-location is not feasible, the Board of Zoning Appeals may deny the conditional use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if co-location is not feasible:
 - a. Written documentation from the owner of the existing tower(s) refusing to allow co-location;
 - b. The proposed antenna would exceed the structural capacity of the existing tower, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer.
 - c. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer.
 - d. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably as documented by a qualified R. F. engineer.
 - e. Co-location would violate Federal, State, County or Township regulations.
12. The tower owner shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the tower is no longer being operated or utilized, it shall be removed within 180-days after the use of the tower is discontinued.
13. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna to the extent to which the tower is designed.
14. Any other conditions as warranted by the Board of Zoning Appeals.

D. Exemptions

In the event, a telecommunication tower is proposed within a residential district, the telecommunication tower may be exempt from all telecommunication tower regulations and may be considered to be a permitted use, if criteria listed in 1 and 2 below have been met:

1. The telecommunication provider provides each of the following by certified mail:
 - a. Written notice to each owner of property, as shown on the County Auditor's then current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the telecommunication tower is proposed to be constructed, stating all of the following in clear and concise language:
 - i. The person's intent to construct the tower.
 - ii. A description of the property sufficient to identify the proposed location;
 - iii. That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that the telecommunication regulations of the Walnut Township Zoning Resolution apply to the proposed location of the tower.
 - b. Written notice to the Board of Township Trustees of the information specified in 11.3(D)(1)(a) (i) and (ii) above. The notice to the Board shall also include verification that the person has complied with the Section 11.3(D)(1) (a) above of the Walnut Township Zoning Resolution. Within 15 days of a telecommunications provider mailing the notices, a Township Trustee may object to the proposed location of the telecommunications tower.
2. If the Board of Township Trustees receives no notice from a notified property owner nor an objection from a Township Trustee is provided within 15 days of a provider mailing the notices, then the proposed telecommunication tower is exempt from all telecommunication regulations within the Walnut Township Zoning Resolution.
3. If a notice from a notified property owner or an objection from a Township Trustee is made, then all applicable telecommunication tower regulations within the Walnut Township Zoning Resolution shall apply. The Township Fiscal Officer, within 5 days of receiving the first objection from a property owner or Trustee, shall notify the telecommunications provider that the telecommunication regulations within the Walnut Township Zoning Resolution apply.
4. If a provider fails to send proper notices, then the regulations within this section shall apply.

11.4 Small Wind Farms.

A. Intent.

The intent of this section is to regulate the placement and construction of Small Wind Farms (as defined in Article III) in order to protect public health and safety of township residents without interfering with the expansion of clean, sustainable, and renewable energy sources.

B. Applicability

The following regulations may apply, through the conditional use process, to Small Wind Farms when proposed to be located within a district where such use is listed as a conditional use, unless otherwise exempted by state or federal law.

C. Conditions

The Board of Zoning Appeals shall issue a conditional use permit when a proposed Small Wind Farm complies with all of the conditions listed below.

1. In no case shall any tower within a Small Wind Farm be located closer than 1.1 times the tower height to any residential structure, public road/right-of-way, third party transmission lines, or adjacent property lines. New residential structures shall not be permitted within this setback area.
2. Small Wind Farms shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufactures have obtained from Underwriters Laboratories (UL), Det Norske Vertas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

Once a conditional use permit is granted per the requirements of this Section, a Licensed Ohio Professional Engineer shall certify, as part of the Zoning Permit application, that the foundation and tower design of the large wind energy conversion system, including substation, transformer, underground cabling or parts thereof and the access road, is within the accepted professional standards, given local soil and climate conditions.

3. All Small Wind Farms shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for over speed protection. The applicant shall provide sufficient information to ensure the Board of Zoning Appeals that this requirement will be met.
4. All electrical components of the Small Wind Farm shall conform to applicable local, state, and national codes, and relevant national and international standards (ANSI).

