

ARTICLE XVI (HS) HIGHWAY SERVICE DISTRICT REGULATIONS

The Highway Service District is provided in recognition of the need for large item commercial sales, service and repair establishments, as well as the needs of the motoring public for essential services such as food and lodging. These uses typically require access to a major arterial street, with the understanding that limited access is a condition of proper traffic flow on the adjacent arterial street.

Access management policies that are required by the Ohio Department of Transportation, District 6 (for properties with access to US Route 23) are part of the zoning permit review. All uses must receive a zoning permit prior to construction of any improvements or structures.

15.01 PERMITTED USE - The following uses shall be permitted in the HIGHWAY SERVICE DISTRICT.

15.011 Residential Dwellings ancillary to permitted uses.

15.012 Administrative, Professional, Institutional, and Business Offices, according to their OMB Standard Industrial Classification Manual number as listed below.

| <u>OMB SIC Group Code</u> | <u>Type of business</u> |
|---------------------------|--|
| 0742 | Veterinary Services, without outdoor pens or runs |
| 4724 | Travel Agencies |
| 481 | Telephone and Communication Offices |
| 484 | Cable Television Offices |
| 60 | Depository Institutions (banks) |
| 62 | Security/ commodity brokers |
| 63 | Insurance Carriers |
| 64 | Insurance Brokers |
| 65 | Real Estate |
| 67 | Investment Companies |
| 73 | Business Services/offices |
| 783 | Motion Picture Theaters (except adult entertainment) |
| 784 | Video tape/disc rental |
| 80 | Health and Medical Services |
| 81 | Legal Services |
| 82 | Educational Services, libraries, schools |
| 83 | Social Services |
| 86 | Membership Organizations |
| 87 | Engineering, Personnel, Management Services |
| 899 | Professional Services not otherwise classified |
| 91-97 | Government, public offices |

15.013 Retail Stores according to their SIC Group Code number listed below.

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| 502 | Home Furnishings |
| 503 | Lumber and other Construction materials |
| 52 | Building Material/Garden Supplies (except 5271 mobile home/manufactured home dealers) |
| 54 | Food Stores |
| 5251 | Hardware Stores |
| 56 | Clothing Stores |
| 57 | Furniture and Home Furnishing stores |

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| 581 | Eating and Drinking Places (except those establishments offering or featuring adult entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar entertainment or services). |
| 591 | Drug Stores and Proprietary Stores |
| 70 (except 703) | Hotels and motels |
| 721 | Laundry, cleaning and garment services |
| 7215 | Self-service Laundries |
| 722 | Photography Studios |
| 723 | Beauty Shops |
| 724 | Barber Shops |
| 726 | Funeral Parlors |
| 727 | Pressing, Alteration, and Garment Repair |
| 7291 | Tax Return Preparation |

15.02 DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings are required in the HIGHWAY SERVICE DISTRICT.

15.021 Minimum Lot Size- No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these DEVELOPMENT STANDARDS and those provided in Article XXI, General Development Standards. For lots without centralized water and/or sanitary sewer, adequate space on the lot must be provided for on site wells and/or wastewater treatment facilities.

15.022 One (1) or more main buildings or PERMITTED USES may be placed on a lot; however, main and accessory structures including paved areas shall not occupy more than eighty percent (80%) of the lot area.

15.023- At least 20 % of the lot must be landscaped open space.

15.024 Lot Width - No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these DEVELOPMENT STANDARDS, and those in Article XXI.

15.025 Minimum Side Yard

- a.) When adjacent to a residential district or planned district, the side yard shall be at least 1/4 the sum of the height of the structure and the length of the wall most nearly parallel to the side lot line. In no case shall the setback be less than 15 feet.
- b.) When adjacent to another commercial district, the side yard shall be at least 10 feet, unless fireproof walls of adjacent buildings are attached, in which case no side yard is required.

15.026 Minimum Rear Yard

When adjacent to a residential district or planned district, the rear yard shall be at least 1/4 the sum of the height of the structure and the length of the wall most nearly parallel to the rear lot line, but in no case shall it be less than 15 feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet wide.

15.027 Front Green Belt A landscaped area of at least 15 feet in width shall be provided between the existing street right of way line, or as depicted on the Delaware County thoroughfare plan, current edition, whichever is greater, and any structure or paved area.

15.028 Minimum Front Building Setback Line- All buildings shall be setback a distance measured from the street centerline to the building a distance equal to the width of the existing right of way, or right of way as proposed on the Delaware County Thoroughfare plan, current edition as adopted, whichever is greater. However, where a property adjoins a limited access right of way with no access across its frontage, a building line shall be established 50 feet from the property line adjoining the limited access line.