5. Towers and blades shall be a non-contrasting gray or similar color or a galvanized steel finish, unless these color requirements conflict with any FAA regulation. In such cases, the tower shall comply with those color requirements.
6. All towers within a Small Wind Farm must be unclimbable by design or protected by anti-climbing devices.
7. No signage shall be permitted within any portion of a large wind energy system, except for a sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language.
8. One point of access from a public road to the Small Wind Farm shall be provided. The Board of Zoning Appeals may require review by the Township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
9. The applicant shall be responsible for obtaining all required approvals/permits for transporting on a public road the towers, blades, substation parts, and or equipment for construction, operation, or maintenance of the Small Wind Farm.
10. The applicant shall demonstrate that the noise levels associated with the Small Wind Farm will not be disruptive to any adjacent residential areas.
11. No lighting shall be permitted, except as required by Federal regulations.
12. The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set for in this Section. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the Small Wind Farm the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the Small Wind Farm, the owner or operator receives a written complaint related to the above-mentioned interference, the owner shall take reasonable steps to respond to the complaint or shall be in violation of said conditional use permit, which shall be punishable per Section 4.8 (D) (Penalties for Violation).
13. The owner or operator of the Small Wind Farm shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the Small Wind Farm is no longer being operated or utilized (unless due to documented maintenance or electrical grid issues and written notice has been provided to the township), the Small Wind Farm shall be removed within 180-days after the use has been discontinued. In addition to removing all towers within the system, the owner/operator shall restore the site to its original condition prior to the location of such system on said property. Any foundation associated with a large wind energy system shall be removed from the site to a depth which is at least forty-eight (48) inches below restored ground level and the site restored to its original state including the planting of any grasses or cover crops. All transmission equipment, buildings and fences shall also be removed.

D. Submittal Requirements

The following information must be submitted with the conditional use application (in addition to the items required in Section 7.3(B) (Application for Conditional Use)).

1. A Small Wind Farm project summary including to the extent available the following items:
 - a. a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s) type(s) of the Small Wind Farm, the number of towers within the proposed Small Wind Farm, and the name plat generating capacity of each tower, and the maximum height proposed for each tower.
 - b. A description of the applicant, owner and operator, including their respective business structures.
2. The name(s), address(es), and phone number(s) of the applicant(s), owner and operator, and all property owner(s), if known.
3. The site plan required in Section 7.3(B)(5) (Application for Conditional Use) shall also include: guy lines and anchor bases (if any), primary structure(s), property lines (including identification of adjoining properties), set back lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any setback.
4. All required studies, reports, certifications, and approval demonstrating compliance with the provisions of this Zoning Resolution.

11.5 Multi-Family Dwellings (exceeding eight (8) dwelling units per acre)

A. Intent.

The intent of this section is to allow for higher density multi-family dwelling units within Walnut Township provided certain standards are met to ensure such uses are designed in a manner that integrates them into the overall character of their surrounding area and to ensure the surrounding road network can handle the increased traffic.

B. These standards may apply when such uses are proposed in a district where multi-family dwellings are listed as conditional uses.

C. The Board of Zoning Appeals shall issue a conditional use permit for a multi-family dwelling that exceeds eight (8) dwelling unit per acre, if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3C (Standards for Conditional Use).

1. The maximum density permitted shall be twelve (12) dwelling units per acre. Multi-family dwelling units shall also meet the restrictions in Section 10.1(A) (Building Size and Permanent Foundation).
2. The proposed facility is located no closer than thirty (30) feet from a side lot line and no closer than fifty (50) feet from a rear lot line.
3. A 50-foot front yard depth, measured in accordance with Section 10.2(A) (Building Size and Permanent Foundation), has been provided.
4. A minimum of twenty-five (25) percent of the gross lot area shall be devoted to open space or common yard area exclusive of driveways and parking areas.
5. Adequate ingress/egress has been provided for the facility. The Board of Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed use.
6. The proposed signage complies with the sign regulations for the applicable district.
7. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
8. Sufficient evidence has been provided that sufficient water and sanitary sewer services may be provided.
9. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

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

A. Intent

The intent of this section is to create standards for Adult Group Homes, Residential Facilities–Type B, Nursing Homes, Residential Care Facilities, Types A and B, and Homes for the Aging when such uses are proposed in a district where permitted only as conditional uses. Given the size and intensity of these uses, it is important to provide development standards for these uses when located in certain areas of the township to ensure that these uses are designed in a manner that integrates them into the overall character of their surrounding area.

B. Applicability

These standards shall apply when such uses are proposed in a district where they are listed as conditional uses.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for an Adult Group Home, Residential Facility–Type B, Nursing Home, Residential Care Facility Types A and B or a Home for the Aging if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use):

1. The proposed use must be located on a minimum of one (1) acre.
2. The proposed facility is located no closer than twenty-five (25) feet from a side lot line and no closer than fifty (50) feet from a rear lot line.
3. A sixty (60)-foot front yard depth, measured in accordance with Section 10.2(A) (Front Yard Setback), has been provided.
4. Adequate ingress/egress has been provided for the facility and the proposed facility will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the district in which the use is proposed.
5. The proposed architecture is compatible with the surrounding neighborhood.
6. The proposed signage complies with the sign regulations for the applicable district.
7. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
8. Sufficient evidence has been provided indicating that all required licenses and certificates from the State of Ohio have been obtained.
9. Sufficient evidence has been provided that any necessary on-site water and septic systems have been approved by the applicable governing agency.
10. In the case of proposed Residential Facilities–Type B, there is no other Type B-Residential Facility within one thousand (1,000) feet of the proposed facility.
11. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

11.7 Marinas.

A. Intent. It is the intent of this section to create standards for Marinas to ensure that they will blend with the surrounding lakeside development and will be developed in a manner that will not adversely affect surrounding environment.

B. Applicability

These standards shall apply when a Marina is proposed in a district where it is listed as a conditional use.

C. Conditions. The Board of Zoning Appeals may issue a conditional use permit for a Marina, if the proposed use complies with the following conditions in addition to the general standards listed in Section 7.3(C) (Standards for Conditional Use).

1. Sufficient lot area shall be provided to accommodate the proposed marina, associated buildings, and parking.
2. The size of the proposed buildings shall be scaled to blend with the surrounding lakeside development.
3. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the proposed use and shall be located in accordance with appropriate access management principles. For marinas, access must be designed to accommodate cars with boat trailers. The Board of Zoning Appeals may require the proposed site plan to be reviewed by the Fairfield County Engineer's office to ensure adequate access is proposed.
4. There shall be a minimum of one vehicular parking space for each boat dock provided within the marina. At least twenty (20) percent of these required spaces shall be of sufficient size to accommodate both a car and a boat trailer. The amount of vehicular parking spaces required herein may not be reduced by Section 10.10K (Parking in the Recreational Mixed-Use District).
5. Any proposed buildings shall be setback a minimum of 50 feet from front and rear lot lines and 25 feet from any side lot lines.
6. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
7. Sufficient evidence has been provided that all necessary permits will or have been obtained from any applicable state agency, including but not limited to the Ohio Department of Natural Resources.

11.8 Outdoor Service Facilities.

- A. Intent. It is the intent of this section to create standards for Outdoor Service Facilities that will minimize the noise and visual impacts such uses could have on their surrounding areas.
- B. Applicability. These standards shall apply when an Outdoor Service Facility is proposed within a district where it is considered to be a conditional use.
- C. Conditions. The Board of Zoning Appeals may issue a conditional use permit for an Outdoor Service Facility, if the proposed use complies with the following conditions in addition to the general standards listed in Section 7.3(C) (Standards for Conditional Use).
 - 1. All outdoor service facilities shall be located a minimum of 50 feet from any residential district boundary.
 - 2. Sufficient landscaping around the perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with Outdoor Service Facilities. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
 - 3. Any other conditions that the Planning and Zoning Commission considers to be appropriate to ensure the intent of this section is met.