15.029 Maximum Height- 38 feet.

15.03 CONDITIONAL USE –

The following uses shall be allowed in the HIGHWAY SERVICE DISTRICT provided a site plan showing building layout, parking and access is approved in accordance with the development standards herein by the Board of Zoning Appeals.

15.031-Drive-in or drive through facility

Drive-in, drive through, or outdoor service facilities developed in association with a PERMITTED USE, provided no outdoor voice amplification call box or menu board is located within 100 feet of a residence.

15.032- OMB SIC # 074-Veterinary Services (large and small animals, with outdoor runs, provided such runs are not within 200 feet of a residence).

15.033 OTHER CONDITIONAL USES

The following uses shall be allowed in the COMMUNITY SERVICE DISTRICT, provided they can meet the conditions of 15.02 and/or 15.03, whichever is more restrictive.

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| 151 | General Building Contractors |
| 161 | Highway and Street Construction |
| 179 | Miscellaneous Special Trade Contractors |
| 421 | Trucking, Local and Long Distance |
| 422 | Public Warehousing |
| 554 | Gasoline Service Station, provided that: no portion of a structure or its appurtenances, including ancillary, associated, or auxiliary equipment, shall be located in front of the established building line. Also, the following conditions must be met: a.) No exterior storage of damaged autos |
| 55 | Retail sales of: Automobiles Boats Motorcycles Recreational Vehicles, new and used |
| 5721 | Mobile Homes sales, new |
| 7538 | Auto repair shops |
| 7542 | Car washes |
| 75 | Automotive Services (but not new junk , or salvage yards after 1/1/99) |

15.034 Additional standards for uses in 15.033

1.) Screening of Exterior Storage- Exterior storage may be permitted adjacent to a residential or planned district when screened by a 100% opaque, 8 foot wall or vegetative buffer. New or finished products or vehicles, which are sold and displayed as part of the permitted use business, do not have to be screened.

2.) A 30-foot landscaped green belt and 80% opaque perimeter evergreen screening, 6 foot high is provided when adjacent to residential uses and /or zones.

3.) A 30 foot wide front "greenbelt" or landscaped area is provided between the existing street right of way line, or the proposed right of way line on the Delaware County Thoroughfare plan, whichever is greater, and any structure or paved area.

4.) All lighting shall be directed downward. No lighting shall be directed outward from buildings toward surrounding properties.

5.) When abutting residential zones, there shall be no exterior storage other than two axle vehicles weighing less than 6,000 pounds unless such storage is completely enclosed by a solid 8 foot fence or 100% opaque evergreens.

6.) A landscape plan prepared by a registered landscape architect, and a building elevation (rendering) is approved by the Board of Zoning Appeals.

7.) Minimum Lot Size

a.) For uses listed in SIC Code #55, and 5721, (1) acre in size abutting a public street or 32,670 square feet (3/4 acre) of lot size for a corner lot abutting two (2) intersecting streets.

b.) For uses listed in SIC Code #55 and 5721, there shall be a lot width of not less than two hundred (200) feet abutting on and having access to a public street right-of-way depicted as a major arterial street on the Delaware County Thoroughfare Plan, current edition. The lot abutment on a public street may be reduced to a sum of one hundred and seventy-five (175) feet for a corner lot abutting two (2) intersecting major arterial streets.

8.) Motor Vehicle Dealers (new and used cars), Aircraft, Marine, Boat, Motorcycle, Recreational vehicle, and Mobile home dealers:

a) All areas within required yard areas and parking setback areas shall be maintained with grass or natural vegetation and shall be properly maintained.

b) Repair and service of automotive and marine items shall be conducted wholly within an enclosed structure permanently located on the lot.

c) All exterior lighting shall be designed to prevent direct glare on adjoining residential zoning. All lighting details shall be submitted for approval by the Board of Zoning Appeals. No "string lights" or strung banners shall be permitted.

d) The required parking setback shall be established by the appropriate placement of bumper guards designed to prohibit direct access from the display area onto the public road right-of-way. Bumper guards may be concrete cast, landscaping timbers or vertical poles, all of which are permanently attached to the ground and designed to prohibit direct access to the public road.

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

f) Noise attention-getting devices such as loudspeakers and amplified music shall be so controlled that at the property line on which such loudspeaker or noise attention-getting device is used, the **noise level** emitted from such loudspeaker shall not be above a decibel level of seventy (70), as measured at any property line.