11.9 Auto-Oriented Businesses.

A. Intent

It is the intent of this section to create standards for Auto-Oriented Businesses, as defined in Article III, to ensure proper controls are in place to protect the surrounding area from any potential impacts on access, circulation, etc. generally associated with such uses. It is further the intent of this section to ensure that adequate buffers are provided around these auto-oriented uses.

B. Applicability

These standards shall apply when an Auto-Oriented Business is proposed within a district where considered to be a conditional use.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for an Auto-Oriented Business if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

- 1. The proposed use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed use. The Board of

Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed use.

2. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of use proposed and shall be located in accordance with appropriate access management principles. The Board of Zoning Appeals may require the proposed site plan to be reviewed by the Fairfield County Engineer's office to ensure adequate access is proposed.
3. The proposed use shall include proper on-site circulation within the development, including appropriate stacking areas.
4. Stacking spaces for gas pumps, service bays, drive-through facilities, etc. shall be provided to prevent encroachment of vehicles into parking areas and/or adjacent road networks. The minimum number of stacking spaces required shall be regulated by Section 10.10(I) (Stacking Spaces for Auto-Oriented Businesses). The Board of Zoning Appeals may require additional stacking spaces if determined necessary to prevent encroachment of vehicles into parking areas and/or adjacent road networks.
5. Sufficient landscaping around the perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with auto-oriented uses. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
6. The storage of gasoline for a gas station shall be located a minimum of three hundred (300) feet from the boundary of any residential zoning district.
7. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, access points and buffering from adjacent uses.

11.10 Airports.

A. Intent

It is the intent of this section to create standards for airports and other similar enterprises to ensure such uses are compatible to the surrounding area in which the use is located.

B. Applicability

These standards shall apply when an airport is proposed within a district where they are considered to be conditional uses.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for an airport, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

1. All structures and runways shall be located at least two hundred (200) feet from any residential district boundary.
2. All signs must comply with the sign regulations for the applicable zoning district.
3. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
4. Such uses should be located along a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation.

11.11 Sexually Oriented Businesses.

A. Intent

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

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

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

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

B. Applicability

These standards shall apply when a Sexually Oriented Business is proposed within a district where it is considered to be conditional uses.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit only if it finds in each particular instance that:

1. The proposed sexually oriented business is located more than one thousand (1,000) feet from:
 - a. A church.
 - b. A public or private elementary or secondary school.
 - c. Boundary of a residential district as established by the Board of Township Trustees.
 - d. Public park adjacent to a residential district as established by the Board of Township Trustees.
 - e. The lot line devoted to a residential use.
 - f. From an already existing sexually oriented business or one that has received a conditional use permit.
 - g. From any structure that contains a residence.
2. The proposed use meets all other requirements of this Zoning Resolution.

11.12 Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Materials, and Goods or Products.

A. Intent

It is the intent of this section to create standards for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Material, Goods or Products; to ensure such uses do not negatively impact the surrounding areas.

B. Applicability

These standards shall apply to the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products; Laboratories when listed as a conditional use.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products; if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

1. Such uses shall be conducted a minimum of five hundred (500) feet from any residential district boundary and said operations will not be materially injurious or offensive to the occupants of adjacent premises or community by reason of the emission or creation of noise, vibration, electrical or other types of interference, materials, odors, fire, explosive hazards, glare or heat.

2. Sufficient landscaping around the perimeter of the site shall be provided to reduce any potential noise, visual, and environmental impacts associated with the proposed use. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels. In no case shall the landscaping be less than that required in Section 9.14(F)(7) (Buffer Requirements).
3. The proposed site shall have adequate ingress/egress for the type of vehicles utilized for transporting such materials, goods, or products, and proper on-site circulation shall be provided within the development, including appropriate loading/unloading areas.

11.13 Junk Yards, Scrap Metal Processing Facilities, and Construction/Demolition Facilities.

A. Intent

It is the intent of this section to create standards for Junk Yards, Scrap Metal Processing Facilities, and Construction/Demolition Facilities to ensure they do not negatively impact the surrounding areas.

B. Applicability

These standards shall apply to Junk Yards, Scrap Metal Processing Facilities, and Construction/Demolition Facilities when proposed as a conditional uses.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for a Junk Yard, Scrap Metal Processing Facility, or Construction/Demolition Facility, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

1. Such uses shall be located on a minimum of 20 acres and shall be setback a minimum of 500 feet from an occupied dwelling as defined in ORC 3714.03, unless written permission is given by the owner of the dwelling and is presented to the Board of Zoning Appeals. The setback requirements of the applicable zoning district shall otherwise apply.
2. The area of use shall be completely enclosed by a chain link fence (minimum of 6 feet in height). An earthen mound at least six feet in height with a maximum side slope of 3:1 shall be provided on the inside of the fence. Landscaping shall be provided on the earthen mound and shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels. In no case shall the landscaping be less than that required in Section 9.14(F)(7).

3. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
4. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.
5. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to adjacent residential areas.
6. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
7. There shall be no burning of refuse, garbage, or other waste material.
8. Any other conditions as warranted by the Board of Zoning Appeals.

11.14 Fuel Distribution Centers.

A. Intent

It is the intent of this section to create standards for Fuel Distribution Centers to ensure they do not negatively impact the surrounding areas.

B. Applicability

These standards shall apply to Fuel Distribution Centers when proposed as a conditional use.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for a Fuel Distribution, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

1. Sufficient lot area is provided to accommodate the proposed use.
2. The storage of inflammable fuels (including underground storage) is a minimum of 300 feet from any residential zoning district boundary.
3. Any above ground storage containers are adequately screened from adjacent residential districts. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels. In no case shall the landscaping be less than that required in Section 9.14(F)(7) (Buffer Requirements).
4. Any other conditions as warranted by the Board of Zoning Appeals.

11.15 Stand Alone Parking Lots.

A. Intent

The intent of this district is to create standards for stand alone parking lots when proposed within a residential district to ensure such uses do not negatively impact the surrounding areas.

B. Applicability

These standards shall apply to stand alone parking lots when proposed as a conditional use.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for a stand alone parking lot, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

1. The required spaces are located within 300 feet of the use for which the spaces serve.
2. The proposed parking lot will have direct access to a public road that is sufficient for handling the amount of traffic generated. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of use proposed and shall be located in accordance with appropriate access management principles.
3. Sufficient landscaping around the perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with the proposed use. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
4. The proposed parking lot shall include proper on-site circulation and will ensure that vehicles will enter and exit the parking lot in a forward motion.
5. If the proposed stand alone parking lot is not under the same ownership as the lot for the use to which it will serve, then a written agreement thereby assuring the retention of the parking facilities must be obtained. If the conditional use is granted, then said agreement must be approved as to form by the township's legal counsel, executed by the parties concerned and filed with the application for a Zoning Permit.
6. Any other standards as warranted by the Board of Zoning Appeals.

11.16 Kennels and the Boarding of Dogs and Other Small Animals.

A. Intent

The intent of this section is to create standards for kennels and the boarding of dogs and other small animals to minimize the impact of such uses on the surrounding areas.

B. Applicability

These standards shall apply when such uses are proposed in a district where they are listed as conditional uses.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for a kennel or the boarding of dogs and other small animals, if the proposed use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

1. All buildings housing the animals shall be located at least one hundred (100) feet from any residential district boundary.
2. Adequate ingress/egress shall be provided to the proposed site.
3. Outdoor pens shall be prohibited. All outdoor exercise runs shall be enclosed by a solid wall or fence.
4. Adequate waste disposal methods shall be established to ensure that odor is not noticeable off-site.
5. Adequate soundproofing techniques shall be provided to help reduce the impact of noise on the surrounding neighborhood. These can include landscaping, fencing, special building materials, etc.
6. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

11.17 Planned Integrated Commercial Developments.

A. Intent

It is the intent of this section to create standards for Planned Integrated Commercial Developments to ensure such uses are compatible to the surrounding area in which the use is located.