ARTICLE XX1
SECTION 21.14

HOME OCCUPATION

21.14.01 Home Occupation Purpose. The purpose of the home occupation provisions is to allow limited, non-residential activities in residential structures that are compatible with the neighborhoods in which **they are** located. The standards in this section and the conditional use approval procedures of the Board of Zoning Appeals are intended to insure compatibility of home occupations or home occupation conditional uses with other permitted uses and with the residential character of the neighborhood.

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

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

- 1) The appearance of the structure shall not be altered or the occupation within the residence shall not be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or unauthorized signs. A home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes.
- 2) There is not more than one (1) non-resident employee.
- 3) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 4) Sales are only of commodities or services produced on the premises.
- 5) Any sign or other announcement of such occupation shall be no larger than 3 square feet (1 foot by 3 foot, in any combination of dimension), shall either be free standing on a pole no taller than 8 feet to the top of the sign, or hung flat on the building. If it is flatly affixed to the side of the building, it may be illuminated by a direct light. No internally lit signs are permitted. No lighted signs are permitted for pole or ground mounted signs.
- 6) There shall be no outside storage of any kind related to a home occupation.
- 7) Specialized instruction or tutoring shall be limited to one (1) individual at a time.

21.15 Home Occupation Conditional Use. It is recognized that there may be some Home Occupations which do not meet the criteria of Sections 21.14.02 and 21.14.021, but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use permit procedure. An expanded Home Occupation Conditional Use may be permitted, provided it meets the procedures and requirements of Section 21.15 and the following requirements:

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

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

CRITERIA:

- 1) There shall be no more than a total of three (3) non-resident employees.
- 2) The conduct of a home occupation may be approved within a structure accessory to a dwelling unit, or within another residential structure or accessory structure provided said structure is owned by the applicant and which said structure is adjacent to or immediately across the street from the lot containing the applicant's residence.
- 3) Sales of commodities not produced on the premises may be permitted provided such commodities are specified and approved as a part of the application in accordance with Section 21.15. Examples of home occupation conditional uses in which retail sales of items not produced on the premises may be permitted include, but are not limited to the following:

- * Barber shop or beauty shop with limited sales of associated accessory items.
- * Arts, crafts or other artistic instruction with limited sales of associated materials used in the instruction and preparation of artistic works.
- * Small machinery and equipment repair such as typewriters, cameras, clocks or other similar small items including the limited sales of repaired or associated parts and equipment.
- * Limited, seasonal sales of specialized items such as holiday ornaments, handicrafts, or sporting supplies which do not meet the requirements of Section 21.14.

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

- 4) Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time. Prior to any approval for organized instruction associated with a home occupation conditional use permit, the Board of Zoning Appeals shall determine that because of the location and orientation of the residence and lot in question, the regularly organized instruction of up to six (6) pupils at any given time will not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals.
- 5) No outside storage of any kind associated with a home occupation conditional use shall be permitted unless it is totally screened from the adjacent residential lots and the abutting street.

SECTION 21.16 -PROCEDURE FOR AUTHORIZING A CONDITIONAL USE

21.16.01 Nature of conditional uses. Specifically listed CONDITIONAL USES are provided within the Zoning District Regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the PERMITTED USES of such Zoning Districts.

The intent of the PROCEDURE FOR AUTHORIZING A CONDITIONAL USE is to set forth the Development Standards and criteria for locating and developing a CONDITIONAL USE in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

21.16.02 Written applications. Two (2) copies of a provided application form shall be filed with the Zoning Administrator not less than twenty (20) days prior to the date of the public hearing.

21.16.021 Description of Property and Intended Use. The application shall include the following statements:

- 1) A legal description of the property.
- 2) The proposed use of the property.
- 3) A statement of the necessity or desirability of the proposed use to the neighborhood or community.
- 4) A statement of the relationship of the proposed use to adjacent property and land use.
- 5) A list of the names and addresses of all adjacent property owners and property owners within three hundred (300) feet of the proposed conditional use. Such list shall be in accordance with the Delaware County Auditor's current tax list.
- 6) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

21.16.022 Plot Plan. The application shall be accompanied by three (3) copies of a plot plan, drawn to an appropriate scale, clearly showing the following:

- 1) The boundaries and dimensions of the lot.
- 2) The size and location of existing and proposed structures.
- 3) The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping.
- 4) The relationship of the proposed development to the Development Standards.
- 5) The use of land and location of structures on adjacent property.