B. Applicability

These standards shall apply when a Planned Integrated Commercial Development is proposed within a district where such use is considered to be a conditional use.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for a Planned Integrated Commercial Development, if the proposed use complies with the following conditions in

addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

1. Only those types of business uses permitted for conventional development in the district shall be permitted in the Integrated Planned Business Development.
2. A minimum of two (2) acres shall be provided for a Integrated Planned Business Development.
3. All buildings shall be setback a minimum of one hundred (100) feet from the street right-of-way line.
4. In no case shall a building be located closer than fifty (50) feet from a side or rear lot line and no closer than seventy-five (75) feet from any side or rear lot line that abuts a residential zoning district.
5. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of use proposed and shall be located in accordance with appropriate access management principles. The Board of Zoning Appeals may require the proposed site plan to be reviewed by the Fairfield County Engineer's office to ensure adequate access is proposed.
6. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such uses to the surrounding development.

11.18 Large Satellite Dish Antennas.

A. Intent

It is the intent of this section to create standards for large satellite dish antennas to ensure such uses are compatible to the surrounding area in which the use is located.

B. Applicability

These standards shall apply when a large satellite dish antenna is proposed within a district where such use is considered to be a conditional use.

C. Conditions

The Board of Zoning Appeals may issue a conditional use permit for a large satellite dish antenna, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).

1. All large satellite dish antennas shall be constructed or erected to the rear of the premises.
2. No large satellite dish antenna shall be erected within a required side or rear yard setback.

3. No large satellite dish antenna shall be linked to receivers which are not located on the same lot or premises.
4. Landscaping should be provided, or the large satellite dish antenna shall be located so as to effectively screen it from view of adjacent parcels.
5. The maximum installed height of any large satellite dish antenna shall not exceed fifteen (15) feet above natural grade level.
6. Support Structures for Large Satellite Dish Antennas
 - a. Only metal supports of galvanized construction, or equal thereto, shall be permitted.
 - b. Only a concrete base or caissons, depending on soil conditions, shall be permitted.
 - c. The installed satellite dish structure shall be capable of withstanding a wind force of up to eighty-five (85) miles per hour.
 - d. Any large satellite dish antenna must be grounded to an eight (8) foot grounding rod.

11.19 Churches, Schools, Parks, Commercial Recreational Uses including Commercial Swimming Pools, Libraries, Museums, and Art Galleries.

- A. Intent. It is the intent of this section to create standards for uses involving the assembly of people and/or community, recreational, educational, or cultural activities that will be conducted in areas where such uses are listed as conditional uses. Such uses may require some additional restrictions above and beyond those standards found within the zoning district in which they will be located. These additional standards are being required to ensure such uses will not negatively impact their surrounding areas.
- B. Applicability. These standards shall apply when a church, school, commercial recreational use including a commercial swimming pool, library, museum or art gallery is proposed within a district where they are listed as a conditional use.
- C. Conditions. The Board of Zoning Appeals may issue a conditional use permit for church, school, park, commercial recreational use including commercial swimming pool, library, museum, or art gallery, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3C (Standards for Conditional Use).
 1. Sufficient lot area shall be provided to accommodate the proposed use, associated buildings, and parking.
 2. The proposed ingress/egress shall be designed to have sufficient width and turning radii to accommodate the proposed use and shall be located in accordance with appropriate access management principals. The

Board of Zoning Appeals may require the proposed site plan to be reviewed by the Fairfield County Engineer's office to ensure adequate access is proposed.

3. All buildings and structures shall be setback a minimum of fifty (50) feet from the front and rear lot lines and twenty-five (25) feet from the side lot lines. Except, however, that all buildings and structures shall be setback a minimum one hundred (100) feet from any lot line abutting a RR or R-1 district.
4. Any outdoor activities, including music, loudspeakers, or other sound-emitting devices that are not located within a fully enclosed building shall be located a minimum of 200 feet from any lot line abutting a RR or R-1 district.
5. Sufficient evidence shall be provided that all off-street parking spaces have been provided in accordance with Section 10.10 (Parking Requirements) and that any on-street parking will be prohibited.
6. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping. The Board of Zoning Appeals shall ensure no lighting will create a nuisance to adjoining residential uses and/or impair safe movement of traffic on any street or highway.
7. Any proposed commercial swimming pool, its associated accessory structures and the entire area used by swimmers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and shall be maintained in good condition.
8. All facilities shall meet any applicable Local, County, and/or State of Ohio health, building, electrical, or any other applicable codes.
9. Sufficient evidence has been provided that any necessary on-site water and septic systems have been approved by the applicable governing agency.
10. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, and access points that will reduce any traffic impacts such uses may have on the adjacent residential road network.

11.20. Riding Academies and Commercial Stables.

- A. Intent. It is the intent of this section to create standards for Riding Academies and Commercial Stables to ensure the uses are compatible to the surrounding neighborhood in which the use is located.
- B. Applicability. These standards shall apply when a Riding Academy or Commercial Stable is proposed within the R-R District, where it is considered to be a conditional use.
- C. Conditions. The Board of Zoning Appeals may issue a conditional use permit for a Riding Academy or Commercial Stable, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3C (Standards for Conditional Use)
 - 1. All riding areas, barns, and similar uses shall not be less than two-hundred (200) feet from a lot line.
 - 2. The areas around a building and horse grooming and exercise areas shall be graded so that water does not stand in pools. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
 - 3. Adequate fencing shall be provided to ensure the animals are contained within the premises.
 - 4. Animal waste shall be handled in such a manner as to eliminate or minimize the detection of offensive odors by surrounding property owners.
 - 5. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
 - 6. Any other conditions as warranted by the Board of Zoning Appeals.

11.21 Cemeteries.

- A. Intent. The intent of this section is to create standards for cemeteries where permitted as conditional uses.
- B. Applicability. These standards shall apply to cemeteries when listed as a conditional use.
- C. Conditions. The Board of Zoning Appeals may issue a conditional use permit for a cemetery, if the proposed use complies with all of the conditions listed below in

addition to the general conditions listed in Section 7.3C (Standards for Conditional Use).

1. The proposed cemetery shall be located on at least forty (40) acres and shall have direct access to a public road that is sufficient to handle the traffic generated by the cemetery. Existing cemeteries may be smaller than forty (40) acres.
2. All buildings, including mausoleums, and all graves/burial lots shall be located no closer than one hundred (100) feet from any lot line.
3. Sufficient evidence shall be provided to the Board of Zoning Appeals ensuring that the grounds will be properly maintained.
4. Any other conditions as warranted by the Board of Zoning Appeals.

11.22 Bed and Breakfast Establishments

- A. Intent. It is the intent of this section to create standards for Bed and Breakfast to ensure the uses are compatible to the surrounding neighborhood in which the use is located.
- B. Applicability. These standards may apply when a Bed and Breakfast Establishment is proposed within a district where they are considered conditional uses.
- C. Conditions. The Board of Zoning Appeals shall issue a conditional use permit for a Bed and Breakfast Establishment, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 7.3C (Standards for Conditional Use).
 1. The proposed use shall not include more than eight (8) guest rooms. Any similar use having more than eight (8) guest rooms shall be considered a hotel or motel and shall be limited to the districts in which such uses are permitted.
 2. Sufficient off-street parking shall be provided in accordance with Section 10.10 (Parking Requirements) and adequately screened when facing any existing residential structures on adjacent lots.
 3. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. Uplighting may be used to illuminate architectural features, but such lighting shall be screened with landscaping.
 4. The proposed architecture shall be compatible with the surrounding neighborhood.

5. Any other conditions as warranted by the Board of Zoning Appeals.

11.23 Rural Residential Businesses.

- A. Intent. The intent of this section is to provide for limited business activity in conjunction with a permitted use within the R-R District. Such activities are typically commercial in nature and are more intense than those uses permitted as home occupations. Such uses are listed in Section 9.2(C)(12) and are hereby referred to as Rural Residential Business(es). The intent of the conditional use process is to ensure this limited business activity will be compatible with the surrounding residential area and to ensure the future enjoyment of nearby residential properties is considered during the development of a Rural Residential Business.
- B. Applicability. These standards shall apply when a Rural Residential Business (as listed in Section 9.2(C)(12) and do not meet the definition and standards for a home occupation) is proposed within the R-R District.
- C. Conditions. The Board of Zoning Appeals may issue a conditional use permit for a proposed Rural Residential Business, if such use is listed as a Rural Residential Business in Section 9.2(C)(12) and complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3 (Standards for Conditional Use).
 1. The proposed Rural Residential Business Use shall be operated by a resident of the property and such use shall be clearly subordinate and incidental to the use of the premise for residential purposes.
 2. The proposed Rural Residential Business is conducted in conjunction with and to the rear or side of the principally permitted use.
 3. There shall be no more than three (3) non-resident employees.
 4. The proposed Rural Residential Business may be conducted within an accessory structure on the same lot as the principally permitted use.
 5. Any outdoor activities shall be located a minimum of 200 feet from a property line.
 6. No proposed Rural Residential Business shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious, otherwise objectionable impact on any adjacent land. Such impacts shall include those related to noise, vibration, odor, dust, heat, exterior light and glare, or storm water runoff.
 7. Outdoor storage and display of material and equipment incidental to the Rural Residential Business shall be permitted provided effective screening from all adjoining properties within a residential district. A wall or fence that is a minimum of six (6) feet in height, earthen mounds, or a 10-foot wide strip of land planted and maintained with an evergreen

hedge or dense plantings of hardy evergreen shrubs not less than four (4) feet in height at the time of planting may be utilized for screening purposes.

8. Signs shall be limited to a four (4) square foot wall or freestanding sign that is a minimum of 10 feet from the right-of-way line. A wall sign shall be limited to twenty (20) feet in height and a free standing sign shall be limited to six (6) feet in height.
9. Evidence shall be provided to the Board of Zoning Appeals that any traffic generated from the proposed Rural Residential Business will not be greater in volume than normal for a residential neighborhood.
10. The Board of Zoning Appeals may place limits on the hours of operation to ensure the residential character of the neighborhood is not impaired by the proposed Rural Residential Business.

11.24 Agricultural Implement Businesses.

- A. Intent. The intent of this section is to provide for limited business activity associated with the selling of items used for agricultural production and the rendering of services that is incidental to the sale of such items. The intent of the conditional use process is to ensure this limited business activity will be compatible with the surrounding residential area and to ensure the future enjoyment of nearby residential properties is considered during the development of an Agricultural Implement Business.
- B. Applicability. These standards shall apply when an Agricultural Implement Business is listed as a conditional use.
- C. Conditions. The Board of Zoning Appeals may issue a conditional use permit for a proposed Agricultural Implement Business, if such use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3(C) (Standards for Conditional Use).
 1. All buildings and structures shall have a minimum setback of one hundred (100) feet from any residential district boundary. Any outdoor activities shall be located a minimum of 200 feet from any residential district boundary.
 2. A site plan shall be submitted as part of the conditional use application to demonstrate that adequate ingress/egress will be provided and that the sufficient on-site circulation patterns are proposed.
 3. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway. All parking lot light fixtures shall be of the cut-off type to reduce light from shining directly onto adjacent properties. The Board of Zoning Appeals shall ensure no lighting will create a nuisance to adjoining residential uses and/or impair safe movement of traffic on any street or highway.